

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

The Planning and Zoning Commission met in regular session on Thursday, April 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 John Cox. Commissioners Ricardo Doi and Glenn Carlin was absent. Staff members present were Town Manager, Julie Couch; Planning Manager, Israel Roberts; Town Engineer, James Chancellor; and Executive Assistant, Tenitrus Bethel.

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 February 8, 2018 meeting.

Commissioner Almy made a motion to approve the minutes with noted correction.

Commissioner Cox seconded the motion and the motion was unanimously approved.

3. PUBLIC HEARINGS

- a. Conduct a public hearing, consider and take necessary action on Town initiated request to established zoning on properties within Town Limits that are annexed, but un-zoned. The subject properties are generally located at: a 1.058-acre parcel of land located in abstract A791, Samuel Sloan Survey, Sheet 1, Tract 17; a 0.811-acre parcel of land located in abstract A791, Samuel Sloan Survey, Sheet 2, Tract 100; a 4.69-acre parcel of land located in abstract A28, Calvin Boles Survey, Sheet 2, Tract 223; a 37.46-acre parcel of land located in abstract A28, Calvin Boles Survey, Sheet 2, Tract 133; a 1.0-acre parcel of land, located in abstract A28, Calvin Boles Survey, Sheet 2, Tract 134; and a 16.0-acre parcel of land located in abstract A28, Calvin Boles Survey, Sheet 1, Tract 8.

Mr. Roberts gave a staff report on the request to establish zoning. He stated he has received one letter of support for the 1.05 acre parcel rezoning and the commission gave direction to zone as One-Acre Ranch Estate District (RE-1), he received one letter of support from the Fox Glen HOA for the 0.811 acre rezoning and the commission gave direction to establish Planned Center District (PC) District RE-1 zoning, he received three letters of support and two letters of opposition for the 43-acre parcel rezoning and the commission gave direction to establish Two-Acre Ranch Estate District (RE-2) zoning and he received no correspondence for the 16 acre-parcel and the commission gave direction for an Agricultural District zoning.

Chairman Israeloff opened the public hearing.

Diana Mussett, 1761 Stacy Rd, expressed her opposition to the zoning of the 43-acre parcel to RE-2. She presented a letter to Mr. Roberts from the owner, Mrs. Campbell.

Clara Carlisle, 1719 Stacy Rd, expressed her opposition to the rezoning of the 43-acre parcel to RE-2 and proposed agricultural zoning.

Diane Hastings, 880 Beechwood Ln, expressed her concern and opposition to the 1.05 acre-parcel being zoned as RE-1.

Cynthia Brugee, 960 Patrician Ct, expressed her opposition to the rezoning of the 43-acre parcel to RE-2 and proposed agricultural zoning.

Diana Houston, 4000 Summit Ct, expressed her opposition to the rezoning of the 43-acre parcel to RE-2 and proposed agricultural zoning.

Corey Roberts, 3960 Summit Ct, expressed her opposition to the rezoning of the 43-acre parcel to RE-2 and proposed agricultural zoning.

Stephen Drye, 1725 Stacy Rd, expressed her opposition to the rezoning of the 43-acre parcel to RE-2 and proposed agricultural zoning.

Chairman Israloff closed the hearing.

Chairman Israloff inquired what were the other options.

Ms. Couch stated that zoning cannot be less restrictive than the application but can be more restrictive and agricultural zoning is more restrictive than RE-2.

Chairman Israloff solicited input from the Commission.

Commissioner Friend recommended the zoning proceedings continue to ensure the parcels are zoned.

Chairman Israloff requested for Mr. Roberts to read the letter from the land owner of the 43-acre parcel.

Mr. Roberts read the letter, *"I do not want my property zoned two acres. I would like this to go according to my will and will divide my property the way I wish."* signed Colleen Campbell.

Commissioner Cox stated his support of zoning it more restrictive and zone it as agricultural.

Commissioner Custer stated his support of agricultural .

Commission Almy stated his support of zoning it as agricultural.

Commissioner Cox made a motion to approve the zoning recommendations, with the exception of the Campbell property being zoned agricultural, as otherwise submitted by staff. Commissioner Custer seconded the motion and the motion was unanimously approved.

- b. Conduct a public hearing, consider and take action on a request for approval of a conditional use permit (CUP) for a sports court (tennis). The 1.18-acre site is located at 761 N. Creekwood Drive and is zoned for the (RE-1) One-Acre Ranch Estate District. Owner/Applicant: Tom and Nancy Lacey (Case #CUP2018-02).

Mr. Roberts gave a presentation on a public hearing. He stated staff is recommending approval with the noted provisions. He received one letter of support from an adjacent neighbor.

