

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, APRIL 9, 2015**

The Planning and Zoning Commission met in regular session on Thursday, April 9, 2015 at 7:00 p.m. at 372 Town Place, Fairview, Texas. Commission members present were Chairman Brad Northcutt, Vice Chairman Pat Friend, Heather Hager, Mike VanNatta, Debbie Flood, Ricardo Doi and Leslie Knight. Staff members present were Town Manager, Julie Couch; Planning Manager, Ken Schmidt; Town Engineer, James Chancellor; and Engineer-In-Training, Danielle Gregory.

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 February 26, 2015 and March 12, 2015 Planning and Zoning Commission meetings.**

Commissioner Doi made a motion to approve the February 26, 2015 and March 12, 2015 minutes. Commissioner Hager seconded the motion. Vice Chairman Friend requested the commission take separate action for the minutes. Commissioner Doi amended the motion to approve the February 26, 2015 minutes. Commissioner Hager seconded the amended motion, and the amended motion was unanimously approved.

Commission Doi made a motion to approve the March 12, 2015 minutes. Commissioner Flood seconded the motion, and the motion was approved with six (6) in support and one (1) abstention. Vice Chairman Friend abstained from the vote.

- 2. Conduct a public hearing, consider, and take any necessary action on a request by Paul Raehpour, Jacob Miller, and James Campbell for a Replat of Lots 51 and 52, Block A of The Village of Fairview Phase II Addition and Lot 2 of the proposed Campbell/Knight Place Addition in order to convey segments of the proposed Lot 2, Campbell/Knight Place Addition to Lots 51 and 52, The Village of Fairview Phase II Addition. The subject properties are zoned Commercial Planned Development District (CPDD) – Neighborhood General Sub-District and One-Acre Ranch Estate (RE-1) and are generally located east of Emerson Court and South of Murray Road. (R2015-03).**

Chairman Northcutt stated the commission will discuss planning case FP2015-02, item 4A on the agenda, prior to discussing related items on the agenda.

Mr. Schmidt gave a presentation regarding planning cases FP2015-02, R2015-03 and ZA2015-05. Mr. Schmidt stated the complex planning process involving three (3) applications arose from a simple request to construct a pool on the Raehpour property. Mr. Schmidt stated the property's current zoning and utilities located within the lot will not allow for their desired layout. He stated the first application, FP2015-02, is for the final plat of the Campbell/Knight Place Addition in order to split the subject property into two RE-1 conforming residential lots. He stated the second application, R2015-03, is for a replat of the proposed Lot 2 of the Campbell/Knight Place Addition and replat of Lots 51 and 52 of the Villages at Fairview Phase II subdivision in order to convey 2,200 square foot segments of Lot 2 to Lots 51 and 52. Mr. Schmidt stated the final application, ZA2015-05, is to rezone the newly conveyed 2,200 square foot segments of Lots 51R and 52R in order to have a zoning that is consistent with the Village of Fairview subdivision.

Mr. Schmidt stated additional measures were taken, including the applicant securing the purchase of a sewer easement and arranging for the movement of the sewer line into the easement. Mr. Schmidt stated the amendment of the Village of Fairview HOA covenants was required in order to allow for the annexation of the two 2,200 square foot segments of land.

Mr. Schmidt stated the Raehpour family plans to accommodate a pool and storm shelter in their rear yard.

Mr. Schmidt stated town staff notified 68 adjacent property owners in accordance with town and state law. Town staff received two (2) statements of support and no statements of opposition. Mr. Schmidt stated town staff recommends approval of planning cases FP2015-02, R2015-03 and ZA2015-05.

Chairman Northcutt opened discussion to the commission for the final plat application.

The commission had a discussion regarding lot sizes and landscape screening responsibility. The commission had a discussion regarding right-of-way dedication.

Vice Chairman Friend made a motion to approve the final plat, planning case FP2015-02. Commissioner Doi seconded the motion, and the motion was unanimously approved.

Commissioner Doi recused himself from the discussion and vote for planning cases R2015-03 and ZA2015-05. *Commissioner Doi left the room at 7:19 p.m.*

Chairman Northcutt opened the public hearing for R2015-03 and ZA2015-05.

