

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, JUNE 12, 2014**

The Planning and Zoning Commission met in regular session on Thursday, June 12, 2014 at 7:00 p.m. at 372 Town Place, Fairview, Texas. Commission members present were Heather Hager, Jim Rushing, Matt Faulkner, and Brad Northcutt. Staff members present were Planning Manager, Ken Schmidt, Town Engineer, James Chancellor and Interim Town Secretary, Yolanda Wilson; Pat Friend and Debbie Flood were absent.

Chairman Northcutt called the meeting to order at 7:00 p.m. and declared a quorum was present.

- 1. Consider and take action regarding the minutes of the May 8, 2014 Planning and Zoning Commission meeting.**

Commissioner Rushing made a motion to approve the minutes, as amended, of the May 8, 2014 Planning and Zoning meeting, Commissioner Hager seconded the motion and the motion was unanimously approved.

- 2. Continue a public hearing, consider, and take any necessary action on a request made by 84 Acres Red Oak Trail LLC to rezone a 24.30± acres segment of land which is part of an 83.99± acres tract of land that is zoned Agricultural (AG) and is situated in the GB Pilant Survey, Abstract No. 691, and generally located at the eastern terminus of Red Oak Trail and north of the Montecito Estates #2 Addition, to the Two-Acre Ranch Estate (RE-2) Zoning District. (ZA2014-01)**

Mr. Schmidt stated that the applicant requested to postpone review of the application to further address several issues associated with the development of the property. Mr. Schmidt recommended that the commission conduct the public hearing and take no action on the application. The applicant will not be required to submit a new application because no action would be taken on the application, however, it will require re-advertisement of the public hearing.

Chairman Northcutt opened the Public Hearing.

Chairman Northcutt closed the public hearing, after no comments were made by the public.

The commission had no discussion. Commissioner Faulkner made a motion to postpone the item indefinitely, Commissioner Rushing seconded that request and the motion was unanimously approved.

- 3. Conduct a public hearing, consider, and take any necessary action on a request by Katana Homes for approval of a Conditional Use Permit in order to allow for the construction of an accessory building on a property that is zoned Commercial Planned Development District – Zone L and is specifically located at 5128 Pond Bluff Way, being Lot 2, Block J of the Sloan Creek Estates – Phase III subdivision. (ZA2014-11)**

Mr. Schmidt stated that the applicant is applying for a Conditional Use Permit (CUP). The applicant applied for a permit to construct an outdoor kitchen approximately 315 SF in size. Mr. Schmidt stated that the applicant is applying for a CUP in order to exceed the accessory building footprint area requirements by 315 SF and to encroach into the 15' accessory building setback from the primary structure by 1.8'. The partially constructed accessory building located near the southern property boundary is 900 SF, and the requested outdoor kitchen is 315 SF, amounting to a total accessory building area of 1,215 SF. Mr. Schmidt stated that he received 2 letters in support of the application and 2 letters in opposition of the application.

Chairman Northcutt opened the public hearing.

Mr. Roger Boivin, the property owner located to the south of the applicant's property, spoke in favor of the applicant's request.

Mr. Greg Simpson, the property owner located to the north of the applicant's property, spoke in favor of applicant's request.

Mr. Willie Norman, the property owner, stated that he had no comments.

Mr. Josh Pearson, the applicant, stated that due to the space that was already underway, he decided to redesign it as an outdoor kitchen.

Commissioner Rushing requested to see letters from those who were in opposition. Mr. Schmidt stated that he will ensure the commission receives copies of the letters.

Chairman Northcutt closed the public hearing.

Commissioner Heather Hagar made a motion to recommend approval of the applicant's request for a Conditional Use Permit, Commissioner Rushing seconded that request and the motion was unanimously approved.

