

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, OCTOBER 9, 2014**

The Planning and Zoning Commission met in regular session on Thursday, October 9, 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, Heather Hager, Mike VanNatta, Matt Faulkner and Debbie Flood. Staff members present were Planning Manager, Ken Schmidt; Engineer-in-Training, Danielle Gregory; and Town Secretary/Public Relations Coordinator, Caitlin Scalley.

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 September 18, 2014 Planning and Zoning Commission meeting.

Commissioner Flood made a motion to approve the minutes as submitted for the September 18, 2014 Planning and Zoning Commission meeting. Commissioner Rushing 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. Randy Otto, for approval of a Conditional Use Permit (CUP) 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 1351 Red Oak Trail, being Lot 12 of the Country Club Estates Addition to the Town of Fairview. (ZA2014-21)

Mr. Schmidt gave a presentation regarding an application for a Conditional Use Permit in order to reconstruct an accessory building at 1351 Red Oak Trail. Mr. Schmidt stated the applicant is requesting to replace the open bay structure with a fully enclosed structure and to upgrade the façade to be in line with the residential character of surrounding properties. Mr. Schmidt stated the applicant would exceed the square foot maximum accessory building footprint by 1,445 square foot and encroach into the 40 foot accessory building setback. He stated the applicant wishes to position the building similar to the existing building causing it to be slightly in front of the front façade of the primary structure.

Mr. Schmidt stated seven (7) property owners were notified in accordance with town and state law. Town staff received one (1) statement of support and no statements of opposition. Mr. Schmidt stated town staff recommends approval of the application as submitted.

The applicant, Randy Otto, stated improvements are needed to help with security and protection of his possessions. He stated animals are entering his vehicles and

have access to his equipment. Mr. Otto stated he would take the existing building down to the foundation and rebuild it to meet his needs.

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

Chairman Northcutt closed the public hearing.

The commission had a discussion regarding the applicant's intentions pertaining to landscaping surrounding the new structure.

Commissioner Flood made a motion to approve the Conditional Use Permit to allow for construction of an accessory building conditioned upon the applicant communicating his intention to provide landscaping. Commission Faulkner seconded the motion, and the motion was unanimously approved.

- 3. Conduct a public hearing, consider, and take any necessary action on a request by Chase Oaks Church for approval of an amendment to Ordinance No. 2013-11-5A. The 10.672± acre subject property is located in the John A. Taylor Survey – ABS No. 909, and is generally located north of Stacy Road and 1,400' west of Meandering Way. The subject property is currently zoned One-Acre Ranch Estate (RE-1) with a Conditional Use Permit (CUP) for a religious institution, and the purpose of this request is to amend the existing CUP, by providing an amended site plan, landscape plan, tree survey, and façade plan. (ZA2014-17)**

Mr. Schmidt gave a presentation regarding a request to amend Ordinance 2013-11-5A to amend the previously approved site plan, landscape plan, tree removal plan and façade plan. The applicant is making the request in an effort to reduce construction costs for the site, to respond to feedback received from adjacent property owners and to reflect changes in the building location and fire access drive.

Mr. Schmidt stated thirty (30) property owners were notified in accordance with town and state law. Town staff received one (1) statement of opposition concerning the landscape buffer and setback of the fire lane. Mr. Schmidt stated town staff recommends approval of the application with the condition that the applicant continue to work on the landscape screening on the northern boundary and attempt to address the location and setback of the fire lane to move it further south on site.

Glen Brechner, on behalf of Chase Oaks Church, stated he supports staff's request to continue to work on the location of the fire lane and landscape buffer to address adjacent property owner's concerns.

Mr. Schmidt stated the most efficient route is to work out the details of this item as it goes to the Town Council rather than during the platting process.

Jim Riley, a civil engineer for the applicant, stated the building structure has been moved east out of the floodplain and that the fire lane can be moved further south.

The commission had a discussion regarding setbacks and reasoning behind the provision of a berm.

Chairman Northcutt opened the public hearing.

Mike Burkhart, 620 Forest Oaks Court, stated he would like a berm that will serve as an immediate screen and not one with forecasted growth. He stated his primary concern is that the plan will go through the process without further public input.

Bob Scott, 640 Forest Oaks Drive, stated his concern that a verbal discussion would not result in action. He stated an acceptable plan is needed prior to approval.

Brian Holmes, 890 Saint James Drive, addressed resident concerns regarding the playground area, the single slab breezeway connecting two buildings and the removal of the amphitheater.