Paul Raehpour, the applicant, reviewed the steps his family took in the planning process. His daughter addressed the commission.

No further comments were made. Chairman Northcutt closed the public hearing.

The commission had a discussion regarding the storm shelter location. Mr. Raehpour stated the location would likely be in the back corner of the property and would not impact existing trees.

Vice Chairman Friend made a motion to approve the replat, planning case R2015-03. Commissioner Hager seconded the motion, and the motion carried with six (6) in support and no opposition. Commissioner Doi recused himself prior to the discussion and vote.

3. **Conduct a public hearing, consider, and take any necessary action on a request by Paul Raehpour and Jacob Miller for a zoning change for 2,200 SF segments of proposed Lots 51R and 52R, Block A of The Village of Fairview Phase II Addition. The segments of the subject properties are currently zoned One-Acre Ranch Estate (RE-1), and the requested zoning change is for the Commercial Planned Development District (CPDD) – Neighborhood General Sub-District. (ZA2015-05).**

The commission held the public hearing for planning cases R2015-03 and ZA2015-05 concurrently.

Vice Chairman Friend made a motion to approve the request to rezone the subject properties, planning case ZA2015-05. Commissioner VanNatta seconded the motion, and the motion carried with six (6) in support and no opposition. Commissioner Doi recused himself prior to the discussion and vote.

Mr. Schmidt stated language regarding the landscape easement is included in the plans and will be included in the ordinance.

Commissioner Doi returned to the room at 7:32 p.m.

4. **Conduct a public hearing, consider, and take any necessary action on a request by M. Christopher Custom Homes 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 zone 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. (ZA2015-03).**

Mr. Schmidt gave a presentation regarding planning cases ZA2015-03 and ZA2015-04. He recommended the commission hold separate public hearings for the applications. Mr. Schmidt stated that applications similar to the first application, ZA2015-03, have been presented to the commission and council previously. He stated the proposed development is comprised of 31 residential lots. Mr. Schmidt stated the second application, ZA2015-04, is to rezone the former Harper property comprised of approximately 28 acres.

Mr. Schmidt stated each of the requests conform to the Residential Estate Country Land Use and the proposed floodplain reclamation would result in a revision of the floodplain boundary delineation. Mr. Schmidt stated the applicant is not proposing each lot conform to RE-2 zoning in the first application. Mr. Schmidt stated the proposed plan has some minor changes from the previous application the commission reviewed and acted on with a 3-3 vote. He stated components of the plan have remained the same, including right-of-way configuration, points of access, emergency access, nature of the proposed floodplain reclamation, flood control feature and pedestrian connections. Mr. Schmidt stated changes to the plan include shifting of the northern lots and minor changes surrounding the cul-de-sac. Mr. Schmidt stated the proposed landscape character is the same as previously presented.

Mr. Schmidt stated the application for ZA2015-04 is to approve zoning for the subject properties, not to approve the development layout. Mr. Schmidt stated access would likely only be provided through Farmstead in the 28 acre scenario.

Mr. Schmidt stated adjacent property owners were notified in accordance with town and state law. Town staff received seven (7) statements of opposition and two (2) statements of support for ZA2015-03. Town staff received two (2) statements of opposition and no statements of support for ZA2015-04. Mr. Schmidt stated town staff does not have a recommendation for ZA2015-03 as the Town Council has denied previous applications and has not given clear feedback to the applicant. Mr. Schmidt stated town staff recommends approval of ZA2015-04.

Chairman Northcutt opened the public hearing.

Patrick Rees, 1161 Farmstead, stated the applicant has worked to meet resident and town demands. He stated Countryside should remain emergency access only. He stated the proposed plan is the best plan thus far for the subject properties.

Royal Pratt, 513 Home Place, stated the extra traffic produced by the proposed neighborhood will be a safety threat to children. He stated his opposition to Farmstead becoming public access. He stated his support for planning case ZA2015-03.

Kersch Smith, 470 Country Club, stated the subject properties should develop at one time rather than in pieces. He stated his concerns regarding access on Farmstead.

Edward McGehee, 520 Home Place, stated his opposition to Farmstead becoming public access. He suggested the applicant seek a less aggressive floodplain reclamation effort.

