

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, MAY 14, 2015**

The Planning and Zoning Commission met in regular session on Thursday, May 15, 2015 at 372 Town Place, Fairview, Texas. Commission members present were Vice Chairman Pat Friend, Heather Hager, Mike VanNatta and Ricardo Doi. Staff members present were Planning Manager, Ken Schmidt; Engineer-In-Training, Danielle Gregory and Interim Town Secretary, Sherry Jackson. Chairman Northcutt and Commissions Knight and Flood were absent.

Vice-Chairman Friend 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 April 9, 2015 Planning and Zoning Commission meetings.**

Commissioner VanNatta made a motion to approve the April 9, 2015 minutes. Commissioner Hager seconded the motion. The motion was unanimously approved.

- 2. 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).**

Mr. Schmidt stated this zoning application is requested 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. Mr. Schmidt further stated that the commission had elected to table this application at its April 9, 2015 meeting in order to allow the council to take action on another zoning case (ZA2015-03) that also impacted this property. The Town Council tabled Case #ZA2015-03 at its May 5, 2015 meeting and directed the applicant to reduce the density of the proposed plan and to provide a plan for common maintenance of the proposed flood control swale. Mr. Schmidt stated since the case is still pending, the applicant has not elected to withdraw this application, and as such, it is before the commission for action.

Mr. Schmidt gave a presentation regarding a request to rezone the subject property. He stated the proposed use is estate single-family dwellings that conform to the Residential Estate Country land use category. Per town application requirements, the applicant has submitted a zoning exhibit and landscape entryway plan that depicts what a proposed development of the subject property could look like if it were to develop in a manner consistent with the proposed zoning. He stated approval of this zoning request does not dictate that whatever the property owner

eventually brings forward conforms to this exhibit; it would simply require whatever is eventually brought forward to conform to the town's RE-2 zoning district and subdivision regulations.

Mr. Schmidt stated this request completely conforms to the Town's Comprehensive Plan, both current and past iterations of that document.

Mr. Schmidt stated 23 adjacent property owners (and Lovejoy ISD) were notified in accordance with town and state law. Town staff had thus far received three letters of opposition and one letter of support. Mr. Schmidt stated the commission has not identified any technical concerns associated with the proposed zoning district being applied to the property. Mr. Schmidt stated staff recommends approval of the zoning request made by M. Christopher Custom Homes for a 28.935± acres tract of land to (RE-2). Vice Chairman Friend opened the public hearing.

Kim Seaber, 1201 Farmstead and 1200 Camino Real, stated she brought a petition signed by nine families stating their opposition and provided it to Mr. Schmidt.

Pat Rees, 1161 Farmstead, stated his opposition for the commission to act on this zoning case until Town Council could look at and act on the thirty lot proposal.

Mike Weaver, 481 Home Place, stated his opposition due to traffic and road infrastructure.

Kersch Smith, 470 Country Club Road, stated his opposition to approving this request until the larger 72.959± acre property is approved.

No further comments were made. Vice Chairman Friend closed the public hearing.

Commissioner Doi made a motion to approve the request for a zoning change for a 28.935± acre tract of land currently zoned Agriculture (AG) to the Two-Acre Ranch Estate (RE-2) Zoning District. Commissioner VanNatta seconded the motion, and the motion was tied with a 2-2 vote. Mr. Schmidt stated that this outcome would reflect a neutral recommendation to the council unless the commission elected to make a motion and achieve a majority vote to recommend denial of the application. The Commission did not elect to make a motion to deny this application.

- 3. Conduct a public hearing, consider, and take any necessary action on a request by GM Construction TX for approval of a Conditional Use Permit in order to allow for the use of a temporary concrete batching plant to facilitate the installation of public infrastructure for the Parkside at Fairview Addition, a subdivision that is zoned Planned Center (PC) and is generally located south of Stacy Road and 1,300' west of Orr Road. (ZA2015-07).**

Commissioner Doi recused himself from the discussion and vote for a conditional use permit (ZA 2015-07). *Commissioner Doi left the room.*

Ms. Gregory gave a presentation regarding a request for a Conditional Use Permit in order to allow for the use of a temporary concrete batching plant to facilitate the installation of public infrastructure for the Parkside at Fairview Addition. Ms. Gregory stated there are four items to take into consideration with this application; 1) location, 2) air quality, 3) hours of operation and 4) traffic.

Ms. Gregory stated the location of the batch plant has been moved to a more central location that is now 700' east of the original location and is 1350' away from the closest Heritage Ranch home.

Ms. Gregory stated the actual portable plant is a self-contained machine that will be pulled by a semi-truck. Once on site, it is set up for operation and has built in dust control measures to meet Texas Commission on Environmental Quality (TCEQ) air quality requirements. TCEQ will be the permitting authority for this plant if approved use for this development is given.

Ms. Gregory stated the plant would be operable Monday through Saturday from 7:00 am until 7:00 pm. She stated it is estimated 7-10 days to actually pour the streets, weather permitted. Ms. Gregory stated if cement trucks are needed to bring in the cement, the hours would be dependent on the cement plants. She stated the overall schedule on site is between 2-3 weeks.

Ms. Gregory stated the potential of a large amount of trucks lining up on Stacy Road waiting to pour with Stacy only being a 2 lane road, and the North Texas Municipal Water District (NTMWD) sludge trucks running all day may create a traffic issue. She stated if the batch plant is not permitted, there would be potentially 250 trucks bringing approximately 2,500 cubic yards of concrete ready-mix materials. If the batch plant is approved, approximately 80-85 semi-trailer loads will truck in the rock, sand and the cement to be used at the batch plant, while the water would be added on-site. She stated with batch plant approval, the construction time will be greatly reduced.

Ms. Gregory stated staff recommends approval of a conditional use permit for a temporary concrete batching plant for the sole purpose of concrete work to be done on the Parkside at Fairview development for a period not to exceed three weeks from the first day of operation.

Vice Chairman Friend opened the public hearing.

The applicant, Mike Boswell of Toll Brothers, Inc., gave a presentation on the proposal to use a temporary concrete batching plant. He discussed the permits required to run a batch plant and the oversight given by TCEQ of the baghouse system, which is designed by Vince Hagan Company. Mr. Boswell stated that this is the most time efficient and cost effective fully mobile concrete batch plant available. They propose 2-3 days to set up the batch plant, 7-10 days of operation, and 2-3 days for tear down. He stated all concrete produced on site cannot be hauled to other sites; it will only be used on site.

Steven Hacker, 362 Rio Bravo Drive, stated his opposition regarding the odor and noise. He stated he wants it moved as far south and east as possible.

Anton Matli, 111 Weston Drive, stated his opposition as the location is different from the one originally proposed in the notice received. He suggests operations on Saturday should be restricted to 9am - 5pm and there be no operations if winds are higher than 15 mph.

Doug Mousel, 5400 Dallas North Parkway in Frisco, stated his support for the use of temporary batch plants.

Don Wilson, 332 Wrangler Drive, stated his opposition and suggests moving the location 1300 feet instead of 600 feet from Heritage Ranch due to odor.

Joe Southern, 247 Latham, stated his opposition due to traffic.

John Gill, 348 Rio Bravo, stated his opposition due to safety and health issues on Stacy Road.

Phillip Tolson, 418 Black Diamond Ct. stated his opposition and wants plant moved east, closer to Remington Park. He brought five letters of opposition from his neighborhood.

Vice Chairman Friend closed the public hearing.

Mr. Schmidt clarified communications with residents and stated he posted a generalized location in the notice; as depicted, location is now 1,300 feet east of Heritage Ranch. He stated a different location could be recommended.

Commissioners had a discussion regarding moving it further east. They discussed restricting batch plant hours on Saturday as suggested to 9am to 5pm.

Commissioner Hager made a motion to approve the conditional use permit for a temporary batch plant with a condition of restricting batch plant hours on Saturday as suggested to 9 am to 5 pm and noted the location as depicted on the most recently revised Site Plan. Commissioner VanNatta seconded the motion, and the motion was unanimously approved.

