

**TOWN COUNCIL
MEETING MINUTES
June 4, 2013**

The Town Council met in regular session on Tuesday, June 4, 2013 at 6:30 p.m. at 372 Town Place, Fairview, Texas. Those present were Mayor Darion Culbertson, Council Members John Fraser, Jim Cunningham, Ron Kasian, Henry Lessner, and Mary Price; Town Manager, Julie Couch; Town Engineer, James Chancellor; Engineer In Training, Danielle Gregory; Community Development Manager, Ray Dunlap; Assistant to the Town Manager, Adam Wilbourn; Management Intern, Tyler Brewer; Planning Manager, Ken Schmidt; Town Secretary, Michelle Lewis Sirianni; and Town Attorney, Clark McCoy.

Mayor Culbertson called the meeting to order at 6:32 p.m. and declared a quorum was present.

RECOGNITIONS: Administer Oaths to newly elect council members.

The Town Secretary administered the Oath of Office to Ron Samuels, Frank O'Reilly, and Paul Hendricks.

PRESENTATIONS: Sim Israeloff, Ron Kasian, and John Fraser.

Mayor Culbertson recognized outgoing council members Ron Kasian and John Fraser by presenting them with a plaque and gift.

Mayor Culbertson requested that since former Mayor Israeloff could not be in attendance, he would like to wait to honor him until he could be in attendance.

The council adjourned into executive session at 6:43 p.m. to consult with legal counsel regarding pending or contemplated litigation, personnel, and economic development.

At 8:17 p.m. Mayor Culbertson reconvened back into regular session and invited everyone to stand for the Pledge of Allegiance.

PRESENTATIONS: Police Department

Mr. Dunlap recognized the members of the Police Department who completed the Fairview Half Marathon by awarding them with their medals.

CONSENT AGENDA: All items listed under the Consent Agenda are considered routine and will be acted on by one motion, with no separate discussion of these items. If discussion is desired, an item may be removed from the consent agenda and be considered separately. A) Approve minutes of the May 7, 2013 regular council meeting. B) Approve minutes of the May 10, 2013 special council meeting. C) Approve minutes of the May 21, 2013 special council meeting. D) Approve an Amending Plat of Lot 3R, Block C, of the Montecito Estates Addition in order to combine Lots 3 and 4 into a single lot. E) Approve a request to deed town-owned property to TxDOT in order to satisfy right-of-way acquisition requirements for the Stacy Road re-construction project.

Mayor Pro Tem Lessner made a motion to approve items A-E. Councilwoman Price seconded that motion and the motion was unanimously approved.

AMENDED CONCEPT PLAN-DAVIS DEVELOPMENT: Conduct a public hearing, consider, and take any necessary action on a request for approval of an Amended Concept Plan for a proposed multi-family residential development on a 24.40± acre tract of land that is situated in the Joseph Dixon Survey, Abstract No. 275 zoned Commercial Planned Development District (CPDD), Zone D, and is generally located west of SH 5 and north of Meandering Way.

Mr. Schmidt stated that at the May Planning and Zoning Commission meeting, this item generated a substantial amount of input from residents of the adjacent Ranchette Estates subdivision, as well as from the commission itself. The commission recommended denial without prejudice. As a result, Mr. Hazel, VP of the Davis Development, requested deferment in order to work with residents regarding their concerns. Mr. Schmidt stated in order to avoid re-advertisement, staff requests that the council open the public hearing and continue it at the next meeting.

Mayor Culbertson opened the public hearing.

Fred Hazel, Vice President of the Davis Development, stated that he would like the opportunity to put more thought into the plan.

The public hearing was left open.

Councilman Cunningham made a motion to continue the public hearing on the Amended Concept Plan for a proposed multi-family residential development to July 2, 2013. Councilman O'Reilly seconded that motion and the motion was unanimously approved.

CUP 111 SUMMER HILL LANE: Conduct a public hearing, consider, and take any necessary action on a request for approval of Conditional Use Permit (CU) Zoning in order to allow for an accessory structure on a property that is zoned One-Acre Ranch Estate (RE-1) and is specifically located at 111 Summer Hill Lane, being Block 3, Lot 21 of the Summer Hill Farms subdivision.

