

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, FEBRUARY 9, 2017**

The Planning and Zoning Commission met in regular session on Thursday, February 9, 2017 at 372 Town Place, Fairview, Texas. Commissioners present were Chairman Sim Israeloff and Commissioners John Cox, Ricardo Doi and Scott Almy. Vice Chairman Pat Friend as well as Commissioners Gregg Custer and Glenn Carlin were absent. Staff present was Planning Manager, Israel Roberts; Town Engineer, James Chancellor; Chief Financial Officer, Jason Weeks and Town Secretary, Liz Cappon.

1. Call to order.

Chairman Israeloff 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 December 8, 2016, Planning and Zoning Commission meeting.

Commissioner Almy made a motion to approve the amended December 8, 2016 minutes. Commissioner Cox seconded the motion and the motion was unanimously approved.

3. Consider and take necessary action on a request for approval of a preliminary plat for the Kingdom Estates Addition. The 27.9-acre tract of land is located south of Hart Road, between the Oakwood Estates Addition and the Stone Creek Estates Addition and is zoned for the (RE-2) two-acre Ranch Estate District. Applicant: Brandon Bush; Custom Homes on Texas. (PP2017-01).

Mr. Roberts gave a presentation on a preliminary plat for the Kingdom Estates Addition for 12 residential lots and one common area lot zoned RE-2 on 27.9-acres between Oakwood Estates and Stone Creek Estates.

Mr. Roberts stated that the main point of access to Kingdom Estates would be via extending Elm Creek Drive from Stone Creek Estates. Mr. Roberts added there would be an emergency access connection from Country Trail Drive in Oakwood Estates but it would be gated.

Mr. Roberts stated that of the correspondence received, the Town had received 20 letters of opposition and three letters of support.

Mr. Roberts stated that Staff recommends approval with the condition of adding a bollard in the middle of the pedestrian access to prevent motorized vehicles from using the sidewalk.

Chairman Israeloff stated that while a preliminary plat does not have a public hearing he would allow public comment.

Tim Jackson, 650 Maple Creek Drive, stated he was representing the Stone Creek Estates HOA. Mr. Jackson described the HOA's two major concerns, drainage and traffic. Mr. Jackson described the narrow entryway to the neighborhood as well as a blind curve that exits the neighborhood and the lack of speed limit signs for pedestrian traffic. Mr. Jackson stated that three homes in Stone Creek Estates abut Sloan Creek and they are concerned about any possible flood plain reclamation. Mr. Jackson requested that the Commission deny the applicant's request until these concerns are met.

Steven Dimitt, 2323 Ross Avenue in Dallas, stated he was also representing Stone Creek Estates.

Mr. Dimitt described some issues he found with the plat meeting the Town's code and fire code. Mr. Dimitt described concerns about street lighting and landscaping that are not described in the plat.

Richard Connelly, 980 Fox Dale, stated he was the Oakwood Estates HOA President. Mr. Connelly stated that due to the HOA's meeting with the developer on the previous night, some of their concerns have been alleviated but they still had some concerns. Mr. Connelly stated that Oakwood Estates would like the emergency access gate to ensure there is not an increase in traffic. Mr. Connelly stated they would like to see the added bollard post on the sidewalk. Mr. Connelly stated that they would prefer "grasscrete" to concrete for the emergency access road. Mr. Connelly stated that the trail be a natural material rather than concrete. Mr. Connelly added that they are also concerned about drainage as it drains towards Oakwood Estates. Mr. Connelly stated they wanted to ensure the drainage ditch is maintained by either the Town or the new HOA.

Mr. Roberts stated that as this is a preliminary plat it is just a point of reference for lot layout and the design of the subdivision. Mr. Roberts stated that items such as drainage, landscape plans and common area plans with streetlights would be next steps before the final plat. Mr. Roberts added that he spoke with Fire Chief Jeff Bell and he prefers concrete to grasscrete for this length distance. Mr. Roberts added the Town's lighting ordinance requires shielding and down lighting of streetlights.

Mr. Chancellor stated that in Fairview, the default neighborhood speed limit is 25 mph and the Town installs neighborhood speed limit signs per request and he could add some to Stone Creek Estates.

The applicant, Brandon Bush, 834 Newbury Lane, stated he had no preference on concrete versus grasscrete. Mr. Bush stated that landscaping and lighting would be added to the plans next.

Commissioner Cox asked if they planned to recover flood plain. Mr. Bush stated they had no plans to recover 100-year floodplain but on lot 3 they may recover some area near it, but there is enough room out of the floodplain for a home and septic system; Mr. Bush stated that proof of that had been provided to Mr. Roberts.

Mr. Roberts stated Staff previously had concerns about lot 3 but found there was enough space for a home and a septic system.

Chairman Israeloff asked Mr. Roberts if any of the information presented changed his recommendation. Mr. Roberts stated his recommendation had not changed.

Commissioner Doi asked whether streetlight and landscaping plans are required at the preliminary plat level by the Town's ordinances. Mr. Roberts stated that the ordinance does list it under the preliminary "plan" but that has not been what the Town has traditionally done by practice. Mr. Roberts stated that normally a common area landscape plan with lighting is included with a final plat because a preliminary plat is traditionally just for layout purposes and layout changes would affect the landscape plan.

