

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, FEBRUARY 12, 2015**

The Planning and Zoning Commission met in regular session on Thursday, February 12, 2015 at 7:00 p.m. at 372 Town Place, Fairview, Texas. Commission members present were Chairman Brad Northcutt, Vice Chairman Pat Friend, Mike VanNatta, Heather Hager, Ricardo Doi and Leslie Knight. 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. Commissioner Debbie Flood was 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 January 8, 2015 Planning and Zoning Commission meeting.

Vice Chairman Friend made a motion to approve the January 8, 2015 minutes. 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. Pete Soliz, 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 61 Man O War Lane, being Lot 60 of the Fairview Farms #4 Addition to the Town of Fairview. (ZA2015-01).

Mr. Schmidt gave a presentation regarding a request for Conditional Use Permit (CUP) in order to allow for the construction of a 2,400 square foot accessory building on the subject property. Mr. Schmidt stated the subject property is zoned Two-Acre Ranch Estate (RE-2), and the property owner is permitted by right to have up to two accessory buildings with a combined building footprint not to exceed 1,800 square foot. Mr. Schmidt stated the applicant is proposing to construct a 2,400 square foot metal building in order to house an indoor batting cage, fitness equipment and lawn maintenance equipment. He stated the applicant has an existing 440 square foot barn that he intends to remove from the property in order to accommodate the proposed accessory building. He stated the proposed structure conforms to all other accessory building requirements. Mr. Schmidt stated the town has approved applications to exceed the accessory building requirement in the past, and it is beginning to have a negative impact in the neighborhood. He stated the proposed accessory building is not consistent with the surrounding neighborhood architecture.

Mr. Schmidt stated nineteen (19) property owners were notified in accordance with town and state law. Town staff received four (4) statements of opposition and no statements of support. Mr. Schmidt stated town staff recommends denial without prejudice of the application as the proposed structure's context, scale and character is not consistent with the surrounding neighborhood and the proposed use could be accommodated for with a code conforming structure.

Chairman Northcutt opened the public hearing.

Pete Soliz, the property owner, stated his surrounding neighbors have similar size accessory buildings, and he doesn't agree with staff's assessment. He stated the structure will be used for recreational purposes for his children.

Chairman Northcutt provided rules and procedures for the public hearing.

Nancy Whitehead, 50 Man O War Lane, stated her opposition due to the structure being inconsistent with the neighborhood. She stated she is concerned the structure will be used for commercial uses.

Gay Kiser, 100 Man O War Lane, stated her opposition and that she is concerned the structure will be used for commercial uses.

Chairman Northcutt closed the public hearing.

The commission had a discussion regarding the size of the structure in relation to the surrounding neighborhood and its proposed use.

Vice Chairman Friend made a motion to deny without prejudice the request for a CUP on the subject property. Commissioner Hager seconded the motion, and the motion was unanimously approved.

- 3. Conduct a public hearing, consider, and take any necessary action on a request by Saleem Rajani for a Replat of Lots 52 and 53, Block A of the River Oaks II Addition in order to create one additional residential lot from the land area of the two existing residential lots. The subject properties are zoned One-Acre Ranch Estate (RE-1) and are generally located north of Oakglen Circle. (R2015-02).**

Mr. Schmidt gave a presentation regarding a request to replat the subject property in order to create one additional lot from the land area of two existing residential lots. He stated the plat application process is a ministerial process, and the town must approve the plat if the application conforms to the zoning of the subject property and subdivision and development regulations. He stated the town must ensure the replat conforms to the restrictive covenants of the River Oaks II Addition. Mr. Schmidt stated the town attorney and staff determined the replat fully conforms to the restrictive covenants.

Mr. Schmidt stated the replat will not require the extension of any municipal roadways or utilities. He stated town staff has requested a visibility easement adjacent to Meandering Way.

Mr. Schmidt stated forty-three (43) property owners were notified in accordance with town and state law. Mr. Schmidt stated town staff recommends approval of the request as submitted.

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

Chairman Northcutt closed the public hearing.

The commission had a discussion regarding the size of the lots and planting and maintenance requirements.

Commissioner Doi made a motion to approve the replat. 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 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 residential uses. (ZA2015-02).**

Mr. Schmidt stated the commission and Town Council reviewed a previous application for the subject property in 2014. The Town Council denied the application with prejudice at the December 2, 2014 Town Council meeting. Mr. Schmidt stated town staff and the town attorney determined the current application is significantly different; therefore, the applicant can proceed with the application process.