- 4. Conduct a public hearing, consider, and take any necessary action on a request by Cumulus Design for approval of a Site Plan for a proposed hotel on Lot 2R-2, North Addition, a 2.733± acre lot that is zoned Commercial Planned Development District (CPDD), Zone K, and is generally located east of Convention Drive and north of Murray Farm Road. (SP2014-02)**

Mr. Schmidt stated that the applicant is applying for Site Plan approval in order to establish a Marriott Residence Inn, Extended Stay hotel on Lot 2R-2, Block A, North Addition. The applicant's property is 2.735 acres in size, is generally located north of Murray Farm Rd. and east of Convention Drive, within the Village at Fairview development. Applicant's property is zoned CPDD – Zone K, and has vested rights through an existing Concept Plan that was approved by the town in June, 2013.

Mr. Schmidt stated that the applicant is proposing a six story, 119 room hotel with limited food service and guest amenities catering to the extending stay customer class – pool, gym, social area, dining area. The proposed Site Plan meets parking, landscaping, and outdoor lighting requirements for the CPDD and access is provided to adjacent properties to the west through proposed access easements, in accordance with the previously approved Concept Plan. Utilities and emergency access are sufficient for public safety purposes, and public art provision shall be required to be met during the construction process.

Mr. Schmidt stated the applicant was proposing to provide for more stucco than was approved with the concept plan, and that the applicant was proposing to use cultured stone in lieu of natural stone on the first floor. Mr. Schmidt stated that the town notified adjacent property owners in accordance with state law, and received one letter of support and did not receive any letters of opposition.

Chairman Northcutt opened the public hearing.

The applicant, Paul Cragun of Cumulus Design, discussed the application and stated that it was the applicant's intent to further address the recommendations of the commission.

Chairman Northcutt closed the public hearing.

Commissioner Hager addressed concerns about materials and gate specifications for the dumpster screen.

Chairman Northcutt addressed concerns about landscape screening on the east side of the property and the use of knockout roses in the landscape plan.

Chairman Northcutt addressed concerns about the need for additional architectural detail on the north side of the building.

The Commission also communicated a preference for the amount of stucco provided for with the Site Plan, as opposed to the amount of stucco provided for in the approved Concept Plan.

Mr. Schmidt stated the following are recommended conditions of approval:

1. Provision of natural stone in lieu of cultured stone for stone façade component of the building; request for additional stucco is appropriate provided stucco it is of the three-stage application type (and commission/council approval);
2. Dumpster screen should be constructed of materials that are consistent with the primary structure and the gate should be constructed of metal;
3. Design submittal for the monument sign façade;
4. Match town spec for proposed bike parking;
5. Completion of public art requirements, to include the provision of a public art feature/fountain in the development entryway;
6. Improved pedestrian lighting adjacent to Murray Farm Road sidewalk and parking lot lighting at north and south cross-access cuts;
7. Adjustment of landscaping at the eastern property boundary to better screen vehicle lighting;
8. Substitution for knockout roses in the landscape plan; and
9. Provision of additional architectural detail on the north side of the proposed structure.

Commissioner Faulkner made a motion to approve the request with noted conditions, Commissioner Rushing seconded that request and the motion was unanimously approved.

- 5. Conduct a public hearing, consider, and take any necessary action on a zoning change request by OakStreet Wholesale Nursery, LLC, generally, to amend Article 14.02 (Zoning Ordinance), Division 14 (Commercial Planned Development District) in order to add a new and unlisted use, "Wholesale Nursery and Landscape Supply" as a use that shall be permitted by Special Use Permit within Zone M of the CPDD. (ZA2014-09)**

Mr. Schmidt stated that items 3d, 3e, and 3f have all been submitted by the same applicant so he will make the staff presentation for all three items during this item. Mr. Schmidt stated that the OakStreet Nursery is a wholesale nursery business that is bisected by the Fairview-McKinney boundary at the northern limit of SH 5 (point of sale is in McKinney). The nursery was established solely in McKinney in 2007 on a three acre tract at the SE corner of SH 5 and Enterprise Drive. The nursery expanded its operations into Fairview on a two acre tract that was formerly comprised of a single family lot immediately to the south of the Fairview-McKinney border. The mission of the business is to sell plant materials

to landscape contractors and large commercial operations on a wholesale basis – the company does not conduct retail sales, and does not intend to do so in the future. The business is essentially an outdoor warehousing business for plant materials, and while they do have to conduct operations to sustain the plants, the inventory is generally cycled through quickly as they are a fairly high volume wholesaler.

