

**TOWN COUNCIL
AND THE
PLANNING AND ZONING COMMISSION,
SPECIAL JOINT
MEETING MINUTES
July 12, 2012**

The Town Council and Planning and Zoning Commission met in special joint session on Thursday, July 12, 2012 at 7:00 P.M. at 372 Town Place, Fairview, Texas. Those present were Council Members Sim Israeloff, Carolyn Sommers Erickson, Jim Cunningham, Henry Lessner, Darion Culbertson, and Mary Price. Planning and Zoning Commission Members Brayton Campbell, Pat Friend, Brad Northcutt, Renee Powell, and Paul Hendricks. Interim Town Manager Julie Couch; Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap; Planning Director, Alan Efrussy; Budget and Management Analyst, Adam Wilbourn; Special Projects Intern, Ken Schmidt; Town Secretary, Michelle Lewis Sirianni and Town Attorney, Clark McCoy. Council Member Ron Kasian and Planning and Zoning Commission Members Ricardo Doi and Debbie Flood were absent.

Mayor Israeloff called the meeting to order at 7:03 p.m. and declared a quorum was present.

Chairman Campbell called the Planning and Zoning Commission meeting to order at 7:04 p.m. and declared a quorum was present.

DEVELOPMENT PLAN FOR PC AT 1846 STACY ROAD: Conduct a public hearing and take action regarding a Development Plan for a Planned Center (PC) Zone at 1846 Stacy Road, proposed for a single-family home development comprised of six 2.0 acre lots, nine 1.5-1.7 acre lots, and two lots dedicated to open space. The subject property consists of 33.28 acres, is generally located west of Orr Road, south of and adjacent to Stacy Road, east of Country Club Road, and north of the Thompson Springs Subdivision. The property is currently zoned Two-Acre Ranch Estate Zone (RE-2).

Mr. Schmidt introduced this item stating that the proposed subdivision would consist of six, two-acre lots and nine lots that range from 1.5 - 1.7 acres in size. Additionally, this proposed development will have two lots (1.0 and 1.56 acres in size) dedicated to floodplain, parkland, and open space uses. This development would require a parkland conveyance of 0.449 acres or \$15,781.17 if the town council requests money in lieu of land. Mr. Schmidt stated that at the Parks Advisory Board meeting on May 23rd, the Parks Advisory Board unanimously recommended that the town accepts money in lieu of land

for this development. Since the notification for a joint public hearing was published, staff has not been contacted by any residents who wished to indicate their support for or opposition to this zoning change request. Mr. Schmidt stated that the applicant has submitted a quality development plan, but staff cannot support this zoning change request as it fails to conform to the town's Future Land Use Plan. Therefore, town staff recommends denial without prejudice.

Tommy Thompson, developer, reviewed his plan and stated that he believes the revised plan is an asset to the community and includes six two acre lots, nine 1.5-1.7 acre lots and 3.5 acres of common area. Mr. Thompson showed pictures of the land.

Mayor Israeloff opened the public hearing.

Anton Mattli, 111 Weston Drive, stated that he understands the approach the developer is taking with his plan, but believes the town should stay with the zoning requiring two acre lots. Mr. Mattli stated that his fear is that if the plan is approved, then surrounding lots will ask for the same requests. Therefore, he is opposed to the plan.

Kelly George, 4035 Summit Court, stated that restrictions are put into place for a reason and her concern is how it could affect the school district. Ms. George stated that if this plan is approved, she also fears others will ask for the same. Therefore, she is opposed to the plan.

Mary Crain, 1470 Stacy Road, stated that she is in favor of the plan and does not understand why the lots have to be two acres in size.

Toni Jobes, 4055 Summit Court, stated that she is opposed and believes that if smaller lots are granted, than others will ask too.

Marlo Ballard, 130 Horseshoe Bend, stated that the town needs to look at the bigger picture and they will be setting a precedent if the plan is approved. Ms. Ballard stated that she loves the Comprehensive Plan and is opposed to the plan.

Jeff Glock, 3580 Orr Road, stated that it is a nice development and would be a shame if not allowed to develop it. Mr. Glock stated that he would be directly affected and is in favor of the proposed plan.

Bill Dahlstrom, land use attorney for Mr. Thompson, stated that it is a conservation development, by preserving and using the natural features of the land. Mr. Dahlstrom stated one zoning case does not set a precedent and essentially the density is not changing, even with this unique piece of property. Mr. Dahlstrom added that he also has eight letters all in support of the proposed plan.

Mayor Israeloff closed the public input section of the public hearing and turned discussion over to the planning and zoning commissioners.

Commissioner Powell stated that they spent a lot of time on the Comprehensive Plan and many of the zoning districts were based on input they had received from residents. Commissioner Powell stated that a rezoning request on another parcel that is zoned One-Acre Ranch Estate has had several requests to be changed, and the town keeps turning them away based on the Comprehensive Plan. Commissioner Powell stated that they need to uphold the Comprehensive Plan and keep this land zoned Two-Acre Ranch Estate Country.