Mr. Brewer stated that the subject property is located at 111 Summer Hill Lane and is 1.8 acres in size. The property is zoned One-Acre Ranch Estate (RE-1) and contains a residence with a swimming pool and a 1,622 SF detached garage. The applicant and property owners are Mr. and Mrs. Korona. The applicants have requested to build a 15' x 15' patio structure on the western edge of the swimming pool and will be equipped with an outdoor fireplace, stone seating walls, cedar framing, and a 5:12 pitched roof with composite shingles. Mr. Brewer stated that their request is consistent with accessory structures and is below the town's impervious surface requirement at 11.8%; therefore, staff recommends approval.

Councilman Cunningham asked if the applicant has received HOA approval. Mrs. Korona replied they have received approval from their HOA.

Mayor Culbertson opened the public hearing. Jennifer Korona, 111 Summer Hill Lane, applicant and owner stated that they would just like a structure to help block the view.

Mayor Culbertson closed the public hearing and opened discussion to council.

No additional comments were made.

Councilman Samuels made a motion to approve an application for Conditional Use Permit (CU) zoning for the installation of a patio structure at 111 Summer Hill Lane. Councilman Hendricks seconded that motion and the motion was unanimously approved.

ZONING DISTRICT AMENDMENTS: Conduct a public hearing, consider, and take any necessary action on an ordinance amending Chapter 14 (Zoning), Article 14.02 in order to amend the definitions, the principle uses of the One-Acre Ranch Estate Zone (RE-1) and the specific zone requirements for the One-Acre (RE-1), One-and-One-Half Acre (RE-1.5), Two-Acre (RE-2), and Three-Acre (RE-3) Ranch Estate Zones.

Mr. Schmidt stated that there have been several development review applications involving maximum impervious surface coverage. The town's current 25% maximum

applies to all lots within RE-1, RE-1.5, RE-2, RE-3, and the low-density subdivisions zoned Planned Center (PC). Staff and the Planning and Zoning Commission have reviewed whether the same maximum 25% should apply in each of these districts and if it would be beneficial to define impervious surfaces. Mr. Schmidt stated in discussions with home builders and developers, staff has received feedback that the town is stricter both with how lot coverage is defined as well as how much of the lot may be covered with impervious surface. Town staff and the Planning and Zoning Commission have recommended the following for maximum percentage of impervious cover:

- One-Acre (RE-1): 35%
- One-and-One-Half-Acre (RE-1.5): 30%
- Two-Acre (RE-2): 25% (no change)
- Three-Acre (RE-3): 25% (no change)

In reviewing, staff also identified other issues for amendment consideration to the zoning ordinance. Those changes include:

1. Amend the definitions section in order to define impervious surface and lot coverage;
2. Amend the One-Acre Ranch Estate Zone (RE-1) in order to make crop and tree farming an accessory use;
3. Remove the statement referencing deed restrictions in the One-Acre (RE-1), One-and-One-Half-Acre (RE-1.5), Two-Acre (RE-2), and Three-Acre (RE-3) Ranch Estate Zones.
4. Remove the statement referencing accessory building height in the One-Acre (RE-1), One-and-One-Half-Acre (RE-1.5), Two-Acre (RE-2), and Three-Acre (RE-3) Ranch Estate Zones.
5. Amend the RE-1.5 district to allow for reduced lot widths on cul de sac lots.

Mayor Culbertson opened the public hearing. No comments were made and the public hearing was closed.

Mayor Culbertson opened discussion to council members. Mayor Pro Tem Lessner asked if the Planning and Zoning Commission had any concerns. Mr. Schmidt replied no.

Councilwoman Price asked if a building permit would be required. Mrs. Couch stated the town currently does not permit flatwork or driveways, so by proposing a higher percentage, the town would continue not to require a permit.