Mr. Schmidt stated that the applicant's property is 5.009 acres in size and is generally located east of State Highway 5 and north of Frisco Road. The applicant's property is zoned CPDD – Zone M and the proposed use is not permitted within Zone M of the CPDD. The proposed use is not projected to be included as a permitted use or as a permitted Special Use in the amended CPDD zoning ordinance. The Future Land Use Plan categorizes this property as "Commercial Mix".

Mr. Schmidt stated that the applicant is applying for a zoning change to add "Wholesale Nursery and Landscape Supply" as a use permitted by SUP in CPDD – Zone M. The Applicant is applying for a Special Use Permit for a "Wholesale Nursery and Landscape Supply" facility on the subject property. The applicant is applying for Site Plan approval for a "Wholesale Nursery and Landscape Supply" facility on the subject property.

Mr. Schmidt discussed the contents of the proposed site plan and stated that the applicant proposed to provide for an emergency access drive, landscaping, and access lighting to the property. The applicant is also proposing to add a temporary building in order to establish a point of sale in the town. If the application were to be approved, the applicant would contribute funds for public art and a trail escrow for a future trail on SH 5.

Mr. Schmidt stated that the town notified adjacent property owners in accordance with state law, and received one letter of support and did not receive any letters of opposition.

Mr. Schmidt stated that Wholesale Nursery and Landscape Supply should only be permitted as a Temporary Use, with expiration terms of the use to be determined by the Town Council.

Chairman Northcutt opened the public hearing.

Don Paschal, the applicant addressed the commission to discuss the business, its history on the adjacent property, and its plans for the subject property. Mr. Paschal discussed the current use of the subject property and the potential for its future use. He stated that he and his clients agreed with town staff's

recommendations to deny the zoning change request and to permit the temporary use application.

Chairman Northcutt closed the public hearing.

Commissioner Faulkner made a motion to deny a zoning change request by OakStreet Wholesale Nursery, LLC, generally, to amend Article 14.02 (Zoning Ordinance), Division 14 (Commercial Planned Development District) in order to add a new and unlisted use, "Wholesale Nursery and Landscape Supply" as a use that shall be permitted by Special Use Permit within Zone M of the CPDD.

Commissioner Rushing seconded Commissioner Faulkner's motion and the request was unanimously denied.

- 6. Conduct a public hearing, consider, and take any necessary action on a request by OakStreet Wholesale Nursery, LLC for approval of a Special Use Permit for a proposed wholesale nursery and landscape supply facility on a 5.009± acres tract situated in the Joab Butler Survey – Abstract No. 68 that is zoned CPDD, Zone M, and is generally located east of State Highway 5 and north of Frisco Road. (ZA2014-10)**

Mr. Schmidt stated that the staff presentation for this item was already presented with the previous item.

Chairman Northcutt opened the public hearing, and then having no further discussion, Chairman Northcutt closed the public hearing.

Commissioner Hager made a motion to deny the request, Commissioner Rushing seconded Commissioner Hager's motion and the request was unanimously denied.

- 7. Conduct a public hearing, consider, and take any necessary action on a request by OakStreet Wholesale Nursery, LLC for approval of a Site Plan for a proposed wholesale nursery and landscape supply facility on a 5.009± acres tract situated in the Joab Butler Survey – Abstract No. 68 that is zoned CPDD, Zone M, and is generally located east of State Highway 5 and north of Frisco Road. (SP2014-03)**

Mr. Schmidt stated that the staff presentation for this item was already presented with the previous item.

Chairman Northcutt opened the public hearing, and then having no further discussion, Chairman Northcutt closed the public hearing.

Mr. Schmidt stated that the commission should recommend approval of the Site Plan with the following conditions:

1. Wholesale Nursery and Landscape Supply shall only be permitted as a Temporary Use, with expiration terms of the use to be determined by the Town Council;
2. Point of sale for the business shifts from McKinney to Fairview; and
3. Improvements to the subject property and adjacent properties are completed as provided for in the Site Plan.