Chairman Israeloff opened the public hearing.

Nancy Lacey, 761 N. Creekwood, applicant, was present.

Chairman Israeloff closed the public hearing.

Commissioner Cox objected to the location of the court being adjacent to the property line.

Commissioner Custer made a motion to approve a conditional use permit (CUP) with the staff provisions for a sports court. Commissioner Friend seconded the motion and the motion passed 4-1. Commissioner Cox opposed.

- c. Conduct a public hearing, consider and take action on a request for approval of a conditional use permit (CUP) for a two-story, 1,600+/- square foot, accessory structure (detached garage). The 1.67-acre site is located at 1660 Dunaway Crossing and is zoned for the (RE-1) One-Acre Ranch Estate District. Applicant: Tim Gilbert, Pierce remodeling, representing Ryan Morefield. (Case #CUP2018-03).

Mr. Roberts gave a presentation on a public hearing request for approval of a conditional use. He received 1 letter of support. Staff recommends approval with noted provisions.

Chairman Israeloff opened the public hearing.

Chairman Israeloff closed the public hearing.

Chairman Israeloff asked Mr. Roberts for the square footage of the residential dwelling.

Ryan Morefield, 1660 Dunaway Crossing, applicant, was present.

Commissioner Friend thanked Mr. Morefield for attending.

Commissioner Friend made a motion to approve a conditional use permit accessory structure as submitted. Commissioner Almy seconded the motion and the motion was unanimously approved.

- d. Conduct a public hearing, consider and take action on a request for approval of a conditional use permit (CUP) for a sports court (basketball court). The 1.11-acre site is located at 1001 Pecan Drive and is zoned for the (RE-1) One-Acre Ranch Estate District. Applicant: Taylor Tarver, Nextcourt, representing Jonathan Knickerbocker. (Case #CUP2018-04).

Mr. Roberts gave a presentation on a public hearing request for approval of a conditional use permit for a sport court (basketball court). He received 4 letters of support and 1 letter of opposition. Staff is recommending approval subject to additional screening.

Chairman Israeloff opened the public hearing.

Johnathan Knickerbocker, 1001 Pecan Dr, applicant, was present.

Commissioner Cox expressed his concern for possible drainage issues as well as the positioning of the goal backing up to the neighboring. He suggested installing the goal on the opposite side, backing up to the homeowner's property.

Chairman Israeloff closed the public hearing.

Commissioner Israeloff solicited the commission for input.

Commissioner Almy expressed no opposition to the current positioning of the goal.

Commissioner Friend expressed no opposition to the current positioning of the goal.

Commissioner Friend made a motion to approve a conditional use permit for a sports court (basketball court). Commissioner Almy seconded the motion and the motion was unanimously approved.

- e. Conduct a public hearing, consider and take action on a request for approval of Major Warrants for the development of a new retail building within the Fairview Town Center. The site is located at 101 Whistlestop Way and is zoned for the

(CPDD) Commercial Planned Development District with the Urban Village Sub-district. Owner/Applicant: Tim Smith, Lincoln Property Company representing Village FV LTD. (Case #MW2018-01).

Mr. Roberts gave a presentation on a public hearing request for approval of major warrants for the development of a new retail building within the Fairview Town Center. Staff is recommending approval subject to the exhibits provided.

Chairman Israeloff opened the public hearing.

Tim Smith, Lincoln Property Company representative was present.

Commissioner Cox inquired about the scale, retailer access and the surface parking area in relation to underground utilities. Mr. Smith advised the commission rear retailer access is required and if the utilities require access the utility company will typically cut the pavement.

Commissioner Custer inquired as to why additional retail space is being constructed when there are vacant locations in the Town Center. Mr. Smith stated the retailers that will reside in this new development are shallow depth retailers which means they will require less space. He also stated that the construction could not begin until the space is 50% leased.

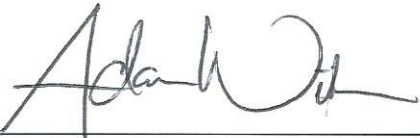
Chairman Israeloff closed the public hearing.

Commissioner Cox made a motion to approve a major warrant for the development of a new retail building within the Fairview Town Center with Staff noted provisions. Commissioner Custer seconded the motion and the motion was unanimously approved.

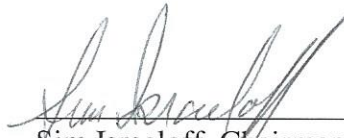
4. Adjourn.

Chairman Israeloff adjourned the commission from the meeting at 8:13 p.m.

Respectfully submitted,



Adam Wilbourn
Alternate Town Secretary



Sim Israeloff, Chairman
Planning and Zoning Commission



