



## *Memorandum*

### *April 11, 2024*

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TO: Planning and Zoning Commission  
Julie Couch, Town Manager

FROM: Israel Roberts, AICP  
Planning Manager

SUBJECT: **REGULATING PLAN WITH MAJOR WARRANTS FOR A MEDICAL OFFICE BUILDING**

**BACKGROUND:** This is a request for approval of Major Warrants to accommodate the development of a one-story office building. The 1.12-acre site is located at 350 Highway 5 and is zoned for the (CPDD) Commercial Planned Development District with the Urban Transition sub-district. Application: Casey McBroom, Cross Engineering representing owner Jonathan and Gail Bentley.

The proposal reflects the potential development of a 1-story (minor warrant), 5,100 square foot medical office building along Highway 5. The site will be accessed by a single driveway, that leads to rear oriented parking lot. The building is approximately 29 feet tall, features a tri-partite façade design of stone, brick and a shingle roof. The front elevation includes a canopy over the front entries, all requirements of the CPDD code.

Within the Urban Transition Subdistrict, each site is required to have a minimum 14% publicly accessible usable open space. The plan reflects the installation of a 8' wide trail (per code) and the large area on the north side of the site with additional gravel paths to gazebos and sitting areas. The area on the north side of the site condition of 45% open space.

**STATUS OF ISSUE:** Consistent with the requirements of the updated CPDD code, the applicant has submitted a regulating plan for the proposed site and structure. With this application, the applicant is entitled to administrative review for components of the design that conform to the pre-approved standards that were adopted with the CPDD.

In instances where the applicant wishes to request to deviate from said pre-approved standards the applicant may do so through the warrant process. The warrant process allows applicants to request

Minor Warrants and Major Warrants for deviations from the CPDD standards. Minor Warrants – which are deviations that are deemed to still meet the CPDD vision/intent – are reviewed administratively by the Town Manager. Major Warrants – which are deviations that may be perceived as not meeting the CPDD vision/intent – are considered in a similar manner as a zoning change, and as such, public hearings are required before the Planning & Zoning Commission and Town Council.

Major Warrant Requests

The applicant’s Major Warrants include the following:

	Item	Requirement	Proposed	Applicant Justification	Staff Comments
1	Residential adjacency buffering	35’ wide buffer with double tree row, and fencing	35’ wide but maintain existing trees and pond	Meeting code would require the existing trees to be removed.	The design standards of the CPDD are very specific in order to gain approval, however the code does not give a relief option to maintain existing features to meet code requirements. Certainly, the desire to maintain existing landscape features should be encouraged.
2	Front build-to-zone (BTZ) along HWY 5	22’-30’ from curb	35’+	A shown the 22’ minimum BTZ is still within HWY 5 ROW, therefore that cannot be met. Utility conflicts.	A variable width utility easement parallel to HWY 5, makes it impossible to meet the front BTZ.
3	Street trees along HWY 5	1 tree for 30 linear feet  Hwy 5: 23	Allow existing tree line to count towards street tree requirement	The number of existing trees along HWY 5 far exceeds code requirement	As noted, the code does not provide a built-in relief option to maintain significant existing features. The number of existing trees far exceeds the requirement. Additionally, a portion of this site extends in front of the Wooded Creek Villas, removing the trees in front of those homes would increase the noise associated with HWY 5 on those lots.