Commissioner Hager questioned Mr. Schmidt about the duration of the temporary use and Mr. Schmidt stated that there would be a sunset to the use that would be established in a developer's agreement between the town council and developer.

Commissioner Rushing made a motion to approve the site plan with conditions noted by the planning and zoning commission. Commissioner Faulkner seconded Commissioner Rushing's motion and the motion was unanimously approved.

- 8. Continue a public hearing, consider, and take any necessary action on a request by Mr. Gerry Taylor to amend the town's Zoning Ordinance, specifically, Sec. 14.02.011: Maximum building height and minimum setbacks for accessory buildings and Sec. 14.02.514: Use regulations, generally, in order to amend the town's policy on the timing of construction for accessory buildings. (ZA2014-05)**

Mr. Schmidt stated the applicant has not been in contact with staff for nearly a month, and as a result, the town should consider this request to be abandoned by the applicant. Staff's recommendation is to conduct the public hearings and take no action on the applications, and to consider the requests to be abandoned.

Chairman Northcutt continued the public hearing, then having no further discussion moved to close public hearing. Due to item being abandoned by applicant, there was no action taken on this item.

- 9. Continue a public hearing, consider, and take any necessary action on a request by Mr. Gerry Taylor for approval of a Conditional Use Permit in order to allow for the construction of an accessory building on a property that is zoned Two-Acre-Ranch-Estate (RE-2) and is specifically located at 3410 Orr Road, being an 8.55 acre tract in the Calvin Boles Survey, Abstract No. 28. (ZA2014-06)**

Mr. Schmidt stated that the town should consider this request to be abandoned by the applicant. Staff's recommendation is to conduct the public hearings and take no action on the applications, and to consider the requests to be abandoned.

Chairman Northcutt continued the public hearing, then having no further discussion moved to close public hearing. Due to item being abandoned by applicant, there was no action taken on this item.

- 10. Consider and take any necessary action on a request by Mr. Juergen Luebbe for approval of a Final Plat for a two lot residential subdivision on a 5.00± acre tract that is situated in the Calvin Boles Survey - Abs. No. 28 and zoned**

Two-Acre-Ranch-Estate (RE-2), and is generally located north of Stacy Road and 2,500 feet west of Orr Road. (FP2014-03)

Mr. Schmidt stated that the applicant is applying for a Final Plat in order to develop a two lot residential subdivision on the subject property. The applicant's property is 5.00 acres in size and zoned Two-Acre Ranch Estate (RE-2). The applicant is proposing to subdivide the lot into a 2.75 acre lot, a 2.0 acre lot, and .25 acre ROW dedication for Stacy Road and access to each lot will be provided for from a common access easement within the property to the east. The applicant obtained Minor Plat approval from Town Staff earlier this month and the proposed subdivision will fully conform to the zoning ordinance and subdivision regulations.

Mr. Schmidt stated that as a condition of development, the applicant will be required to install a fire hydrant near the common boundary between the two lots, and the applicant will increase the width of the common access drive adjacent to future residential structures on Lot 1. To satisfy the town's parkland dedication requirements, staff recommends that the town requires cash-in-lieu of land dedication in the amount of \$3,471.

Commissioner Rushing made a motion to approve the Final Plat, Commissioner Faulkner seconded Commissioner Rushing's motion, and the motion was unanimously approved.

11. Receive a report from staff on the status of recent planning cases.

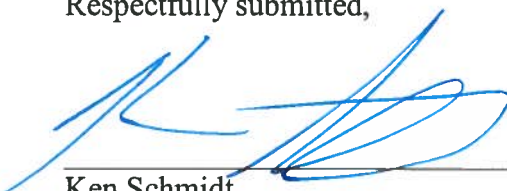
Mr. Schmidt stated that the council approved all zoning cases that went before them in June.

12. Discuss schedule for upcoming planning and zoning commission meetings.

Mr. Schmidt stated that this year's Texas American Planning Association Conference will be held in Frisco in October, and the commission would be permitted to attend.

Chairman Northcutt adjourned the meeting at 8:46 p.m.

Respectfully submitted,


Ken Schmidt
Planning Manager




Brad Northcutt, Chairman
Planning and Zoning Commission