Councilman Cunningham asked percentage of lots is over current maximum. Ms. Gregory replied that 44% of the One-Acre (RE-1) lots are over

After considerable discussion, Mayor Pro Tem Lessner made a motion to approve an amendment to the zoning ordinance to 1) Amend the definitions section in order to define impervious surface and lot coverage. 2) Amend the impervious surface and lot coverage requirements for the One-Acre (RE-1) and One-and-One-Half-Acre (RE-1.5) Ranch Estate Zones as recommended. 3) Amend the One-Acre Ranch Estate (RE-1) Zone in order to make crop and tree farming an accessory use. 4) Remove the statement

referencing deed restrictions in the One-Acre (RE-1), One-and-One-Half-Acre (RE-1.5), Two-Acre (RE-2), and Three-Acre (RE-3) Ranch Estate Zones. 5) Remove the statement referencing accessory building height in the One-Acre (RE-1), One-and-One-Half-Acre (RE-1.5), Two-Acre (RE-2), and Three-Acre (RE-3) Ranch Estate Zones; and, 6) Amend the RE-1.5 district to allow for reduced lot widths on cul de sac lots. Councilwoman Price seconded that motion and the motion was unanimously approved.

BLUE GRASS FARMS AMENDING ORD. #2005-62: Conduct a public hearing, consider, and take any necessary action on an ordinance amending Ordinance #2005-62, the Planned Center District for the Blue Grass Farms Subdivision, in order to amend the planned center zoning regulations that govern this subdivision.

Mr. Schmidt stated that with changes being proposed to the traditional low-density zoning districts, staff wanted to also make these changes to the low-density residential subdivisions zoned Planned Center (PC). The Blue Grass Farms subdivision, initially zoned in 2005, consists of 24 single-family lots, all of which are 1.92 acres or larger. The subdivision is largely built out, except for one 14 acre-lot, and three lots that range from 1.945 to 3.0 acres. Mr. Schmidt stated that the residents in this subdivision have expressed wanting to retain larger lots in this subdivision. With a majority of the existing lots most closely conforming to the Two-Acre Ranch Estate (RE-2) Zone, staff is not recommending any changes to the impervious surface lot coverage. Mr. Schmidt stated that staff would however, like the council to address the following: (1) Amending limitations placed on accessory uses. Accessory uses should be considered in the same manner as other residential districts. (2) Establish a minimum lot size and lot width for all newly established lots. If a replat is done on an existing lot, staff believes it should be no less than 1.92 acres, which is the size of the smallest existing lot within the subdivision. It would also meet setbacks provided for the RE-2 district. (3) Remove all referenced to deed restrictions in the ordinance.

Mayor Culbertson opened the public hearing. No comments were made and the public hearing was closed.

Mayor Culbertson opened discussion to council.

Council discussed establishing the minimum lot size along with the impervious surface requirement. No consensus was reached..

Councilman Samuels made a motion to table amending Ordinance #2005-62 to July 2, 2013. Councilwoman Price seconded that motion and the motion was unanimously approved.

MONTECITO ESTATES AMENDING ORD. #2008-6-3E: Conduct a public hearing, consider, and take any necessary action on an ordinance amending Ordinance #2008-6-3E, the Planned Center District for the Montecito Estates Subdivision, in order to amend the planned center zoning regulations that govern this subdivision.

Mr. Schmidt stated that this subdivision was zoned Planned Center (PC) due to being platted and in existence prior to being zoned by the town. The lots are of varying lot sizes ranging from 0.9-3.0 acres in size and consist of 52 single-family residential lots. The subdivision is largely built out and several lots ranging from 2-3 acres. Staff recommends the following: (1) Increase the maximum impervious lot coverage requirements. Lots less than 1.50 acre in size: 35% maximum; Lots 1.50-1.99 acres in size: 30% maximum; and, lots equal to or greater than 2.0 acres in size: 25% maximum (no change). (2) Amend limitations placed on special/conditional uses. (3) Establish a minimum lot size and lot width for all newly established lots. Staff believes 1.5 acres will preserve the intended character of the subdivision. (4) Amend the sideyard setback requirements; and (5) Remove all references to deed restrictions in the ordinance.

Mayor Culbertson opened the public hearing. No comments were made and the public hearing was closed.

Mayor Culbertson opened discussion to commission members.

Mayor Pro Tem Lessner made a motion to approve an amendment to Ordinance 2008-6-3E as submitted. Councilman Samuels seconded that motion and the motion was unanimously approved.

COLLINWOOD ACRES/NORTH AMEND ORD. #2010-8-3A: Conduct a public hearing, consider, and take any necessary action on an ordinance amending Ordinance #2010-8-3A, the Planned Center District for the Collinwood Acres and the Collinwood Acres North Subdivision, in order to amend the planned center zoning regulations that govern these subdivisions.