Kim Seaber, 1201 Farmstead and 1200 Camino Real, stated her opposition to Farmstead becoming public access. She stated the proposed development's character is not consistent with existing neighborhoods. She stated her concerns regarding flooding.

Trent Ballew, 531 Kentucky Lane, stated his opposition to the plan, specifically the northern lots with flood plain.

Bryon Reid, on behalf of M. Christopher Custom Homes, stated the floodplain will be improved and the development's average density is 2.3 acres.

Jerry Pate, 1250 Alto Vista, stated his concerns regarding flooding and lot sizes on the northern end of the property.

Chris Owens, 1290 Camino Real, requested floodplain restrictions be consistent.

No further comments were made. Chairman Northcutt closed the public hearing. He stated the commission's discussion should be limited to ZA2015-03.

The commission had a discussion regarding individual lot sizes and floodplain reclamation. Mr. Chancellor stated Federal Emergency Management Agency (FEMA) will be informed of the floodplain reclamation in order to revise the floodplain lines.

The commission had a discussion regarding lot widths. The commission had a discussion regarding the town's comprehensive plan and building in the floodplain. Mr. Chancellor stated the comprehensive plan addresses building homes on stilts within the floodplain, not floodplain reclamation. He stated the applicant is not proposing to build within the floodplain, but to move the floodplain over.

The commission had a discussion with Mr. Reid regarding the removal of a lot.

Commissioner Knight made a motion to deny the request to rezone the subject properties. Commissioner Hager seconded the motion. The motion failed with three (3) in support and four (4) in opposition of the motion. Vice Chairman Friend and Commissioners VanNatta, Flood and Doi voted in opposition of the motion.

Commissioner Doi made a motion to approve the request to rezone the subject properties. Commissioner Flood seconded the motion. The motion carried with four (4) in support and three (3) in opposition of the motion. Chairman Northcutt and Commissioners Hager and Knight voted in opposition of the motion.

- 5. Conduct a public hearing, consider, and take any necessary action on a request by M. Christopher Custom Homes for a zoning change for a tract of land comprised of 28.935± acres and that is generally located east of Farmstead Road and 1,600' north of Stacy Road. The subject property is currently zoned Agriculture (AG), and the requested zoning change is for the Two-Acre Ranch Estate (RE-2) Zoning District. (ZA2015-04).**

The commission had a discussion with Mr. Schmidt regarding the purpose of the presented plan. Mr. Schmidt stated the commission is reviewing the request to rezone the property and the presented plan is only for presentation purposes. He stated the applicant is not bound to the presented plan if the zoning change is approved.

Chairman Northcutt reopened the public hearing for ZA2015-04.

Royal Pratt, 513 Home Place, requested the commission use its leverage to improve the northern end of the property.

Kim Seaber, 1201 Farmstead and 1200 Camino Real, stated concerns regarding access on Farmstead and safety on Countryside.

No further comments were made. Chairman Northcutt closed the public hearing.

Commissioner Doi stated he would prefer the properties develop at one time and Farmstead remain emergency access. He stated he believes the commission has to approve the zoning request because it conforms to RE-2 zoning.

The commission had a discussion regarding potential actions to take on the application. Mrs. Couch stated the commission can table the item, recommend denial due to the existing approved recommendation or approve the request.

Commissioner Hager made a motion to table the request to rezone the subject property to the May 14, 2015 Planning and Zoning Commission. Commissioner Knight seconded the motion. Commissioner Doi stated he does not understand the purpose of tabling the item. The motion carried with four (4) in support and three (3) in opposition of the motion. Commissioners Flood, Doi and VanNatta voted in opposition of the motion.

6. **Conduct a public hearing, consider, and take any necessary action on a request by Levinson Alcoser Associates for Major Warrants pertaining to land use, site configuration standards, building type standards, architectural standards, and parking standards for a proposed financial institution with drive-in facilities on a 1.368± acre tract of land that is zoned Commercial Planned Development District (CPDD) – Urban Village Sub-District, and is generally located east of US 75 and north of Stacy Road, being Lot 9E, Block A, of the Village at Fairview Addition. (MW2014-04).**

Mr. Schmidt gave a presentation regarding a request for six (6) major warrants for a proposed financial institution, Capital One Bank. He stated the property is approximately 1.3 acres and is located on the west side of the Whole Foods parking lot. Mr. Schmidt stated the existing use is open space with no recreational use, and the projected land use is as an infill development opportunity within the existing mixed-use center. Mr. Schmidt stated the proposed Capital One Bank site does not fully meet the intent of the CPDD code or vision for the district. He stated some of the components of the major warrant requests are vested conditions that result from the Village at Fairview developing under the previous zoning standards. Mr. Schmidt reviewed the existing entitlements for the property.

