

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, SEPTEMBER 18, 2014**

The Planning and Zoning Commission met in regular session on Thursday, September 18, 2014 at 7:00 p.m. at 372 Town Place, Fairview, Texas. Commission members present were Chairman Brad Northcutt, Vice Chairman Jim Rushing, Pat Friend and Mike VanNatta. Staff members present were Planning Manager, Ken Schmidt; Town Engineer, James Chancellor; Engineer-in-Training, Danielle Gregory; and Town Secretary/Public Relations Coordinator, Caitlin Scalley. Commission members Heather Hager, Matt Faulkner 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 August 14, 2014 Planning and Zoning Commission meeting.

Commissioner Friend made a motion to approve the minutes for the August 14, 2014 commission meeting. Commissioner VanNatta seconded the motion, and the motion was unanimously approved.

2. Conduct a public hearing, consider, and take any necessary action on a request by Mr. David Field of Edward Jones Investments to amend Ordinance No. 2013-8-6A, the Planned Center Zoning District for 430 S. State Highway 5, a 0.5-acre property specifically defined as Lot 1, LA Caldwell's Dreamland Addition - 1st Installment, generally in order to amend the definition for office uses permitted on the site and to update the development plan and standards for the PC district. (ZA2014-19).

Mr. Northcutt suggested the public hearings for planning cases ZA2014-19 and R2014-01, items 3C and 3D on the agenda, be conducted prior to the public hearings for PA2014-02 and ZA2014-15, items 3A and 3B on the agenda. The commission agreed.

Mr. Schmidt gave a presentation regarding a zoning change request to amend the permitted uses of the subject property and to update the development plan and standards. The current permitted uses include boutique retail and business office. Mr. Schmidt stated the applicant is proposing to use the existing structure on the property to provide office space for an Edward Jones Investments office. Mr. Schmidt stated the applicant is requesting to amend the definition for the business office use, to provide for five required pull-in parking spaces instead of six, to accommodate the required fire hydrant on the south side of Bluebird Lane instead of the north side and for flexibility to deviate from the currently prescribed landscape plan.

Mr. Schmidt stated 46 property owners had been notified. Town staff received two (2) statements of support and no statements of opposition. Mr. Schmidt stated town staff recommends approval conditioned upon removal of boutique retail as a permitted use. Mr. Schmidt stated staff supports the request to limit the parking lot size.

The potential property owner, David Fields, resides at 551 Saint Gabriel Way, McKinney, Texas. Mr. Fields stated staff would consist of himself and his business administration officer with the potential to create an additional position in the future.

Chairman Northcutt opened the public hearing.

Leland Payne, 398 Parkvillage Avenue, asked about potential signage regulation. Mr. Schmidt stated signage would not be regulated under this zoning request, rather by existing town sign regulations.

Chairman Northcutt closed the public hearing.

The commission had a discussion regarding potential zoning creep, flexibility in the landscape plan and proposed hours of operation.

Commissioner Rushing made a motion to approve the zoning change request conditioned upon the removal of the boutique retail use. Commissioner Friend seconded the motion, and the motion was unanimously approved.

- 3. Conduct a public hearing, consider, and take any necessary action on a request by Brockette, Davis, and Drake, Inc. to replat a 4.185± acre tract of land that is zoned Commercial Planned Development District (CPDD), Zone K, and is generally located east of US 75 and north of Stacy Road, being Lot 9C, Block A, of the Village at Fairview Addition. (R2014-01).**

Mr. Schmidt gave a presentation regarding a replat request to subdivide the subject property into two lots, Lots 9D and 9E, and add a fire lane easement in order to accommodate the development of a bank on the proposed Lot 9E.

Mr. Schmidt stated adjacent property owners had been notified in accordance with town and state requirements. Town staff received no statements of support or opposition. Mr. Schmidt stated town staff recommends approval of the request to replat Lot 9C, Block A, Village at Fairview Addition.

Chairman Northcutt opened the public hearing. No comments were made.

Chairman Northcutt closed the public hearing.

The commission had a discussion regarding the Whole Foods Market parking lot.

Commissioner Friend made a motion to approve the request to replat Lot 9C, Block A, of the Village at Fairview Addition. Commissioner Rushing seconded the motion, and the motion was unanimously approved.

4. **Conduct a public hearing, consider, and take any necessary action on a request by M. Christopher and Company for an amendment to the Future Land Use Plan component of the Comprehensive Plan for six tracts of land comprised of 72.959± acres and generally located east of Country Club Road (FM 1378) and 1,600' north of Stacy Road. The subject properties are currently designated as Residential Estate Country and Floodplain and the requested designation is for the Open Space Preservation and Floodplain land uses. (PA2014-02).**

Mr. Schmidt suggested the public hearings for planning cases PA2014-02 and ZA2014-15, items 3A and 3B on the agenda, be held concurrently and each item be voted on separately. The commission agreed.