Mr. Schmidt gave a presentation regarding a request to rezone the subject property. He stated the proposed plan provides for 31 single family residential lots. He stated applicant is not requesting RE-2 zoning because several of the proposed lots cannot meet lot width or sideyard setback standards. Mr. Schmidt stated the zoning consideration is primarily for the northern lots on the subject property.

Mr. Schmidt stated access would be provided for on FM1378 and Farmstead. He stated the applicant chose to provide public access from Farmstead in order to provide for two acre lots on the southern limit of the property. Mr. Schmidt stated town staff does not agree with the neighborhood view that public access will make Farmstead unsafe and a heavily trafficked road. Mr. Schmidt stated an existing waterline on FM1378 and waterlines in Countryside and Bluegrass Farms will provide sufficient water to the proposed development.

Mr. Schmidt stated the applicant is requesting to reclaim roughly half of the 32 acres of FEMA 100-year floodplain within the subject property. He stated the applicant's proposed floodplain recovery will be facilitated by filling in a portion of the Sloan Creek floodplain at the southern limit of the floodplain boundary and creating a drainage swale in order to provide for additional valley storage for floodwaters. He stated the applicant's flood study indicates the development will not have a negative impact on the floodplain, but will cause a small retraction of the floodplain north of Sloan Creek.

Mr. Schmidt stated the applicant has chosen to prioritize lot size over public and private open space after receiving feedback from residents and the Town Council.

Mr. Schmidt stated sixty-six (66) property owners and Lovejoy ISD were notified in accordance with town and state law. Town staff received twelve (12) statements of opposition and one (1) statement of support.

Chairman Northcutt opened the public hearing.

Commissioner Knight left the room at 8:06 p.m. and returned at 8:09 p.m.

Bryon Reid, on behalf of M. Christopher and Company, stated the feedback he received called for lower density. He stated the proposed floodplain reclamation will benefit Montecito residents.

Pat Rees, 1161 Farmstead, stated his concern for children's safety in Countryside Estates and his desire for Farmstead to remain emergency access only.

Trent Ballew, 531 Kentucky Lane, stated his concerns regarding the applicant's flood abatement claims and stated the 100-year floodplain had been moved in each plan presented by the applicant.

Wayne Seaber, property owner of 1200 Camino Real and 1201 Farmstead, requested the flood study be confirmed and stated his support for Farmstead remaining emergency access only.

Jacob Seal, 480 Home Place, stated his support for Farmstead remaining emergency access only and requested two-acre lots.

Royal Pratt, 513 Home Place, stated his concerns regarding the quality and the values of homes in the Countryside subdivision and children's safety.

Al Gienger, 1230 Camino Real, stated his concerns regarding flooding and the potential noise and traffic created by a trail on the south side of the creek.

Kirsh Smith, 470 Country Club Road, stated his concern regarding the proposed floodplain recovery and safety for pedestrians on Farmstead. He stated his support for Farmstead remaining emergency access only.

Chairman Northcutt closed the public hearing.

The commission had a discussion regarding the proposed points of access, individual lot width, lot density and floodplain reclamation.

Mr. Chancellor stated the flood study demonstrated a significant drop in the floodplain.

The commission had a discussion regarding the town attorney's determination that the application is significantly different from the application denied in 2014.

Chairman Northcutt reopened the public hearing.

Commissioner Doi made a motion to continue the public hearing for planning case ZA2015-02 to a date certain of February 26, 2015. Vice Chairman Friend seconded the motion, and the motion was unanimously approved.

5. **Conduct a public hearing, consider, and take any necessary action on a request by Fairview Hospitality LLC for Major Warrants pertaining to block face configuration standards, building type standards, and architectural standards for a 1.5284± acre segment of Lot 5, Block A of the Village at Fairview Addition that is zoned Commercial Planned Development District (CPDD) – Urban Village Sub-district, and is generally located at the southeast corner of Convention Drive and Murray Farm Road. (MW2014-02).**

Chairman Northcutt stated the applicant for planning cases MW2014-02 and R2015-01 requested to postpone review of the requests.

Mr. Schmidt recommended the commission open the public hearing and postpone them until the next scheduled meeting.

Chairman Northcutt opened the public hearing for MW2014-02 and R2015-01.