Commissioner Flood asked town staff if it was possible to move the church closer to Stacy Road. Mr. Schmidt stated that the applicant does not desire to reconfigure the location and orientation of the church site.

The commission had a discussion regarding public input and the effect of modifications to the landscape buffer. Mr. Brechner stated he is willing to work towards a solution within an appropriate timeframe.

Commissioner Friend made a motion to approve amending the Conditional Use Permit for the subject property conditioned upon staff approval of a revised buffer plan and revised fire lane location. Commissioner VanNatta seconded the motion, and the motion was unanimously approved.

- 4. Conduct a public hearing, consider, and take any necessary action on a request by Faith Church of Collin County, for approval of a Conditional Use Permit (CUP) on a 2.99± acre tract of land located within the John A. Taylor Survey - ABS No. 909, and that is generally located at the southwest corner of Murray Road and State Highway 5. The subject property is currently zoned One-Acre Ranch Estate (RE-1) and the purpose of the CUP request is to provide for a religious institution on the subject property. (ZA2014-20)**

Mr. Schmidt stated the applicant did not have time to make revisions and that review of the application would be postponed until the next schedule Planning and Zoning Commission meeting.

Chairman Northcutt opened the public hearing.

Chris Fry, 420 Horseshoe Trail, stated his desire for the church to be built with high standards. He stated he supports the layout and attention should be given to the landscaping along Murray Road.

Chairman Northcutt closed the public hearing. No action was taken.

5. **Conduct a public hearing, consider, and take any necessary action on a request by LandPlan Development for an amendment to the Future Land Use Plan component of the Comprehensive Plan for a 76.9± acre tract comprised of the 56.2± acre Williams tract, 17.5± acres comprised of Lot 1B and Lot 1-1, Block A, Ward Addition (Price Tract), and a 3.2± acre segment of Lots 2 and 3, Jackson Estates Addition, and that is generally located west of Stoddard Road and north of Sloan Creek. The subject properties are currently designated as Residential Estate and the requested designation is for the Residential Suburban land use. (PA2014-03)**

Mr. Schmidt gave a presentation pertaining to planning cases PA2014-03 and ZA2014-18. He suggested one public hearing be held concurrently for both planning cases. He stated the applicant, LandPlan Development, is applying on behalf of the current property owners. Mr. Schmidt stated the proposed use is a medium-density residential neighborhood comprised of 139 single-family residential lots, 13.98 acres of private open space and public hike and bike trails. He stated the development would likely be developed in two phases and the applicant's projected build-out is the summer of 2018.

Mr. Schmidt stated there are two points of access on Stoddard Road and the applicant is accommodating a potential right-of-way dedication that may allow the town to extend a roadway across Sloan Creek. Mr. Schmidt stated the proposed development will have a projected traffic impact of 1,330 vehicle trips per day based on projected demographics. The applicant prepared a Traffic Impact Analysis (TIA) that indicated the FM1378/Stoddard Road intersection is currently at a poor level of service and would continue at this level of service with the proposed development. Mr. Schmidt stated both the applicant and town staff supports the need for a traffic signal at this intersection. Mr. Schmidt stated the TIA indicates a traffic signal at the intersection will raise the level of service from an "F" to a "B". The applicant has offered to pay up front all roadway impact fees associated with the first phase of development, an estimated \$190,000 in order to help finance the installation of a traffic signal.

Mr. Schmidt stated 52 property owners were notified. Town staff received twelve (12) statements of opposition from within the notification range, eighteen (18) statements of opposition from outside of the notification range and within Tranquility Farms, and twenty (20) statements of opposition from Fairview Meadows. Town staff received two (2) statements of support. Mr. Schmidt stated town staff does not have a recommendation.

Chairman Northcutt opened the public hearing.

Jim Williams, on behalf of LandPlan Development Corporation, gave an overview of previous projects from the Dallas-Fort Worth area.

Douglas Mousel, on behalf of LandPlan Development Corporation, stated the proposed development will serve as a transition between the high density of the Commercial Planned Development District (CPDD) and the low density of the residential area. He stated the school district differential poses a challenge for the property.

Tom Scallion, 802 Dewberry Lane, stated his concerns regarding density, traffic impact on Stoddard Road, safety issues for the school zone and potential impact on quality of life. He stated his opposition of the request and stated he prefers Land Plan develop the tract.