Public Input

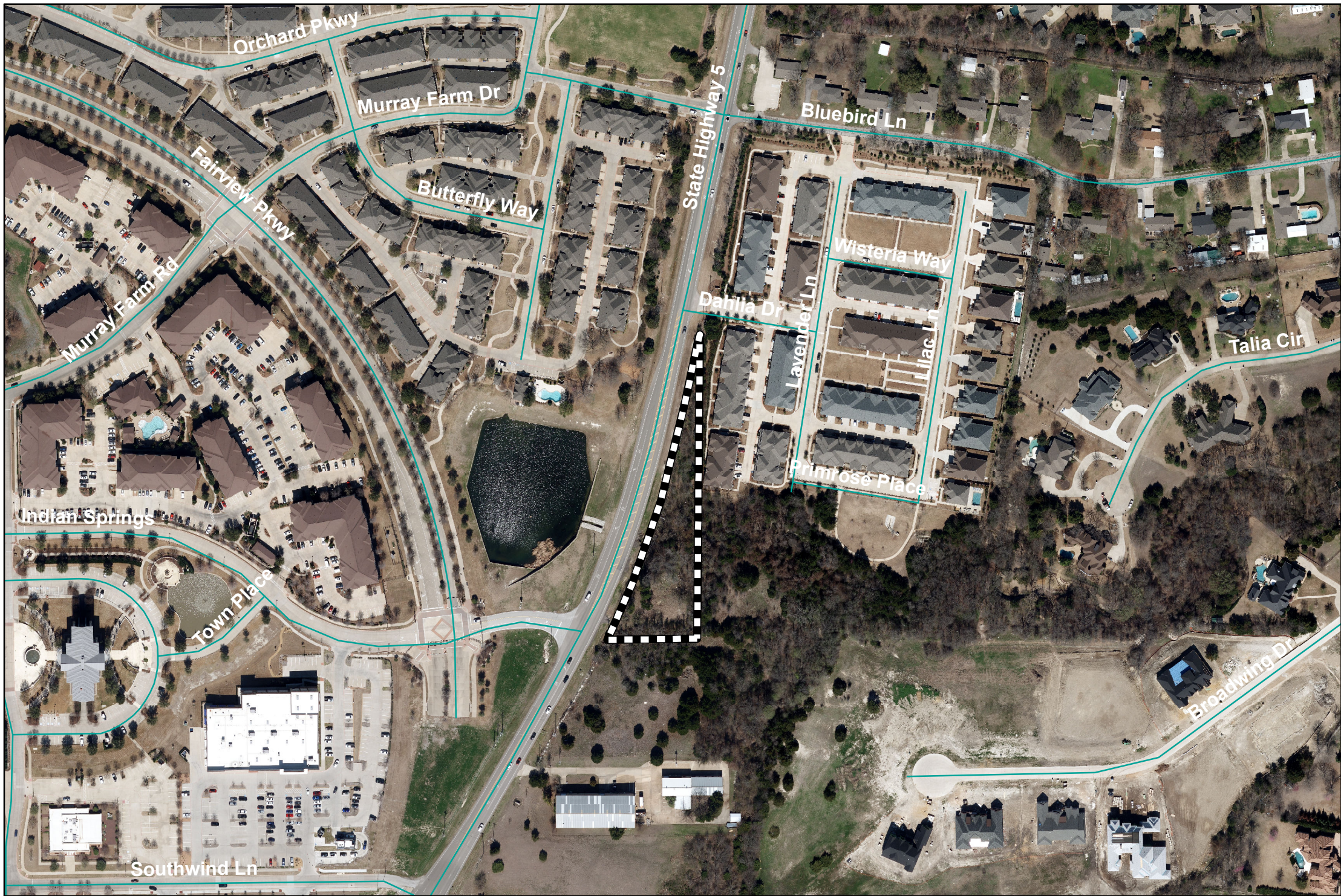
Staff notified 105 adjacent property owners within 500’ of the subject properties in accordance with town and state requirements and have received one (1) letter of opposition.

**RECOMMENDATION:** Staff recommends **APPROVAL** of the subject major warrants and regulating plans subject to the following conditions:

1. Relocate the pavilion out of the 35' landscape buffer.
2. Site shall be development generally in accordance with the attached Regulating plan exhibits.

**ATTACHMENTS:**

- Development Plans
  - Locator
  - Regulating Plans
    - Concept Site Plan
    - Concept Building Elevations
- Correspondence