Commissioner Hendricks stated that there is strong support for low density and he also understands the economics of development compromising on the lot sizes.

Commissioner Northcutt stated that the developer is preserving the natural elements, and dedicating and increasing open spaces by presenting a smaller number of lots, which logistically has not changed the two acre density. Therefore, he supports the plan.

Commissioner Friend stated that each zoning application is taken separately and still impacts others. Commissioner Friend stated that a message was sent when council unanimously denied the previous plan in support of the Comprehensive Plan. Commissioner Friend stated that the development is well thought out and there are a smaller number of lots, but the minimum average is two acres on this parcel.

Chairman Campbell stated that the plan is creative and attractive, but it attacks the Comprehensive Plan and that it is opening doors to others if they approve the plan. They should preserve the integrity of the Comprehensive Plan.

Commissioner Powell made a motion to deny without prejudice a Development Plan for a Planned Center (PC) Zone at 1846 Stacy Road. Commissioner Hendricks seconded that motion. Motion passed with a 4-1 vote. Commissioner Northcutt opposed.

Councilwoman Sommers Erickson commented that she was hoping that the developer would have resubmitted a plan with an average of two acre lots. Councilwoman Sommers Erickson stated she believes the amenities in the property can be preserved with two acres and supports the two acres whether it's the average or actual lot size.

Councilman Cunningham stated that he has walked the property and the special amenities including the pond preservation should be considered. Therefore, he is in favor of the plan.

Councilman Culbertson stated that he commends the development team for the plan they put together, but struggles with the fact it doesn't meet the zoning. Councilman Culbertson stated that he understands why from an economic standpoint, but that is not the town's concern. He indicated that he cannot support the plan.

Mayor Pro Tem Lessner stated that it is a better plan, is lower density, and that he likes the vision and feels like the town is getting a high quality development. He indicated support for the project.

Councilwoman Price stated that she likes the change in lot size, but still would like two acres minimum. Councilwoman Price stated that she likes the preservation being proposed, but pointed out that the side setbacks are not even close to the requirement. She also expressed concern about the proposed trail. She stated she is opposed to the plan.

Mayor Israeloff stated that it is a nice plan, but there could be many possible plans. Mayor Israeloff stated it is a zoning case and it meets some goals of the Comprehensive Plan, but not all. Mayor Israeloff appreciates the creativity of the plan, but no new facts were presented and he thought they would be given a plan based on two acre lot sizes. Therefore, he is opposed to the plan.

Mayor Israeloff closed the public hearing.

Councilwoman Sommers Erickson made a motion to deny without prejudice a Development Plan for a Planned Center (PC) Zone at 1846 Stacy Road. Seconded by Councilman Culbertson. Motion passes with a 4-2 vote. Councilmen Cunningham and Lessner opposed.

Chairman Campbell adjourned the Planning and Zoning Commission meeting at 8:33 p.m.

At 8:05 p.m. Town Council recessed into executive session.

At 9:08 p.m. Town Council reconvened back into regular session.

ARTWORK VETERAN'S PARK: Consider and take action regarding public artwork for the Veterans' Park.

The mayor opened the item to consider and take action regarding public artwork for the Veterans Park. Julie Couch reviewed the recommendation of the public art committee to award a contract to Michael Pavlosky for a bronze sculpture depicting an eternal flame design. She explained that there was approximately \$60,000 remaining of the allocation for public art at Town Hall. The proposed would cost \$40,000 and the base of the sculpture would cost approximately \$3,000. She indicated that the base would be provided by the town. It was pointed out that while the goal would be to complete the sculpture prior to the Veterans' Day event; it was not guaranteed to happen by then.

There was considerable discussion with the artist, the two members of the Public Art Committee present, and the council.

Councilman Culbertson made a motion to enter into a contract with Michael Pavlosky to provide a sculpture in accordance with the plans as proposed and approved by council. Seconded by Councilwoman Price, with all in favor.

The mayor then announced that the council would go back into executive session. At that time, Councilwoman Sommers Erickson indicated she was feeling ill and left the meeting.

At 9:55 p.m. Town Council reconvened back into regular session.

There was no action taken as a result of executive session.

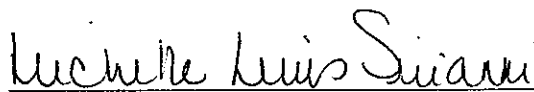
CUP 440 COUNTRY CLUB ROAD: Consider and take action regarding an ordinance allowing for an amendment to a Conditional Use Permit (CUP) for property located at 440 Country Club Road, formally known as the Sloan Creek Middle School, owned by Lovejoy Independent School District for two storage containers.

Councilman Culbertson made a motion to approve the ordinance. Seconded by Councilwoman Price, with all in favor.

Mayor Israeloff adjourned the meeting at 10:07 p.m.


SIM ISRAELOFF, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary

