

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, JUNE 11, 2015**

The Planning and Zoning Commission met in regular session on Thursday, June 11, 2015 at 372 Town Place, Fairview, Texas. Commission members present were Chairman Brad Northcutt, Vice Chairman Pat Friend, Ricardo Doi and Debbie Flood. Staff members present were Planning Manager, Ken Schmidt; and Interim Town Secretary, Sherry Jackson. Commissioners Knight, Hager, and VanNatta were 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 May 14, 2015 Planning and Zoning Commission meetings.

Commissioner Doi made a motion to approve the May 14, 2015 minutes. Commissioner Flood seconded the motion. The motion was unanimously approved.

2. Conduct a public hearing, consider, and take any necessary action on a request by the Town of Fairview to zone a 16.484± acres tract of land that is currently unzoned and is situated in the Samuel Sloan Survey – Abstract No. 791, and that is generally located north of Country Club Road and west of Rowley Mile. The requested zone is the Planned Center (PC) Zoning District, specifically, to provide for a residential neighborhood comprised of eleven single-family residential lots and one common area lot. (ZA2015-06).

Mr. Schmidt stated that Town Council, at its November 4, 2014 meeting, approved a pre-annexation development agreement with the owners of the 16.484± acre F. O. Birmingham Memorial Living Trust Tract in order to set the conditions for an ETJ boundary adjustment agreement with the City of McKinney. Mr. Schmidt advised this property is generally located north of Country Club Road and west of Rowley Mile. Mr. Schmidt stated that the property owner, in accordance with the established pre-annexation development agreement, has submitted a petition to the town to annex the subject property. He stated this process will culminate in the council taking action on an annexation ordinance at the July 7, 2015 Council meeting. Mr. Schmidt stated that the town needs to implement zoning for the subject project parallel to this process in order to allow a zoning classification to be applied to the property that is consistent with the parameters of the pre-annexation development agreement and preliminary plat.

Mr. Schmidt stated the town is requesting to zone this property to the Planned Center (PC) Zoning District, specifically to provide for a residential neighborhood comprised of eleven (11) single-family residential lots and one common area lot. The Planned Center zoning process is a two-step process: 1) Approval of a Preliminary Plan and development standards that serve to rezone the subject property, and provide a framework for future submittals (requires public

hearings) and 2) Approval of a Development Plan; a more detailed site plan where preliminary engineering is completed. Mr. Schmidt stated the applicant may opt to skip step #1 and proceed directly to the step #2, which is what has occurred. Mr. Schmidt stated following Development Plan approval, the applicant may proceed with Final Plat and Construction Plan review. Mr. Schmidt stated that implementing a PC District for this property will result in all components of the site fully conforming to Town Code.

Mr. Schmidt presented the proposed development plan, showing street cross-sections, preliminary utilities, preliminary grading and drainage, as well as landscaping and screening plans.

Mr. Schmidt stated that staff notified thirty-three (33) adjacent property owners within 500' of the subject property and Lovejoy ISD in accordance with town and state requirements, and staff has received two (2) statements of support and no statements of opposition. Mr. Schmidt stated that town staff recommends approval of a request by the Town of Fairview to zone the 16.484± acre F. O. Birmingham Memorial Living Trust Tract to the Planned Center (PC) Zoning District, specifically to provide for a residential neighborhood comprised of eleven (11) single-family residential lots and one (1) common area.

Chairman Northcutt opened the public hearing.

Developer Steve DiNapoli, of Plano, TX, made a presentation and addressed general questions.

Chairman Northcutt closed the public hearing. The Commission discussed issues related to this proposed Development Plan and communicated concerns about the use of knockout rose plantings in the entryway feature. The commission requested that the applicant replace some of those plantings with plantings that are more disease resistant.

Vice Chairman Friend made a motion to approve the request by the Town of Fairview to zone a 16.484± acres tract of land that is currently unzoned to the PC Zoning District, with the condition that the applicant replaces some of the proposed knockout rose plantings with plantings that are more disease resistant. Commissioner Flood seconded the motion. The motion was unanimously approved.

- 3. Conduct a public hearing, consider, and take any necessary action on a request by Mr. Kelly Parker, 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 Three-Acre Ranch Estate (RE-3) and Open Space and Flood Hazard (FH), and is generally located at the eastern limit of Meandro Ria Lane. (ZA2015-08).**

Chairman Northcutt recused himself from the discussion and vote for a condition use permit (ZA2015-08). *Chairman Northcutt left the room.*

Mr. Schmidt stated the subject property is generally located at the eastern limit of Meandro Ria Lane and is immediately adjacent to the northern and western boundaries of the Heritage Ranch Golf Course. He stated the applicant for the Conditional Use Permit (CUP) is the property owner Mr. Kelly Parker. The purpose of this application is to allow for the construction of a 3,600 SF accessory building on the subject property. He stated the building is for the purpose of storing recreational and maintenance equipment.