Mr. Schmidt reviewed the development plan, landscape plan, façade plan, floor plan and sign plan. Mr. Schmidt reviewed the six (6) major warrants including permitting a drive-in facility, failure to maintain continuous building frontage, failure to conform to build-to-zone requirements, failure to meet façade rhythm and tripartite architecture requirements, failure to meet transparency requirements and exceeding the parking requirement.

Mr. Schmidt stated town staff recommends approval of the major warrant request for land use, specifically to accommodate a drive-through facility. He stated town staff recommends approval of the major warrant request for site configuration, specifically to permit the applicant to not provide for continuous building frontage at the commercial frontage area. Mr. Schmidt stated the major warrant request for building type standards does not fully meet the intent of the code due to the developer driven surface parking. Mr. Schmidt stated the major warrant requests for architectural standards are due to a corporate prototype, and the majority of the architectural standards are difficult to apply to a single story building type. Mr. Schmidt stated the major warrant request for parking standards is to provide for four (4) times the parking that is required by code. He stated proposed parking is being driven by the land owner.

Mr. Schmidt stated town staff notified four (4) adjacent property owners in accordance with town and state law. Town staff has not receive any feedback.

Chairman Northcutt opened the public hearing.

Karl Uherek, on behalf of Levinson Alcoser Associates, stated this Capital One prototype has not been built, and Capital One has requested to not deviate from the prototype. He stated there may be more opportunities for improvement, while keeping the spirit of the prototype. He stated additional glass windows may be added to better meet the transparency requirement.

David Stautz, on behalf of MG Herring Group, stated they are happy to have Capital One Bank on the property. He stated previous agreements with Whole Foods dictate the need for additional parking.

*Vice Chairman Friend left the room at 10:05 p.m. and returned at 10:08 p.m.
Commissioner VanNatta left the room at 10:09 p.m. and returned at 10:11 p.m.*

No further comments were made. Chairman Northcutt closed the public hearing.

The commission had a discussion regarding landscaping and pedestrian access. The commission had a discussion with Mr. Stouts regarding sharing parking with existing adjacent developments and expanding landscaping.

Donna Johnson, on behalf of Capital One Bank, addressed the parking requirements driven by MG Herring Group.

Mr. Uherek provided the commission with revised building elevations. The commission had a discussion regarding the revised building elevations.

Commissioner Doi made a motion to approve the major warrants requests conditioned upon limiting parking to the minimum requirement as dictated by the Whole Foods agreement, increased pedestrian connectivity, improved architectural components as discussed and enhanced landscaping. Commissioner Flood seconded the motion, and the motion was unanimously approved.

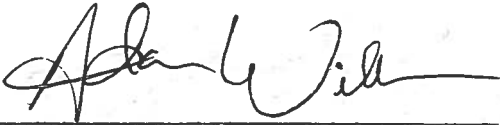
- 7. Consider, discuss and take any necessary action on a request by James Campbell to approve a Final Plat for Campbell/Knight Place, a proposed subdivision comprised of two residential lots. The 2.628 acre subject property is currently zoned One-Acre Ranch Estate (RE-1) and is generally located south of intersection of Blue Bonnet St. and Murray Rd. (FP2015-02).**

The commission discussed and took action on planning case FP2015-02 prior to the public hearings for planning cases R2015-03 and ZA2015-05. The commission voted unanimously to approve the final plat for Campbell/Knight Place.

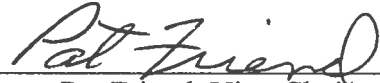
- 8. Adjourn.**

Chairman Northcutt adjourned the commission from the meeting at 10:45 p.m.

Respectfully submitted,



Adam Wilbourn
Assistant to the Town Manager



Pat Friend, Vice-Chairman
Planning and Zoning Commission