Commissioner Doi stated that while he has no problem reviewing such items at the final plat stage, he is not sure what to do if the ordinance requires it when this has not been the Town's practice.

Commissioner Doi stated that while he prefers the look of grasscrete, he recalled Chief Bell stating that grasscrete was no longer acceptable and he would defer to him.

Commissioner Doi stated his agreement that a bollard should be used to block motorized vehicles. Commissioner Doi asked the applicant if he opposed a natural material for the trail. Mr. Bush stated he had no opposition to that. Commissioner Doi stated he would then like that to be a condition.

Commissioner Doi asked about the lot 2 note regarding floodplain reclamation. Mr. Chancellor stated that as floodplain administrator he is allowed by FEMA to permit reclamation. Mr. Chancellor stated he only permits nonconductive flow, such as where there is backwater on the southeast side of the subdivision but he would not allow it on the southwest side where it is conductive. Mr. Chancellor stated any reclamation on the southeast side would have no effect to the area.

Commissioner Doi asked Mr. Chancellor about the intersection issues and the possibility of additional signage or a turn lane. Mr. Chancellor stated that as there were only a few homes, it would have little impact on traffic. Mr. Chancellor discussed options for the inadequate site distance on the TxDOT road. Mr. Chancellor suggested the developer pay for any damage from construction traffic at the narrow entrance. Mr. Chancellor suggested construction entrance signs and T-intersection warning signs. Mr. Chancellor suggested the developer use the road to preserve the natural drainage.

Mr. Roberts and Commissioner Cox discussed the trail as it relates to the Parks and Recreation Advisory Board's master plan.

Commissioner Almy stated that he felt the Commission is ministerial to compliance of the ordinances and they could easily assuage the concerns of the residents.

Commissioner Almy stated that while he cannot speak for the rest of the Commission he felt it would be disappointing to see this item brought to the Commission again without the resident concerns addressed.

Mr. Roberts stated the Commission has an advisory role to Council and that it has been practice that the preliminary plat is for lot layout only and the final plat includes the civils and landscaping.

Chairman Israeloff stated his preference for grasscrete rather than concrete on the portion that is not trail. Commissioner Doi stated his agreement but asked if it is possible to compromise with the Fire Chief. Mr. Chancellor stated he felt Chief Bell had concerns about seeing at night where to drive on grasscrete during a worst-case scenario. The Commission had an extended discussion regarding the emergency access and concrete versus grasscrete.

Commissioner Doi made a motion to approve a preliminary plat for the Kingdom Estates Addition with the conditions that there is an addition of a bollard in the pedestrian opening, the emergency access utilizes grasscrete, the Commission review the streetlight and landscape plan as required by ordinance and that the trail be constructed of a material other than concrete. Chairman Israeloff seconded the motion.

Mr. Roberts stated that in order for the Commission to review the streetlight and landscape plans before the item goes to the Council, the Commission would have to table the item until their March meeting or hold a special Planning and Zoning meeting before the next Council meeting.

Commissioner Cox stated his opposition to requiring applicants to provide detailed landscape plans before the lot layout is approved. Chairman Israeloff stated he agreed.

Commissioner Doi amended his motion to approve the preliminary plat for the Kingdom Estates Addition with the conditions that there is an addition of a bollard in the pedestrian opening, the emergency access utilizes grasscrete, the Commission waives the requirement to review the street light and landscape plan on the preliminary plat. Chairman Israeloff seconded the motion. The motion failed with a vote of 2 to 2 with Commissioners Almy and Cox opposed.

Commissioner Cox made a motion to approve the preliminary plat with the conditions that there is an addition of a bollard in the pedestrian opening and the Commission waives the requirement to review the street light and landscape plan on the preliminary plat. The motion failed to get a second.

Commissioner Almy made a motion to continue the preliminary plat for the Kingdom Estates Addition at the March 9, 2017 meeting of the Planning and Zoning Commission. The motion failed to get a second.

Chairman Israeloff stated that as there was not a majority supporting grasscrete, he was willing to change his vote on that condition.

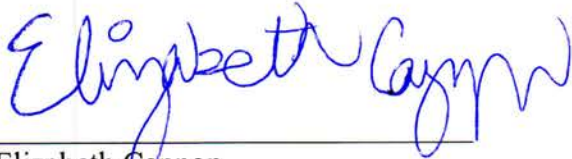
Commissioner Doi made a motion to approve a preliminary plat for the Kingdom Estates Addition with the conditions that there is an addition of a bollard in the pedestrian opening and that the Commission waives the requirement to review the street light and landscape plan on the preliminary plat. Commissioner Cox seconded the motion. The motion was approved with a vote of 3 to 1; Commissioner Doi opposed his motion.

Commissioner Cox suggested that Staff suggest revisions to the ordinance to eliminate future confusion. Mr. Roberts stated that with the recent approval of the Council, Staff just published a request for qualifications in the newspaper for a rewrite of the Town's subdivision codes in order to resolve discrepancies.

4. Adjourn.

Chairman Israeloff adjourned the commission from the meeting at 8:08 p.m.

Respectfully submitted,



Elizabeth Cappon
Town Secretary


Sim Israeloff, Chairman
Planning and Zoning Commission