Mr. Schmidt stated that the applicant's property is 10.0 acres in size, with an additional 11 acres adjacent to the site. Mr. Schmidt stated that the property is zoned Three-Acre Ranch Estate (RE-3) and Open Space and Flood Hazard (FH), and the Accessory Building Ordinance permits accessory buildings to occupy a combined building footprint of up to 2,100 SF in the RE-3 zone. He stated that no part of the proposed structure will be located in the 100-year floodplain or portions of the subject property that are zoned FH. Mr. Schmidt stated that the applicant required a CUP in order to exceed the maximum accessory building footprint area by 1,500 SF. He stated that the proposed structure is a two story structure with a 60' x 60' footprint; the 2nd story is attic space for storage. Mr. Schmidt stated that the proposed structure conforms to all other accessory building requirements.

Mr. Schmidt stated that staff notified six (6) adjacent property owners within 500' of the subject property and Lovejoy ISD in accordance with town and state law, and received two (2) letters of opposition and no letters of support. Mr. Schmidt stated that staff recommends approval of a CUP application for the construction of an accessory building at 1481 Meandro Ria Lane with the following conditions: 1) Building use, location and design is consistent with the submitted letter of intent, site and façade plans, and the proposed building materials (cedar plank and stone trim) are consistent for all facades of the building, and 2) Applicant equips the structure with a Town of Fairview Fire-Rescue Department approved fire sprinkler system.

Vice-Chairman Friend opened the public hearing.

Mr. Kelly Parker, 1481 Meandro Ria Lane, applicant and owner stated his intent for the proposed accessory building. He further stated that the location chosen for the proposed building secludes it on the thickly wooded property from being seen by anyone.

Mr. Harold Icke, 918 Shoal Creek Drive, stated his opposition is to the precedent being set by the approving accessory building of this size.

Mr. Albert Ku, 916 Shoal Creek Drive, stated his opposition to this building's proximity to the Heritage Ranch Golf Course, its potential impact on property values, and the precedent being set by approving buildings of this size.

Vice-Chairman Friend closed the public hearing and opened discussion to commission members. Commissioner Doi made a motion to approve the request, with conditions stipulated by staff, of a Conditional Use Permit (CUP) for the construction of a 3,600 SF accessory building. Commissioner Floor seconded the motion. The motion carried with two (2) in support and one (1) in opposition of the motion.

4. **Conduct a public hearing, consider, and take any necessary action on a request by Mrs. Cathy Knapp, 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 1210 Stacy Rd, being Lot 1 of the Fairview Farms #1 Addition to the Town of Fairview. (ZA2015-09).**

Chairman Northcutt returned to the room.

Mr. Schmidt stated the subject property, 1210 Stacy Road, being Lot 1 of the Fairview Farms #1 Addition, is generally located south of Stacy Road, immediately to the east of Fire Station #2. He stated the applicant for this Conditional Use Permit Application is the property owners, Sammy and Kathy Knapp and the purpose of this Conditional Use Permit application is to allow for the construction of a 3,000 SF accessory building on the subject property.

Mr. Schmidt stated that the 2.383 acre subject property is zoned Two-Acre Ranch Estate (RE-2), and within the RE-2 district, property owners are permitted by right to have up to two accessory buildings with a combined building footprint that may not exceed 1,800 SF. He stated that the applicant is proposing to construct a 3,000 SF wood framed barn in order to serve as a pool house, family gathering area, and storage space. Mr. Schmidt stated that the proposed barn is comprised of an enclosed structure with a 50' x 50' footprint, with a 50' x 10' attached covered porch and the structure accommodates a largely open first floor plan, with enclosed spaces for a game room and storage. He stated that there is a small second story loft space for storage. He stated that the applicant does have one existing 192 SF detached structure on the property, and as a result, the applicant is requesting to exceed the maximum accessory building footprint by 1,392 SF. Mr. Schmidt stated that the proposed structure conforms to all other town requirements for accessory buildings.

Mr. Schmidt stated that the town has notified 20 adjacent property owners within 500 feet of the subject property and Lovejoy ISD in accordance with town and state requirements, and has not received any statements of support or opposition. Mr. Schmidt stated that under normal circumstances, staff would not recommend approval of a building of this size, but given the "Keeping It Country" aesthetic of the proposed barn, its spatial relationship to the primary structure and the dense existing vegetation at the western and southern property boundaries, staff is comfortable with this request. He stated staff recommends approval of a Conditional Use Permit application for the construction of an accessory building on Lot 1, Fairview Farms #1, with the following conditions: 1) Building use, location and design is consistent with the submitted letter of intent, site, and façade, and floor and building character plans and 2) the applicant accommodates additional landscaping for privacy on the east side of the property (between the pool area/barn, and the property boundary).

Chairman Northcutt closed the public hearing and opened discussion to commission members. Commission members discussed the intent of the town's accessory building regulations and addressed concerns about landscape screening on the south side the building. The commission

requested that the applicant plant two additional shade trees on the south side of the building. Commissioner Doi made a motion to approve the request - with conditions stipulated by staff and the condition that two additional shade trees are planted on the south side of the new building - of a Conditional Use Permit (CUP) for the construction of a 3,000 SF accessory building. Commissioner Flood seconded the motion. The motion carried with three (3) in support and one (1) in opposition of the motion.

5. Adjourn.

Chairman Northcutt adjourned the commission from the meeting at 8:04 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Ken Schmidt', written over a horizontal line.

Ken Schmidt
Planning Manager

A handwritten signature in blue ink, appearing to read 'Brad Northcutt', written over a horizontal line.

Brad Northcutt, Chairman
Planning and Zoning Commission