Mr. Schmidt stated that this subdivision consists of 38 single-family residential properties ranging from 0.9-10.0 acres in size. The subdivision is not built out and some of the larger properties are significantly underdeveloped. There are several properties adjacent to Collinwood Drive and FM 1378 that could be easily subdivided to produce additional lots. Mr. Schmidt stated that with these subdivisions possessing a wide range of lot sizes, staff is recommending different impervious surface lot coverage requirements for different ranges of lot sizes. Those recommendations are: Lots less than 1.50 acre in size: 35%; Lots 1.50-1.99 acres in size: 30%; and, Lots that are equal to or greater than 2.0 acres in size: 25%. Mr. Schmidt stated that staff would also like council to address establishing a minimum lot size of 1.50 acres for all newly established lots, so that any new lots that are created shall have to meet a minimum size and will best preserve the

intended character of the subdivision. Staff recommends approval of the amendment to Ordinance No. #2010-8-3A as submitted.

Mayor Culbertson opened the public hearing. No comments were made and the public hearing was closed.

Mayor Culbertson opened discussion to commission members. Mayor Pro Tem Lessner asked if staff has received any feedback regarding the setting a minimum lot size. Mr. Schmidt replied that he has received one call in opposition with a property owner who believes it places limitations on redeveloping his land, but otherwise the vast majority is satisfied with proposed changes.

Councilman Hendricks made a motion to approve an amendment to Ordinance No. #2010-8-3A as submitted and stated above. Councilman Cunningham seconded that motion and the motion was unanimously approved.

ACCESSORY BUILDING HEIGHT: Conduct a public hearing, consider, and take any necessary action on an ordinance amending Chapter 14 (Zoning), Article 14.02, Section 14.02.011, in order to clarify the maximum building height for accessory buildings.

Mr. Schmidt stated that there are still a few items that need clarification within the accessory building ordinance. Within each of the traditional, low-density residential zoning districts, there are conflicting height requirement(s) for accessory buildings. Mr. Schmidt recommended the following changes: maximum height of accessory buildings is 30 feet or a maximum wall height of fourteen feet measured from the finished first floor; having a minimum 4:12 roof pitch, except when the roof pitch of the primary structure is less than 4:12, otherwise, it shall match the roof pitch of the primary structure. Flat roofs shall only be permitted on patio structures and other structure that maintain open façades.

Mayor Culbertson opened the public hearing. No comments were made and the public hearing was closed.

Mayor Culbertson opened discussion to commission members. No additional comments were made.

Councilman O'Reilly made a motion to approve an amendment to the accessory building ordinance amending the height and roof pitch requirements. Councilman Samuels seconded that motion and the motion was unanimously approved.

BOARDS/COMMISSIONS: Discuss Boards and Commission and take any necessary action.

No action taken.

BUDGET UPDATE: Receive quarterly budget update.

Mr. Brewer updated the council on the town's revenues and expenditures projected by the end of the third quarter. Mr. Brewer touched on the town's Utility Funds, Debt Service Fund, Stormwater Fund, EDC Fund, Special Revenue Funds, and Technology Funds. Mr. Brewer stated that all funds are currently on track as budgeted and no major items to report at this time.

CITIZENS INPUT:

No comments were made.

REPORTS FROM STAFF/TOWN COUNCIL: Receive reports from Staff or the Town Council about items of community interest.

Mrs. Couch reminded council of the special meeting on June 18th, as well as the boards and commissions banquet on June 6th at Noah's.

Mr. Dunlap stated that Wednesday is National Running Day and there will be a run from Town Hall beginning at 6:30 p.m.

Councilwoman Price stated that the Friends of Fairview Fire Department will be having their annual pancake breakfast on Saturday, June 29th.

The council adjourned back into executive session at 10:11 p.m. to consult with legal counsel regarding pending or contemplated litigation, personnel, and economic development.

Mayor Culbertson recessed back into regular session and adjourned the meeting at 11:50 p.m.


DARION CULBERTSON, MAYOR

ATTEST:


Michelle Lewis Sirianni, Town Secretary

