

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, JULY 12, 2018**

The Planning and Zoning Commission met in regular session on Thursday, July 12, 2018 at 372 Town Place, Fairview, Texas. Commissioners present were Chairman Sim Israeloff as well as Commissioners Greg Custer, Scott Almy, Pat Friend and Glenn Carlin. Commissioners John Cox and Ricardo Doi were absent. Staff members present were Town Manager, Julie Couch; Planning Manager, Israel Roberts; Town Engineer, James Chancellor; Fire Chief, Jeff Bell; Executive Assistant, Tenitrus Bethel; and Assistant Town Attorney, David Overcash.

1. Call to order.

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

2. Consider and take action regarding the minutes of the June 14, 2018 meeting.

Commissioner Custer made a motion to approve the minutes. Commissioner Carlin seconded the motion and the motion was unanimously approved.

3. ACTION/DISCUSSION ITEMS

- a. Consider and take necessary action on a request for approval of a Preliminary Plat for a 16.3-acre, 13-lot, single-family subdivision. The site is located on the north side of Hart Road, approximately 670 feet west of the intersection of Hart Road and Country Club Road and is zoned for the (RE-1) One-Acre Ranch Estate District. Applicant: Stephen DiNapoli, representing Kevin and Cynthia Ritchie.
PP2018-01

Chairman Israeloff stated this is not a public hearing however the commission has received the letters and emails of concerns from citizens and these concerns will be addressed. He requested Town officials be present to address these questions and concerns.

Mr. Roberts gave a staff report on the request for approval of the preliminary plat. He stated the preliminary plat is a 13-lot, single family plan, on 16.3 acres with one common area lot. He stated 7 residential that direct the access a residential cul-de-sac, 1 lot that directly access Country Club Rd and 5 lots that have access onto Hart Rd. He indicated the preliminary plat dedicates the right-of-way for future expansion use for Hart Rd. He stated RE-1 District requires a 1-acre lot size however there are design guidelines for a cul-de-sac that allow for smaller lot frontage for those lots that have frontage onto the cul-de-sac. He also noted that the preliminary plat does not establish the subdivision itself that would come with a final plat should the application reach that stage. He stated at the June 28 Park Board meeting there was a discussion related to park land dedication. He indicated that per the subdivision ordinance the amount of land that would

typically be required for this number of lots would be just over one-third of an acre. He further stated the Park Board made the recommendation that in lieu of the park land dedication the applicant would pay the difference between the cash in lieu fee of \$38,900 and the cost to construct a 10- foot wide trail adjacent to Hart Rd. He noted the applicant provided a park & sidewalk trail plan within the right-of-way at Hart Rd and is voluntarily putting in a sidewalk to connect the end of the cul-de-sac with the trail along Hart Rd.

Mr. Chancellor addressed the drainage concerns stating at preliminary stages the first item he reviews is the drainage. He indicated his familiarity with the drainage in this area as a project was completed 8 – 9 years ago to dig out the north side ditch at Hart Rd to increase the capacity and reduce the likelihood that water would flow over Hart Rd due to a portion of water from Fairview Meadows came down to Hart. He indicated the only issue with the project was the lack of right-of-way and the ditch being close to the road. He stated with this development, if approved, would dedicate a right-a-way which would allow for the ditch to be moved further from the road. He stated there is a corner lot on the east where water flows through and the developer has planned to intercept the water and run it to Hart Rd. He stated if approved, at the final stage, he would review to determine if any further improvements on the ditch are necessary. He indicated there are two TxDOT pipes at the end of Hart Rd that would be evaluated to determine if they should be upsized. He stated all of this is done at the detailed civil stage and not at the preliminary level; at this stage the determination is being made if a storm water detention pond would be necessary and with this having such a low density there is no anticipation for such.

Mr. Chancellor addressed the traffic concerns stating with respect to Country Club site distance is evaluated to determine if the road is located at an acceptable distance. He stated the location of this development is between two curves and in terms of site distance it is in a good location to look northwest and southeast. He indicated with the lots not all using the same access road it splits the traffic and with no cut through traffic those are positives from a traffic standpoint.

Chairman Israeloff asked Mr. Chancellor if he had any concerns of where the cul-de-sac comes out to entrances of Circle In The Woods and Three Oaks. Mr. Chancellor stated he had no concerns. He stated when intersections that are on opposite sides of the road become an issue is when they are through streets and in this case the traffic patterns are not trying to cross the street they are merging onto Country Club to go east or west. He indicated TxDOT's spacing criteria is governed by the minimum distance from one driveway to another on the same side of the street based on speed limit and the requirement between drives is 420 feet for 55 mph and higher.

Chairman Israeloff inquired about the driveway between "Street A" and lot 6. Mr. Chancellor stated TxDOT will permit direct driveway access if the lot is land locked and has no other public access.

Chairman Israeloff inquired about the primary direction on Country Club. Mr. Chancellor stated that daily it goes both ways and it would be difficult to determine a dominant. He stated in the morning the dominant is north to Highway 5, in the evening the dominant would be southeast and during the day it would be less.

Chairman Israeloff inquired if there was a need for a deceleration lane coming into the development. Mr. Chancellor stated TxDOT has a formula by which they determine deceleration lanes based on the number of turning trips and this subdivision would not meet the TxDOT minimum requirements due to it being so small. He stated that a study to calculate the need could be requested.

Chairman Israeloff asked Mr. Chancellor if a utility plan was filed with the preliminary plat and, if so, what your evaluation of the plan was. Mr. Chancellor stated he had received and reviewed the utility plan and an object of concern is dead end water lines and developer has been asked to not end the waterline at the end of the cul-de-sac but to continue the water line to Hart Rd. He indicated there is an existing 12-inch line that would create a loop feed which is better for water quality as well as firefighting flows. He indicated this was his main area of concern and the developer did comply.

Commissioner Friend inquired if the developer would be responsible for improvements to Hart Rd. Mr. Chancellor stated in Texas cities are not allowed to ask developers to improve off site streets while collecting impact fees. He stated the Town collects impact fees from the development and once the funds have accumulated the funds are utilized to improve the roads but a developer cannot be required to improve a road simply because it is nearby. He indicated if the developer had a road that tied into Hart Rd the Town could require them to design a safe intersection where it interfaces with Hart Rd.

Chairman Israeloff inquired if the developer was giving right-of-ways. Mr. Chancellor stated the Town is receiving a right-of-way dedication which will help with improvements to Hart Rd.

Commissioner Almy inquired with the addition of 5 culverts provide any impeded water flow. Mr. Chancellor stated he would require the civils to size the culverts for the flow from either Fairview Meadows plus the flows from this development as well as the land that could be developed from the west of them. He stated the culverts being undersized will not be allowed.

Chairman Israeloff asked Chief Bell if he has seen the preliminary plat and to share his views from an access and life safety standpoint.

Chief Bell stated he has received and reviewed the preliminary plat and it meets the requirement for two points of access, one on Hart and the other on Country Club, and there were no safety concerns that he saw. He stated the one hydrant on the street is adequate as the hydrant requirement is requires a hydrant every 300 feet and this development is just a bit over 300 feet.

Chairman Israeloff inquired how fire safety could respond if a disabled vehicle were to block the entrance of the subdivision. Chief Bell stated the area of concern of having an additional way out is when the street is 600 feet or longer; with the length of this cul-de-sac fire vehicles carry enough hose to stretch from the corner to reach any of the lots.

Chairman Israeloff inquired if the Town requires for a cul-de-sac to have a split entry. Chief Bell stated at 600 feet is when multidirectional travel is evaluated and the split entrance would have to be 140 feet. He stated the width of the lanes on either side of the island, at 20 feet, is acceptable even if the ladder truck was to be utilized is 14 ½ feet spread.

Commissioner Friend inquired if the cul-de-sac had the appropriate turning radius. Chief Bell stated yes it is a requirement to have a 50-foot radius.

Commissioner Carlin asked Chief Bell if he had any issues with the proposed plat. Chief Bell stated based on the length of the cul-de-sac and the ability to access the lots on Country Club and Hart Rd he has no safety concerns.

Chairman Israeloff inquired about a tree removal plan. Mr. Chancellor stated at the is stage tree groupings are evaluated, via the tree ordinance, to determine if there are large groupings of trees that would influence the overall layout of the subdivision or in this case if there is a large grouping of trees that would influence the location of a road; in this case there is not one. He indicated the ordinance does allow for tree removal for the footprint of a house, road construction, septic, drainage and utilities.

Chairman Israel off inquired if Mr. Overcash has reviewed the correspondence specifically the two access point inquiries. Mr. Overcash stated he has not personally seen the correspondence but he was asked to address and examine the issue of the multi points of access with respect to the thoroughfares ordinance. He stated the Town attorney's office does not perceive any requirement in the thoroughfares ordinance that says there has to be an emergency access easement or similar modification to the plan to give it two points of access. He stated the attorney's office defers to the determination of the emergency services specialist, Chief Bell, as to the ability to service the lots with the access in the layout. He

stated based on Chief Bell's assessment that there is sufficient access to service all of the lots the thoroughfares ordinance and two points of access provision does not bar the approval of this plat.

Chairman Israeloff made a motion to approve a preliminary plat for a 16.3-acre, 13-lot, single family subdivision. Commissioner Custer second the motion and the motion was approved 4-1. Commissioner Almy was in opposition.

4. PUBLIC HEARINGS

- a. Conduct a public hearing, consider and take action on a request for approval of a Major Warrant for an amendment to the Master Sign Plan for the Fairview Town Center to allow for an alternate design for a previously approved sign tower. The site is located at the southwest corner of Town Place Drive and Prairie Road and is zoned for the (CPDD) Commercial Planned Development District with the Urban Village Sub-district (MW2018-02)

Mr. Roberts gave a staff report on the request for a major warrant amendment to the Master Sign Plan. He stated in December 2016 the applicant requested approval of a sign plan, for the rebranding of the now Fairview Town Center, which included internal sign towers. He stated this request is to amend the T7 sign for the proposed new tenant Elliott's Hardware. He indicated the new sign would be incorporated into the roof feature, it would be 3-4 feet smaller than the previous sign tower approved and will not incorporate multiple tenants. He stated this tower is the only to amend all others remain as they were previously approved.

Commissioner Friend inquired if the sign was 41 feet from the street and if there were any other signs in the town center this size. Mr. Roberts stated it was 41 feet from the street and all of the internal sign towers approved in 2016 were 45 feet tall and taller.

Chairman Israeloff opened the public hearing.

Gary Carter, 1000 Timber Ln, inquired about the lighting of the sign. Mr. Roberts stated the lighting has not been addressed since this is a concept plan but once the applicant applies for permits it must meet the dark skies ordinance and the commercial code.

Commissioner Carlin expressed his delight of the new tenant.

Commissioner Friend inquired if other interior signs are lighted. Mr. Roberts stated the signs are internally lit.

Chairman Israeloff closed the public hearing.

Commissioner Friend expressed his delight of the new tenant.

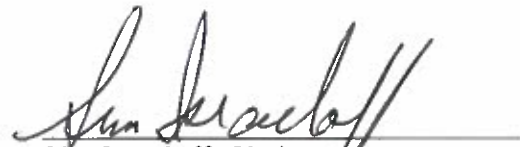
Commissioner Friend made a motion to approve a major warrant for an amendment to the Master Sign as submitted. Commissioner Almy seconded the motion and the motion was unanimously approved.

5. Adjourn.

Chairman Israeloff adjourned the commission from the meeting at 7:35 p.m.

Respectfully submitted,


Adam Wilbourn,
Alternate Town Secretary


Sim Israeloff, Chairman
Planning and Zoning Commission

