

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, NOVEMBER 13, 2014**

The Planning and Zoning Commission met in regular session on Thursday, November 13, 2014 at 7:00 p.m. at 372 Town Place, Fairview, Texas. Commission members present were Chairman Brad Northcutt, Vice Chairman Jim Rushing, Mike VanNatta, and Debbie Flood. Staff members present were Planning Manager, Ken Schmidt; Town Engineer, James Chancellor; Engineer-in-Training, Danielle Gregory; Town Attorney, David Overcash and Town Secretary/Public Relations Coordinator, Caitlin Scalley. Commission members Pat Friend, Heather Hager and Matt Faulkner were absent.

Chairman Northcutt called the meeting to order at 7:01 p.m. and declared a quorum was present. Chairman Northcutt acknowledged the passing of Fairview resident Thomas Cline Thompson.

1. Consider and take action regarding the minutes of the October 9, 2014 Planning and Zoning Commission meeting.

Chairman Northcutt stated he had emailed changes to the minutes prior to the meeting. These changes were emailed to the commission prior to the meeting for review. Commissioner Rushing made a motion to approve the revised October 9, 2014 Planning and Zoning Commission meeting minutes. Commissioner Flood seconded the motion, and the motion was unanimously approved.

2. 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 summarized his presentation from the October 9, 2014 Planning and Zoning meeting pertaining to planning cases PA2014-03 and ZA2014-18. He stated the applicant has reduced the previously proposed density from 139 lots to 134 lots. He stated the primary public concern from the previous meeting and resident letters is roadway configuration and the potential traffic generated from the development. Mr. Schmidt stated the applicant prepared a Traffic Impact Analysis (TIA) that indicated a traffic signal at the FM1378/Stoddard Road intersection will raise the level of service from an "F" to a "B". Mr. Schmidt stated town staff recognizes the traffic signal is needed regardless of whether the proposed development is approved. He stated the applicant is proposing to

contribute roadway impact fees to install the traffic signal, but there is no guarantee the state will approve installation of the signal. Mr. Schmidt stated other public concerns included the impact on the park and trail system and the impact on adjacent property owners.

Mr. Schmidt stated fifty-two (52) property owners were notified in accordance with town and state law. Town staff received roughly 250 responses, with the majority being in opposition of the application. Mr. Schmidt stated a final count of responses was not available at the time of the meeting due to a large submission of signatures before the meeting.

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. He stated the proposed plan allows for lower density within Lovejoy ISD and higher density within McKinney ISD.

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 development would be marketed toward professionals and empty-nesters due to the challenges presented by the school district differential.

Joan Scallion, 802 Dewberry Lane, stated her concerns regarding traffic and children's safety in the school zone. She requested the commission uphold the current zoning.

Tom Greenwald, 871 Beechwood Lane, distributed a map of the commissioners' residences. He stated members of the commission would directly benefit from the development due to increased property values. He requested the commission uphold the current zoning.

Jonathon Cocks, 820 Quail Rise, stated his neighborhood doesn't support the density or traffic generated by the proposed plan. He requested the commission consider the increase in traffic when Puster Elementary has an event.

Ginger Gouvion, 911 Foxglove Trail, stated the development is a school issue and subdividing doesn't help the school district. She stated the two exits off Stoddard Road won't serve to transport children if new school is built. She requested more planning take place by staff and the commission.

Wayne Spence, 1041 Country Trail, stated the eastern flow of traffic on the north side of the subject property has not been addressed.

Michael Gouvion, 911 Foxglove Trail, stated his primary concern is children's safety due to the proposed ingress and egress.

Catherine Ponder, 970 Foxglove, stated the commission should keep the subject property one (1) acre or more.

Michael Peay, 915 Foxglove Trail, stated the issue is the proposed density and traffic, not the developer. He stated it is not the commission's responsibility to create policy. He stated his opposition and noted that there are roughly 250 signatures of opposition to the requests.

Chairman Northcutt read a letter from Kimberly and Jason Morgan, 1010 Country Trail, stating they strongly oppose the requests.

Bernadette Mussell, 453 Sloan Creek Parkway, stated she opposes the proposed density.

Mr. Schmidt stated the commission's responsibility is to serve within an advisory role, including advising the Town Council on policy issues.

Keith Lovelace, 441 Horseshoe Trail, stated there is a lack of benefits to current residents in return for approving the proposed plan.

Maria Nevils, 781 Creekwood Drive North, stated she moved to Fairview because it is country and asked the commission to uphold the laws.

Ronen Kahana, 705 Elmbrook, stated his opposition to the plan. He stated the plan does not fit the town and current residents will have to deal with the challenges created by the proposed development.

Greg Boots, 906 Foxglove Trail, stated he didn't hear enough benefits from the developer to warrant changes to the town's mission and values. He stated the proposed plan belongs in a different community.

Rick Burg, 714 Bending Oak Trail, requested the commission uphold the Future Land Use Plan.