Vice Chairman Friend made a motion to continue the public hearing for planning cases MW2014-02 and R2015-01 to a date certain of February 26, 2015. Commissioner Doi seconded the motion, and the motion was unanimously approved.

6. **Conduct a public hearing, consider, and take any necessary action on a request by Fairview Hospitality LLC for a Replat of Lot 5, Block A of the Village at Fairview Addition in order to create a 1.5284± acre lot for the development of a hotel use. The subject property is zoned Commercial Planned Development District (CPDD) – Urban Village Sub-district, and is generally located at the southeast corner of Convention Drive and Murray Farm Road. (R2015-01).**

The commission continued the public hearing for planning case R2015-01 to a date certain of February 26, 2015.

- 7. Conduct a public hearing, consider, and take any necessary action on a request by Grenadier Homes for Major Warrants pertaining to building type standards and architectural standards for a 14.22± acre tract of land that is zoned Commercial Planned Development District (CPDD) – Urban Transition Sub-district, and is generally located at the southeast corner of State Highway 5 and Bluebird Lane. (MW2014-03).**

Mr. Schmidt gave a presentation regarding a request by Grenadier Homes for major warrants pertaining to building type standards and architectural standards in order to establish a residential neighborhood comprised of fifty-five (55) townhomes and sixteen (16) single-family detached lots. Mr. Schmidt stated the applicant had withdrawn a previous application for major warrants after the commission denied the request at the December 11, 2014 meeting.

Mr. Schmidt stated the commission should only consider items that require Major Warrants during this public hearing, and not components of the application that conform to the code. He stated five (5) minor warrants were approved by the Town Manager. Mr. Schmidt gave an overview of the major warrants evaluation criteria and existing entitlements for the subject property.

Mr. Schmidt stated the applicant has significantly reduced the number of major warrant requests from the 2014 application. He stated the applicant is requesting three (3) major warrants, including: a request for a reduction in the required garage offset for front entry garages, a request for reducing the minimum lot depth for the Townhome I building type and a request to waive the requirement to elevate the entry stoop or porch. Mr. Schmidt stated the modifications the applicant has made to the plan meets the intent of the Urban Transition Sub-District of the CPDD.

Mr. Schmidt stated seventy-six (76) property owners and McKinney ISD were notified in accordance with town and state law. Town staff received ten (10) statements of opposition within the 500 foot notification boundary and five (5) statements of opposition from outside of the notification boundary. Town staff received one (1) statement of support from within the notification boundary and three (3) statements of support from outside of the notification boundary. Mr. Schmidt stated town staff recommends approval of the request for major warrants.

Chairman Northcutt opened the public hearing.

Anthony Natale, on behalf of Grenadier Homes, stated he used feedback from the December meeting and staff input in order to improve his request for major warrants on the subject property. He gave examples of the Grenadier Homes product.

Richard Light, 445 State Highway 5, stated Grenadier Homes left Villas in the Park in disarray and should address current issues in the neighborhood.

Hubert Mommers, 5671 Hummingbird Lane, stated concerns regarding trash cans in Villas in the Park and cited issues the HOA has encountered with the developer.

Steven Ogden, 541 Bluebird Lane, stated he opposes parallel parking on Bluebird.

Virginia Hood, 521 Bluebird Lane, stated she is opposed to the proposed homes being built along Bluebird. She stated she does not support public access on Bluebird.

Max Wood, 551 Bluebird Lane, stated her opposition to the request and her opposition to the proposed homes facing Bluebird.

Dan Mulkey, 5850 Fairview Parkway, stated his concerns regarding the developer pursuing a new development without fulfilling promises to Villas in the Park.

Commission Hager left the room at 10:32 p.m. and returned at 10:34 p.m.

Cody Hooper, 491 Bluebird Lane, stated he opposes deviating from the CPDD code.

John McFadden, 501 Bluebird Lane, stated his opposition to public access on Bluebird.

Arthur Hood, 521 Bluebird Lane, stated his opposition to the request.

John Cospers, 540 Bluebird Lane, stated his opposition to parking on Bluebird.

Commissioner VanNatta left the room at 10:42 p.m. and returned at 10:43 p.m.

Terry Nash, 550 Bluebird Lane, stated the development is an encroachment onto Bluebird residents.

Chairman Northcutt closed the public hearing.

