

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, MAY 12, 2016**

The Planning and Zoning Commission met in regular session on Thursday, May 12, 2016 at 372 Town Place, Fairview, Texas. Commissioners present were Vice Chairman Pat Friend, Scott Almy, John Cox, Debbie Flood and Ricardo Doi. Commissioners Brad Northcutt and Heather Hager have resigned from the Commission. Staff members present were Town Manager, Julie Couch; Planning Manager, Israel Roberts; Town Engineer, James Chancellor; Chief Financial Officer, Jason Weeks and Town Secretary, Elizabeth Cappon.

1. Call to order.

Vice Chairman Friend called the meeting to order at 7:00 p.m. and declared a quorum was present.

2. Consider and take action regarding the minutes of the April 14, 2016, Planning and Zoning Commission meeting.

Councilmember Doi made a motion to approve the amended April 14, 2016 minutes. Commissioner Cox seconded the motion and the motion was unanimously approved.

3. Conduct a public hearing, consider and take necessary action on a request for approval of a Conditional Use Permit (CUP) for a sports court. The 1.35-acre site is located at 870 Quail Rise and is zoned for the (RE-1) One-acre Ranch Estate District. Owner/applicant: Kevin Joyner. (CUP2016-05).

Mr. Roberts gave a presentation on a request for approval of a Conditional Use Permit (CUP) for an 8400 square-foot sports court. The 1.35-acre site is located at 870 Quail Rise and is zoned for the (RE-1) One-acre Ranch Estate District.

Mr. Roberts stated the Town received two notifications of opposition and two notifications of support, although both letters of support came from the same address.

Mr. Roberts stated that the sports court would only be partially screened and that it almost doubles the amount of impervious surface coverage on the property in an area with a lot of storm water runoff. Mr. Roberts stated that due to these drainage issues, staff is currently recommending denial of the CUP request.

Mr. Roberts stated the applicant, Kevin Joyner, was present and wished to speak to the Commission.

Vice Chairman Friend opened the public hearing.

Kevin Joyner, 870 Quail Rise, stated that he would like to request a continuance from the Commission so that his engineer can work with staff regarding the drainage issues as well as to work with his neighbors regarding their issues with the project.

Ms. Couch stated the Commission should hear from any other audience members before taking any action.

Richard Connelly, 980 Fox Dale, stated that he is the adjacent property to the north. Mr. Connelly added that he was not currently representing the Oakwood Estates HOA, of which he is the President. Mr. Connelly stated that the HOA has no position on this item at that time.

Mr. Connelly stated there are additional details regarding his opposition in his written statement replying to the boundary notification. Mr. Connelly stated that the size of the sports court is six times larger than any previously approved sports court in the Town, larger than his home and would suggest team sports rather than personal recreation. Mr. Connelly stated that he was downhill from the proposed sports court and his area already experiences flooding issues. Mr. Connelly described the flooding issues in his neighborhood for the Commission.

Vice Chairman Friend closed the public hearing.

Commissioner Doi and Mr. Chancellor discussed the flooding issues in the area and the effect of the possible increase in impervious surface coverage.

Commissioner Doi expressed concern about the amount of impervious surface coverage and stated that he felt if the Commission was not comfortable with the size of the sports court, it would be best to let the applicant know now so he can make any adjustments.

Commissioner Cox stated that as he understood it, property owners are allowed to cover up to 35 percent of the property with structures and this would only be 28.7 percent, so it should be within their property rights to construct it, assuming they do not infringe on their neighbors' property rights by furthering the drainage issue.

Commissioner Flood agreed that she did not think they could turn it down based on the size but she also felt they could not allow the drainage problems to increase.

Mr. Joyner stated that he initially thought it would be easiest to ask for the biggest amount allowed and if needed, he could downsize his plans once he got further along in the process. He stated that he was willing to adjust the sports court size to aid his neighbors and to do what is needed for the area drainage.

Vice Chairman Friend reopened the public hearing.

Commissioner Doi made a motion to continue the public hearing until the June 9, 2016 Planning and Zoning Commission meeting on a request for approval of a Conditional Use Permit (CUP) for a sports court. The 1.35-acre site is located at 870 Quail Rise and is zoned for the (RE-1)

One-acre Ranch Estate District. Owner/applicant: Kevin Joyner. (CUP2016-05). Commissioner Almy seconded the motion and the motion was unanimously approved.