Steve Sims, 850 Timberwood Lane, stated Tranquillity Farms would not exist if changes had not been made to the Future Land Use Plan at that time. He stated the developer worked with the town and residents to develop something beneficial to the community and stated the commission should approve the request as submitted.

Chuck Williams, 801 Stoddard Road, stated he supports the plan as presented and that traffic is the only true concern.

Stephanie McFadden, 1091 Elmcreek, stated she is opposed to the proposed density and traffic impact. She requested the commission consider the plan without the traffic signal since it is not guaranteed and enforce one acre zoning.

Ginger Gouvion, 911 Foxglove Trail, stated her concern for children's safety.

Lori Lauter, 717 Elmbrook, stated she is opposed to anything less than one acre and requested the commission uphold the 2008 Future Land Use Plan.

Scott Smith, 720 Stallion, stated the accusations of personal benefit directed at the commission are unfair. He requested the commission look for a compromise that balances the neighborhoods, addresses traffic issues and lowers density.

Bruce Kelly, 800 Country Club, stated the real issue is density and he would prefer to see open developments rather than isolated neighborhoods. He stated his support for the development of the property, but would prefer a decrease in density.

Chairman Northcutt closed the public hearing.

The commission had a discussion regarding traffic on Stoddard and the possibility of installing a traffic signal at the intersection of Stoddard and FM1378. The commission had a discussion regarding the proposed density and future implications if the density were to be approved.

Chairman Northcutt asked for a motion to deny the request to amend the Future Land Use Plan for the subject property. A motion was not made to deny the request.

Commissioner Rushing made a motion to approve the request to amend the Future Land Use Plan in order to designate the subject property as the Residential Suburban land use. Commissioner VanNatta seconded the motion, and the motion carried with three (3) in support and one (1) in opposition. Chairman Northcutt opposed the motion.

Commissioner Rushing made a motion to approve the request for a zoning change of the subject property from Agricultural and One-Acre Ranch Estate to the Planned Center Zoning District. Commissioner Flood seconded the motion, and the motion carried with three (3) in support and one (1) in opposition. Chairman Northcutt opposed the motion.

The commission recessed at 9:20 p.m. and reconvened at 9:26 p.m.

- 3. 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 approve the zoning change request with a 3-1 vote, with Chairman Northcutt voting in opposition of the motion.

4. **Conduct a public hearing, consider, and take any necessary action on a request by Travis Carpenter to amend the development plan for a 1.461± acre tract of land that is zoned Commercial Planned Development District (CPDD) – Neighborhood Edge Sub-district, and is generally located at the northeast corner of Sloan Creek Parkway and Pond Bluff Way, being Lot 7, Block J, of the Sloan Creek Estates – Phase III Addition. (DP2014-01)**

Mr. Schmidt recommended the commission hold one public hearing for planning cases DP2014-01 and R2014-02. He stated the applicant's wife would be representing the applicant.

Mr. Schmidt gave a presentation pertaining to planning cases DP2014-01 and R2014-02. He stated the applicant is requesting to subdivide the existing 1.461 acres lot into two single-family detached residential lots. Mr. Schmidt gave an overview of the review process and current zoning entitlements for the subject property. He stated the proposed development would not require the extension of any municipal roadways or utilities as the subject property was originally planned to be comprised of at least two lots. He stated each lot owner will be required to extend the sidewalk and it will terminate at the town's lift station site.

Mr. Schmidt stated property owners were notified in accordance with town and state law. Town staff received one (1) statement of support and five (5) statements of opposition. Mr. Schmidt stated town staff recommends approval of the Development Plan and Replat application as submitted.

Chairman Northcutt opened the public hearing.

Norma Carpenter, on behalf of the applicant, thanked staff for their efforts during this process. She stated she and her husband would like to subdivide the lot and build their home on the western side of the property and improve the eastern side of the property to attract a future property owner.

Ed Hayes, 445 Sloan Creek Parkway, stated it is time that the property develops. He stated his concern regarding the lot size of the smaller lot.

John Klarquist, 435 Sloan Creek Parkway, stated he supports developing the land, but not the proposed lot size. He stated his concern regarding the lot being positioned next to a lift station.

Bernadette Mussell, 453 Sloan Creek Parkway stated she does not support subdividing the lot.

Chairman Northcutt closed the public hearing.

The commission had a discussion regarding lot sizes and creating a buffer for the lift station.

Commissioner Flood made a motion to approve amending the development plan for the subject property. Commissioner Rushing seconded the motion, and the motion failed with two (2) in support and two (2) in opposition. Chairman Northcutt and Commissioner VanNatta voted in opposition of the motion.

Mr. Schmidt stated the failed motion will not trigger a super majority when the item is presented to the Town Council.

Commissioner Flood made a motion to approve the request to replat the subject property. Commission Rushing seconded the motion, and the motion failed with two (2) in support and two (2) in opposition. Chairman Northcutt and Commissioner VanNatta voted in opposition of the motion.