The commission had a discussion regarding road connections, alleyways, orientation of homes facing Bluebird and utilities.

Brandon Davidson, the civil engineer for the project, stated a waterline will be on the south side of Bluebird.

The commission had a discussion regarding the concept plan approved for the subject property in 2005. The commission had a discussion regarding the requested major warrants.

Vice Chairman Friend made a motion to approve the request by Grenadier Homes for major warrants. Commissioner Doi seconded the motion, and the motion

failed with a 3-3 vote. Commissioners Knight, VanNatta and Hager voted in opposition of the motion.

- 8. Discuss, consider, and take any necessary action on a request by Chase Oaks Church for approval of a Final Plat for a religious institution on a 10.68± acre property that is generally located north of Stacy Road and 1,400' west of Meandering Way. (FP2014-05).**

Mr. Schmidt gave a presentation regarding a final plat for Chase Oaks Church in order to dedicate right-of-way and provide for landscape buffers, public access easements, utility easements, and drainage easements on the subject property. He stated the plat application process is a ministerial process, and the town must approve the plat if the application conforms to the zoning of the subject property and subdivision and development regulations.

Mr. Schmidt stated a traffic study was required as a condition of the CUP. He stated the traffic study indicated the applicant would need to construct an eastbound left turn lane in the future Stacy Road median opening at Lost Creek Drive and a westbound deceleration lane at the proposed entryway to the site. Mr. Schmidt stated an additional variable width right-of-way dedication was required to accommodate the required deceleration lane. Mr. Schmidt stated the applicant will loop a water line onto an existing waterline that runs adjacent to the southern property boundary. Mr. Schmidt stated the applicant worked with property owners to the north to create sufficient landscape buffering to the adjacent properties.

Mr. Schmidt stated the final plat conforms to the approved CUP, and town staff recommends approval of the final plat.

Commissioner VanNatta made a motion to approve the final plat for Chase Oaks Church. Vice Chairman Friend seconded the motion. The commission had a discussion regarding right of way. The motion was unanimously approved.

- 9. Consider, discuss and take any necessary action on a request by Hickman Consulting Engineers, Inc. for approval of a Preliminary Plat for the Three Oaks Addition, a proposed residential neighborhood comprised of eleven single-family residential lots and one common area lot on a 16.484± acre tract of land situated in the town's ETJ and that is generally located north of Country Club Road and west of Rowley Mile. (PP2015-01).**

Mr. Schmidt gave a presentation regarding a preliminary plat for the Three Oaks Addition in order to identify potential dedications of right-of-way and the provision of landscape buffers, utility easements and drainage easements to the proposed neighborhood. He stated the subject property is located in the town's Extraterritorial Jurisdiction (ETJ) due to a recent boundary adjustment agreement between the town and the City of McKinney. He stated the town entered into a development agreement with the property owner in order to permit the property

owner to pursue a limited range of uses prior to annexation and zoning by the town.

Mr. Schmidt stated access to the proposed neighborhood will be provided from FM1378. He stated the proposed right-of-way dedication will be a variable width dedication. Mr. Schmidt stated the applicant will loop a water line onto an existing waterline that runs adjacent to the southern property boundary. He stated the applicant is proposing to provide a detention pond in order to satisfy town requirements. Mr. Schmidt stated the applicant has adopted significant protective measures in order to ensure stormwater generated by the site does not impose negative impacts on the Heard Museum property. Mr. Schmidt stated the applicant is providing for appropriate landscape buffering at FM1378 and a dynamic neighborhood entryway feature.

The commission had a discussion regarding street cross-sections.

Mr. Schmidt stated the preliminary plat fully conforms to the town's subdivision regulations and the development agreement regulating the development of the site. Mr. Schmidt stated town staff recommends approval of the preliminary plat. He stated town staff is requesting a landscape plan for the detention pond be submitted prior to Town Council review of the application.

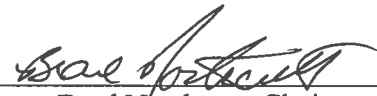
Vice Chairman Friend made a motion to approve the preliminary plat. Commissioner Doi seconded the motion, and the motion was unanimously approved.

10. Adjourn.

Chairman Northcutt adjourned the commission from the meeting at 11:53 p.m.

Respectfully submitted,


Caitlin Scalley
Town Secretary


Brad Northcutt, Chairman
Planning and Zoning Commission