Michael Peay, 915 Foxglove Trail, stated his opposition to the request and his support of the developer.

Brent Morgan is building a home in Tranquility Farms and currently resides at 1804 Saint Johns Avenue, Allen, Texas. He stated his support of the developer and his concerns regarding traffic impact and density.

Leslie Knight, 841 Beechwood Lane, stated her opposition due to the proposed density, school district impact and traffic impact.

Ginger Gouvion, 911 Foxglove Trail, stated her concern regarding children's safety and access on Stoddard Road causing issues.

Stephanie Hunt, 980 Briardale Court, stated her concerns regarding traffic on Stoddard Road.

Kent Gardner, 909 Tranquility Drive, stated his concerns regarding traffic and the proposed density.

Annette Davis, 806 Dewberry Lane, stated she is impressed with the school districts and stated her traffic concerns.

Lori Lauter, 717 Elmbrook Drive, stated her opposition due to the proposed density and stated her concerns regarding increasing traffic on Stoddard. She stated twenty-eight (28) residents had signed a petition in opposition of the request.

Steve Sims, 850 Timberwood Lane, stated he understands the concerns regarding traffic and density and his support for the developer.

Chris Fry, 420 Horseshoe Trail, stated his support for the request.

Bernadette Mussell, 453 Sloan Creek Parkway, stated her opposition to the proposed density.

Tim Jackson, 9113 Bedford Lane, stated his support.

Dale Powrie, 5144 Pond Bluff, stated his support of the proposal and stated it will make an appropriate transition community.

Wynne Allen, 1021 Hart Road, stated her opposition to the proposed density.

David Wideman, 990 Country Trail, stated his support of the concept.

Chuck Williams, 801 Stoddard Road, stated his support of the request and stated the real issue is traffic.

Bruce Kelly, 800 Country Club, stated his support of the developer and that the school district differential is an issue for the property. He stated the primary issue is traffic, not density.

Ginger Gouvion, 911 Foxglove Trail, stated residents are not responsible for the Williams property selling value.

Sam Price, 941 Stoddard Road, stated his support of the request and stated the landowner should be able to choose how to develop the land.

Lori Lauter, 717 Elmbrook Drive, stated there are plenty of potential residents who would want one acre lots with access to McKinney ISD.

Ross Tarkington, 960 Hart Road, stated his support of the request.

Commissioner Flood left the room at 10:06 p.m. and returned at 10:08 p.m.

Chairman Northcutt closed the public hearing.

The commission had a discussion regarding traffic issues, property values due to school district designation and density concerns. The commission had a discussion regarding the proposed traffic signal solution provided by the applicant. Mr. Schmidt stated the traffic signal is subject to state approval.

Commissioner Friend made a motion to table agenda items 3D and 3E, planning cases PA2014-03 and ZA2014-18, in order to allow the applicant to revisit density reduction with town staff. Commissioner Hager seconded the motion. The motion carried with a 4-3 vote, with Commissioners Rushing, Faulkner and Flood voting in opposition of the motion.

- 6. Conduct a public hearing, consider, and take any necessary action on a request by LandPlan Development for a zoning change for a 76.2± acre tract of land comprised of a 55.5± acre segment of the Williams tract, 17.5± acres comprised of Lot 1B and Lot 1-1, Block A, Ward Addition (Price tract), and a 3.2± acre segment of Lots 2 and 3, Jackson Estates Addition (Jackson tract), and that is generally located west of Stoddard Road and north of**

Sloan Creek. The subject properties are currently zoned Agricultural (AG) and One-Acre Ranch Estate (RE-1), and the requested zoning change is for the Planned Center (PC) Zoning District, specifically, to provide for single-family detached and open space uses. ZA2014-18)

Planning cases PA2014-03 and ZA2014-18 were combined into one public hearing. The commission voted to table these agenda items with a 4-3 vote. Commissioners Rushing, Faulkner and Flood voted in opposition of the motion.

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

Mr. Schmidt stated Town Council had voted to continue the public hearings for planning cases PA2014-01, ZA2014-12, PA2014-02 and ZA2014-15 to the regular Town Council meeting on November 4, 2014.

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

There was no discussion.

9. Adjourn.

Chairman Northcutt adjourned the commission from the meeting at 10:51 p.m.

Respectfully submitted,


Caitlin Scalley
Town Secretary


Brad Northcutt, Chairman
Planning and Zoning Commission