- 5. Conduct a public hearing, consider, and take any necessary action on a request by Travis Carpenter to replat a 1.461± acre tract of land that is zoned Commercial Planned Development District (CPDD) – Neighborhood Edge Sub-district, and is generally located at the northeast corner of Sloan Creek Parkway and Pond Bluff Way, being Lot 7, Block J, of the Sloan Creek Estates – Phase III Addition. (R2014-02)**

Planning cases DP2014-01 and R2014-02 were combined into one public hearing. The commission's motion to approve the replat request failed with a 2-2 vote, with Chairman Northcutt and Commissioner VanNatta voting in opposition of the motion.

- 6. 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 gave a presentation pertaining to a request by Faith Church of Collin County for approval of a Conditional Use Permit. He stated the applicant is proposing to provide for an Anglican church on the subject property and have planned for two (2) phases in order to meet their current needs and their buildout membership of 200 members. He stated the primary activity on the property will include two worship services on Sunday and bible studies, youth meetings and other activities throughout the week.

Mr. Schmidt stated access to the site will be provided from Highway 5 and Murray Road. He stated the traffic impact of the church will be fairly minor based on existing and projected membership. Mr. Schmidt stated the applicant will be

required to accommodate stormwater detention on the site. Mr. Schmidt stated the applicant has provided for 67 parking spaces. He stated the proposed outdoor lighting plan conforms to the town's outdoor lighting requirements. Mr. Schmidt stated the applicant's façade plan provides for a sanctuary building design consistent with the estate residential character of the surrounding area.

Mr. Schmidt stated property owners were notified in accordance with town and state law. Town staff received no statements of support and no statements of opposition. Mr. Schmidt stated the applicant held an open house with residents from Ranchette Estates. He stated town staff recommends approval of the request as submitted.

John Clifford, on behalf of Faith Church of Collin County, stated the church has been around for eighteen (18) years and has been renting spaces for the last seven (7) years. He stated his congregation would like to establish a place of worship and service.

Chairman Northcutt opened the public hearing.

Tommy Lowry, 481 Murray Road, stated he was contacted by the church to discuss the plan and express concerns. He stated his concerns have been addressed by the church, and he appreciates town staff's efforts in working with the church and surrounding residents to find solutions for both parties.

Sherri Richmond, on behalf of Faith Church of Collin County, stated the goal is to keep the property as natural as possible. She stated the lot size fits the congregation's needs.

Chairman Northcutt closed the public hearing.

The commission had a discussion regarding the lighting plan, peak hour traffic and the proposed bell tower.

Ms. Richmond stated the bell tower would be used after Sunday service, weddings and special occasions. She stated the bell tower would consist of bells and chimes.

Mr. Schmidt stated restrictions could be placed within the ordinance to limit the bell tower uses to chimes and bells. The applicant agreed to this restriction.

Commissioner VanNatta made a motion to approve the Conditional Use Permit for the subject property. Commissioner Rushing seconded the motion, and the motion was unanimously approved.

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

Mr. Schmidt stated the Town Council approved planning cases PA2014-01 and ZA2014-12 at the November 4, 2014 Town Council meeting. He stated the

council chose option 2 which consisted of a street configuration with several cul-de-sacs and larger lots along Stacy Road. Mr. Schmidt stated the council had continued the public hearing for planning cases PA2014-02 and ZA2014-15 to the December 2, 2014 Town Council meeting. Mr. Schmidt stated the council approved planning case ZA2014-17 in order to amend the existing Conditional Use Permit for Chase Oaks Church.

8. The Planning and Zoning Commission acting as the Tree Board under Ordinance No. 2009-5-5C will consider and take action regarding the town's annual Tree City USA Recertification Application.

Ms. Scalley gave an overview regarding the town's annual Tree City USA Recertification Application. She stated the town has met the four (4) standards established by the Arbor Day Foundation in order to receive the Tree City USA designation, and the recertification application is ready to be submitted. She stated Mayor Culbertson proclaimed November 4, 2014 as Arbor Day in the Town of Fairview.

The Tree Board had a discussion regarding tree canopy coverage within the town. Chairman Northcutt stated the Tree Board did not have any recommendations for staff regarding the recertification application, and he stated the application is ready for submission by staff to the Arbor Day Foundation.

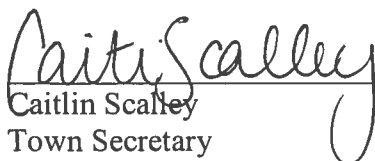
9. The Planning and Zoning Commission acting as the Tree Board under Ordinance No. 2009-5-5C will discuss priorities of work for the upcoming calendar year.

Mr. Schmidt stated he would like to hold a discussion regarding the Tree Board's priorities of work for the upcoming year at a future Planning and Zoning Commission meeting due to commissioners not being present during this meeting. The commission agreed to hold the discussion at a future meeting.

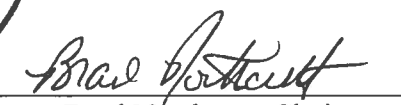
10. Adjourn.

Chairman Northcutt adjourned the commission from the meeting at 10:48 p.m.

Respectfully submitted,


Caitlin Scalley
Town Secretary




Brad Northcutt, Chairman
Planning and Zoning Commission