4. **Conduct a public hearing, consider and take necessary action on a request for approval of a Conditional Use Permit (CUP) for an accessory structure (RV cover). The 0.53-acre site is located at 581 Bluebird Lane and is zoned for the (RE-1) One-acre Ranch Estate District. Owner/applicant: Sean Bishop (CUP2016-06).**

Mr. Roberts gave a presentation on a request for approval of a Conditional Use Permit (CUP) for an accessory structure (RV cover) at 581 Bluebird Lane. Mr. Roberts stated the accessory structure would be a separate RV canopy that is designed to match the permitted arbor under construction on the front of the home.

Mr. Roberts stated that of the 29 adjacent property owners notified within the 500-foot boundary, the Town received one letter of support and two letters of opposition.

Mr. Roberts stated that Staff recommends approval with the conditions of additional landscaping and staying in accordance with the design submitted.

Vice Chairman Friend opened the public hearing.

Sean Bishop, 581 Bluebird Lane, stated his support for the CUP. He added that the design ties with the existing structures' style. Mr. Bishop stated the structure is intended to protect their RV from weather.

Vice Chairman Friend closed the public hearing.

Commissioner Cox asked about the other structures referenced in the letter of opposition. Vice Chair Friend stated that one letter has no comment and the other stated that the homeowners already have a lot of storage. Vice Chairman Friend asked the applicant what other storage the property owners have. Mr. Bishop stated that he has both a shed and a gazebo but both are pervious surface coverage as neither is on a concrete slab. Commissioner Doi added that there was additionally a pergola under construction, making four accessory structures on the property totaling 1677 square feet.

Commissioner Doi and Mr. Roberts discussed the building height and landscaping of the existing and planned structures. The Commission had a discussion regarding setbacks and other measurements regarding the RV canopy.

Commissioner Cox asked if the accessory had to be a certain distance from the primary structure. Mr. Roberts stated the setback is from either the adjacent property line or the primary structure.

Commissioner Flood asked Ms. Couch about the zoning of the area. Ms. Couch stated that the area has been zoned RE-1 for many years even though most of the lots are larger and not

conforming to the RE-1 code. Commissioner Flood stated that she thinks the RV cover will look nicer than just having the RV sitting in the open, as it will match the existing structures.

Commissioner Almy asked for clarification regarding the setback requirements. Mr. Roberts stated that it is 30-feet for an accessory structure and 25-feet for the primary structure. Ms. Couch added that the existing structures do not meet the side setback either. Mr. Roberts stated that the existing garage is currently at a six-foot setback.

Commissioner Cox stated that he felt the garage is a preexisting condition but the Town has setbacks for a reason and should not go further beyond that.

Vice Chairman Friend stated that the applicant is asking for multiple variances by having a fourth accessory structure with the side setback issue and over the maximum square footage.

Commissioner Cox stated he did not think they should allow the eave to protrude past the existing garage. He added that he felt the Commission should not get in the habit of recommending very specific types of landscaping.

Commissioner Doi stated that he was not opposed to the square footage but had an issue with allowing four accessory structures and increasing the existing setback issue.

Mr. Roberts stated for clarification that the pergola is considered an addition to the home rather than an accessory structure and that the four accessory structures would be the gazebo deck, shed, garage and the proposed RV cover.

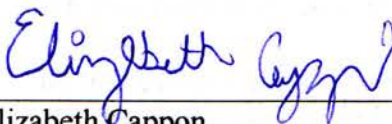
Mr. Bishop stated that he would be willing to make the RV cover narrower in order to make the eave match the existing garage setback.

Commissioner Doi made a motion to approve a request for a Conditional Use Permit (CUP) for an accessory structure (RV cover). The 0.53-acre site is located at 581 Bluebird Lane and is zoned for the (RE-1) One-acre Ranch Estate District. Owner/applicant: Sean Bishop (CUP2016-06) with the staff recommended conditions as well as the condition that any projections from the new structure match the existing accessory structure setbacks. Commissioner Flood seconded the motion and the motion was unanimously approved.

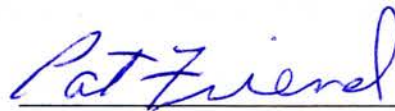
5. Adjourn.

Vice Chairman Friend adjourned the commission from the meeting at 7:38 p.m.

Respectfully submitted,



Elizabeth Cappon
Town Secretary



Pat Friend, Vice Chairman
Planning and Zoning Commission