Mr. Schmidt gave a presentation pertaining to planning cases PA2014-02 and ZA2014-15. He stated the plan provides slightly larger lots on the east side of the property and lots were shifted causing one lot to be placed in the previously proposed open space area. These changes were made in response to comments made from the previous Planning and Zoning Commission meeting on August 14, 2014.

Mr. Schmidt gave an overview of the floodplain recovery process. He stated the town discourages development in the floodplain, but that development is permitted with the Town Engineer's approval. Mr. Schmidt stated the applicant is requesting to recover 9.06 acres of floodplain. The applicant is also proposing 17 acres of open space and a public hike and bike trail.

Mr. Schmidt stated 68 property owners were notified. Town staff received two (2) statements of support and ten (10) statements of opposition. Mr. Schmidt stated town staff does not have a recommendation pertaining to the request.

Chairman Northcutt opened the public hearing.

Trent Ballew, 531 Kentucky Lane, stated his concerns regarding proposed lot size as six (6) of the proposed lots are within 50 feet of his property. He stated concerns regarding the proposed removal of the grove of trees located at the center of the subject property, uniformity issues with adjacent properties and drainage issues.

Brian Reid, on behalf of M. Christopher Homes, addressed Mr. Ballew's concerns. He stated a drainage easement has been included in the plan and the grove was removed to address previous density concerns.

Brian Mauer, 1210 Camino Real, stated his concerns regarding developing and disturbing the floodplain.

Mike Weaver, 481 Home Place, stated his concerns regarding the floodplain and drainage issues. He stated his support and noted that the subject property would develop at some point.

Kerschiel Smith, 470 Country Club Road, stated his concerns regarding density. He stated he wants the property to develop and that the developer has high quality homes.

Justin Jinright, property owner of 571 Kentucky Lane, stated his support of the revised plan as his concerns from the previous Planning and Zoning Commission meeting were addressed by the applicant.

Richard Hickman, 1220 Camino Real, stated his primary concern is flooding. He stated he sent a letter of opposition, but will give his support if the Town Engineer validates the private engineer's study. He asked the developer to help clear out the creek, if possible.

Mel Tolle, 1300 Farmstead, stated his support.

Mr. Schmidt stated an adjacent property owner who sent a statement of opposition, but was unable to attend the meeting, would like to see trail access for Kentucky Lane.

Chairman Northcutt closed the public hearing.

The commission had a discussion regarding park board involvement, liability concerns associated with public access through private property, density without accounting for open space, and lot size concerns.

Commissioner Rushing stated the market controls lot size, and he appreciates the varying lot sizes. He stated his concerns regarding flooding.

Commissioner VanNatta asked for clarification regarding floodplain reclamation. Mr. Chancellor stated reclamation was possible in this situation.

Commissioner Friend asked for clarification on the number of potential homes that would require flood insurance. Mr. Chancellor stated that none of the proposed homes would require flood insurance.

Commissioner VanNatta made a motion to approve the request for an amendment to the Future Land Use Plan to change the land use classification from Residential Estate Country to Open Space Preservation. Commissioner Rushing seconded the motion, and the motion passed with three (3) approvals and one (1) opposed. Chairman Northcutt opposed the motion.

- 5. Conduct a public hearing, consider, and take any necessary action on a request by M. Christopher and Company for a zoning change for six tracts of land comprised of 72.959± acres and generally located east of Country Club**

Road (FM 1378) and 1,600' north of Stacy Road. The subject properties are currently zoned Agriculture (AG), Two-Acre Ranch Estate (RE-2), and the Open Space and Flood Hazard (FH) zones. The requested zoning change is for the Planned Center (PC) Zoning District, specifically, to provide for single-family detached and open space uses. (ZA2014-15).

Commissioner Friend made a motion to approve the zoning change request from Agriculture, Two-Acre Ranch Estate and Open Space and Flood Hazard to Planned Center. Commissioner Rushing seconded the motion, and the motion passed with three (3) approvals and one (1) opposed. Chairman Northcutt opposed the motion.

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

Mr. Schmidt informed the commission that the Town Council voted to continue the public hearings for planning cases PA2014-01 and ZA2014-12 to the October 7, 2014 Town Council meeting. Town Council requested to see more options to accommodate less density.

7. Discuss schedule for upcoming planning and zoning commission meetings and training events.

Mr. Schmidt stated the commission has the opportunity to attend the American Planning Association Texas Chapter Conference in Frisco on October 15-18, 2014. He stated the Town of Fairview received a Planning Excellence award from the Texas Chapter of the American Planning Association.

8. Adjourn.

Chairman Northcutt adjourned the commission from the meeting at 9:16 p.m.

Respectfully submitted,



Caitlin Scalley
Town Secretary/Public Relations Coordinator



Brad Northcutt, Chairman
Planning and Zoning Commission