- 4. Consider, discuss and take any necessary action on a request by Chamberlain Place, LP for approval of a Preliminary Plat for Phases 1 and 2 of the Chamberlain Place Addition, a proposed residential neighborhood comprised of 58 single-family residential lots and 5 common area lots on a 76.2± acre tract of land comprised of a 55.5± acre segment of land situated in the Samuel Sloan Survey – Abstract No. 791, a 17.5± acre segment of Lot 1, Block A, Ward Addition, 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 zoned One-Acre Ranch Estate (RE-1). (PP2015-02).**

Commission Doi returned to the room.

Mr. Schmidt stated that unlike the other two items on the agenda, this item is not a public hearing. Mr. Schmidt gave a presentation regarding a preliminary plat for Chamberlain Place – Phases 1 and 2 in order to identify potential dedications of right-of-way and the provision of landscape buffers, common areas, trail easements, utility easements, and drainage easements for Phase 1 and 2 of the Chamberlain Place Addition. He stated the applicant submitted a preliminary plat, preliminary engineering plans and a landscape plan as part of his application for town review.

Mr. Schmidt stated access to the proposed neighborhood will be provided at two points along Stoddard Road. He stated the primary entryway to the first phase will be located at the intersection of Hart Road and Stoddard Road. He stated the primary entryway to the second phase will be located 300' south of the Stoddard Road/FM 1378 intersection. Mr. Schmidt stated a road connection between the phases will be accommodated internal to the site. He stated the applicant will only be making perimeter street improvements at neighborhood connections with Stoddard and Hart Roads.

Mr. Schmidt stated the applicant has provided for new water infrastructure and has provided for all necessary connections to adjacent properties. He stated the applicant will tie into 12" water mains at Stoddard and Hart Roads in order to extend water utilities into Chamberlain Place.

Mr. Schmidt stated the ordinances of the Town permit the town to require the dedication of parkland to support the development of parks within the interior or within a walkable distance to new residential neighborhoods. In circumstances where a park is not provided for in the town's Parks, Open Space, and Trails Plan, or the proposed land dedication is insufficient in size; the town may accept a cash dedication in lieu of land to allow the town to dedicate funds towards the improvement of existing or future park facilities that are nearby. Mr. Schmidt stated, in this case, the Parks Plan depicts a generalized location for a park straddling the northern section of this proposed development, DART ROW, and the Apple Property. For this reason, Mr. Schmidt stated staff recommends that the town requires cash-in-lieu of land dedication.

Mr. Schmidt explained the Trail Plan depicts a trail extending from Sloan Creek Estates across the creek, and then extending east towards Tranquility Farms while branching off to the north towards Hart Road along the common boundary of this property and Tranquility Farms. He stated the construction of trails within those easements would be very difficult due to their Sloan Creek adjacency and the configuration of existing homes within that neighborhood. Additionally, the residents of Tranquility Farms appear to be very opposed to the implementation of that trail. As such, Mr. Schmidt stated staff directed the applicant to deviate from the trail plan by providing an alternate configuration that would ultimately put the town's desired greenbelt trail to the south side of Sloan Creek.

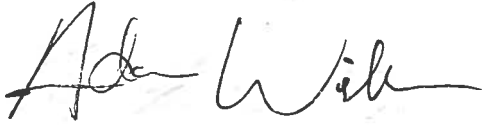
Commissioner Doi made a motion to approve the Preliminary Plat for Phases 1 and 2 of the Chamberlain Place Addition, accepting staff's recommended cash-in-lieu of parkland dedication

and deviation from the town's trail plan. Commissioner Hager seconded the motion and the motion was unanimously approved.

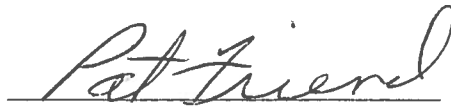
5. Adjourn.

Vice Chairman Friend adjourned the commission from the meeting at 9:04 p.m.

Respectfully submitted,



Adam Wilbourn
Assistant to the Town Manager



Pat Friend, Vice Chairman
Planning and Zoning Commission

