

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, JULY 14, 2022**

The Planning and Zoning Commission met in regular session on Thursday, July 14, 2022, at 7:00 p.m. at 372 Town Place, Fairview, Texas. Those present were Chairman Eugene Borsattino; Vice-Chairman, Paul Hendricks; Commissioners Jon Cocks, Justin Kennedy, John Adler, Lakia Works and Dennis Swingle. Staff members present were Planning Manager, Israel Roberts; Town Secretary, Tenitrus Bethel; and Assistant Town Attorney, David Overcash.

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

CITIZENS COMMENT

No one came forward to speak.

APPROVAL OF MINUTES: Consider, discuss and take necessary action on approval of the June 9, 2022 Regular meeting minutes.

Commissioner Swingle noted an amendment.

Commissioner Swingle made a motion to approve the June 9, 2022, Regular meeting minutes with the noted amendment. Commissioner Adler seconded and the motion unanimously.

PUBLIC HEARING – NATURE SCHOOL: Continue a public hearing, consider and make a recommendation on a request for approval of a Conditional Use Permit (CUP) to accommodate an expansion to the Nature School of Fairview. The 3.5-acre site is located at 735 Country Club Drive and is zoned for a (PC) Planned Center District. Applicant: Adam Panter of myInceptive, LLC representing Marron Investment Group, LLC.

Mr. Roberts stated the traffic impact analysis is currently being reviewed by TxDOT and the applicant is awaiting a decision from TxDOT.

Commissioner Cocks made a motion to continue the public hearing to a date certain of August 11, 2022, at 7:00 p.m. Commissioner Adler seconded and the motion passed unanimously.

PUBLIC HEARINGS – TEXT AMENDMENTS & MW FOR SMOKING

ESTABLISHMENT: Chairman Borsattino introduced agenda items 4b, hold a public hearing, consider and make a recommendation on a request for a Major Warrant for a smoking establishment/cigar lounge. The site is located within the Fairview Town Center at 352 Town Place and is zoned for the (CPDD) Commercial Planned Development District with the Urban Village sub-district and agenda item 4c, hold a public hearing, consider and make a recommendation on a request for a Major Warrant for a smoking establishment/cigar lounge. The site is located within the Fairview Town Center at 352 Town Place and is zoned for the (CPDD) Commercial Planned Development District with the Urban Village sub-district.

Chairman Borsattino opened the public hearing for items 4b and 4c.

Mr. Roberts gave a staff report related to the text amendments.

The Commission and staff had an extended discussion related reporting and gross revenue sales percentages.

Martin Corwood, applicant, address the commission regarding the request.

The Commission, applicant and staff had an extended discussion related to this item.

Commissioner Cocks made a motion to approve the text amendment with a revision to the proposed definition from 20% of gross revenue to 33%.

Commissioner Cocks withdrew the motion.

The Commission, applicant and staff had an extended discussion related to gross revenue percentages, establishment use, and outdoor smoking.

Mr. Overcash discussed the current ordinance allowances and signage requirements for smoking establishments.

The Commission and staff had an extended discussion related to this topic.

Chairman Borsattino closed the public hearing.

Commissioner Cocks made a motion to approve the text amendment with a revision to the proposed definition from 20% of gross revenue to 33%. Commissioner Adler seconded and the motion passed unanimously.

Commissioner Adler made a motion to approve the major warrant for a smoking establishment/cigar lounge at the site located at 352 Town Place. Commissioner Works seconded and the motion passed unanimously.

PUBLIC HEARING – SPORT COURTS: Hold a public hearing, consider and make a recommendation on a Town initiated text amendment to Section 14.02.024 the Town of Fairview Zoning Ordinance regarding the regulation of sport courts.

Commissioner Borsattino opened the public hearing.

Mr. Roberts gave a staff report and reviewed the suggested revisions to the proposed ordinance and the current penalty clauses.

Commssioner Cocks inquired about the context a penalty would be made. Mr. Overcash discussed the penalty for a zoning violation in relation to land use.

The Commission and staff and an extended discussion related to this topic.

Commissioner Borsattino closed the public hearing.

Commissioner Adler made a motion to approve a text amendment to Section 14.02.024 the Town of Fairview Zoning Ordinance regarding the regulation of sport courts. Commissioner Kennedy seconded and the motion passed 6-1. Commissioner Borsattino objected.

Adjourn.

Chairman Borsattino adjourned the commission from the meeting at 8:07 p.m.

Respectfully submitted,


Tenitrus Bethel,
Town Secretary


Eugene Borsattino, Chairman
Planning and Zoning Commission