Orchard Pkwy

Murray Farm Dr

Butterfly Way

State Highway 5

Bluebird Ln

Fairview Pkwy

Wisteria Way

Murray Farm Rd

Darilla Dr

Lavender Ln

Primrose Place

Talia Cir

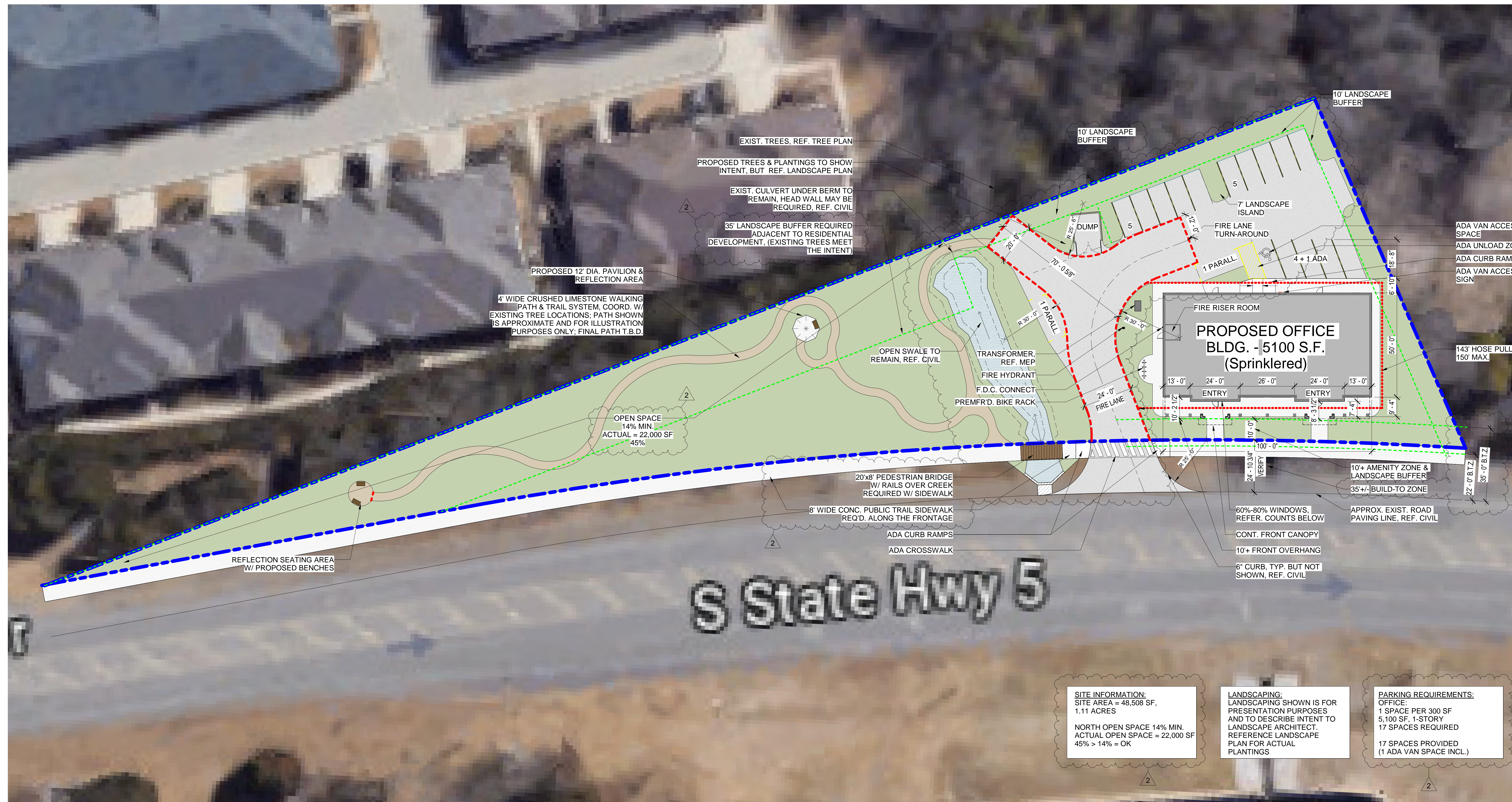
Indian Springs

Town Place

Southwind Ln

Broadwing Dr

2  
REMOVED CPDD NOTES



**Revision Schedule**

Rev. No.	Revision Description
1	11/13/24
2	12/23/24
3	03/08/24

**SITE INFORMATION:**  
SITE AREA = 48,508 SF,  
1.11 ACRES  
  
NORTH OPEN SPACE 14% MIN.  
ACTUAL OPEN SPACE = 22,000 SF  
45% > 14% = OK

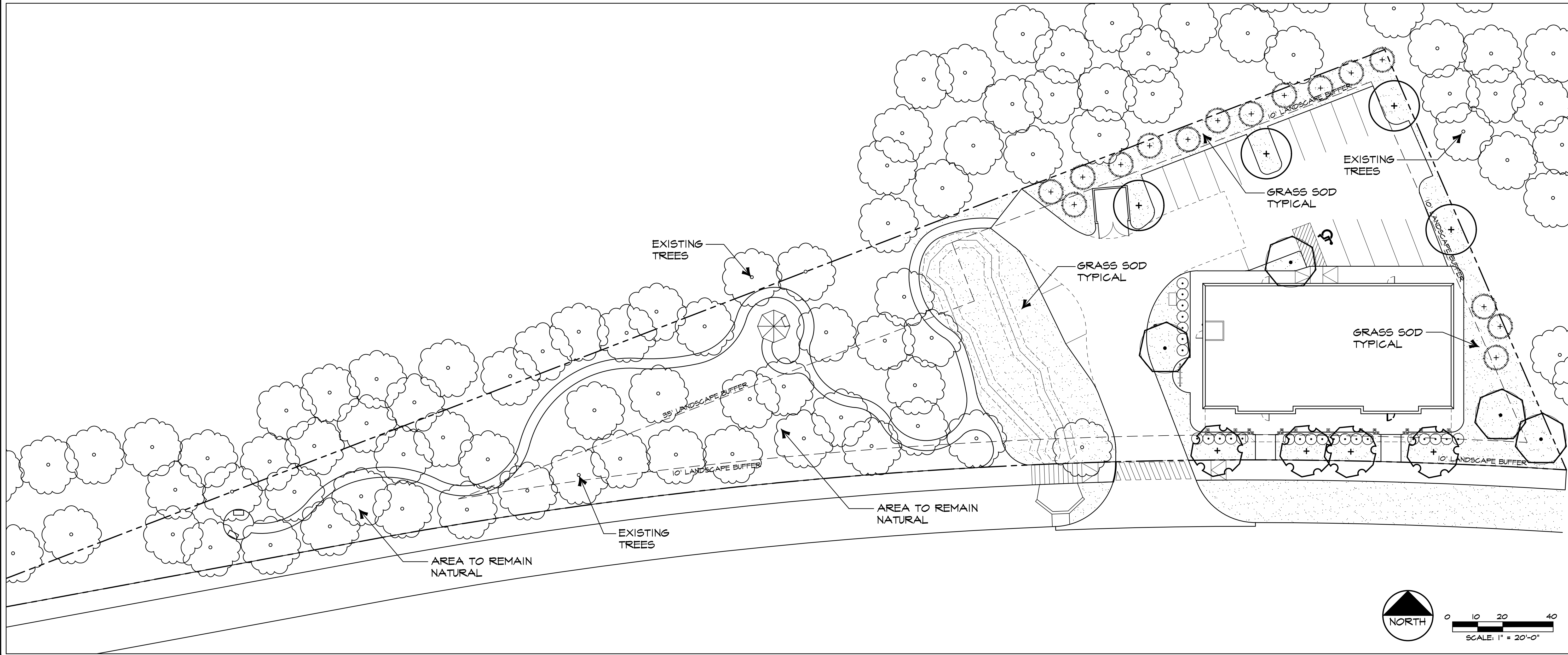
**LANDSCAPING:**  
LANDSCAPING SHOWN IS FOR PRESENTATION PURPOSES AND TO DESCRIBE INTENT TO LANDSCAPE ARCHITECT. REFERENCE LANDSCAPE PLAN FOR ACTUAL PLANTINGS

**PARKING REQUIREMENTS:**  
OFFICE:  
1 SPACE PER 300 SF  
5,100 SF, 1-STORY  
17 SPACES REQUIRED  
  
17 SPACES PROVIDED  
(1 ADA VAN SPACE INCL.)

**WARRANTS:**

1. Major Warrant - landscape buffer adjacent to residential in the NE corner, existing trees will suffice.
2. Major Warrant - Build-to-zone requirement - can't be met due to frontage condition
3. Major Warrant - Street Trees I think are part of the build-to-zone that can't be met - this warrant would be used to allow us to count the existing trees instead.
4. Minor Warrant - 2-story is required in build-to-zone, be we don't have the parking to make this possible - so this warrant would request a 1-story allowance.
5. Major Warrant - Deleted





LARGE TREES				
QUANTITY	SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE & CONDITION
2		CEDAR ELM	Ulmus crassifolia	3" caliper, 10'-12' Ht./ 4-5' spread, B&B, straight trunk.
3		LIVE OAK	Quercus virginiana	3" caliper, 10'-12' Ht./ 4-5' spread, B&B, straight trunk.
4		CHINKAPIN OAK	Quercus muhlenbergii	3" caliper, 10'-12' Ht./ 4-5' spread, B&B, straight trunk.
14		EASTERN RED CEDAR	Juniperus virginiana	3"-10" Ht./ 4-5' spread, B&B, straight trunk.

SHRUBS				
QUANTITY	SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE AND CONDITION
41		DWARF BURFORD HOLLY DWARF YAUPON HOLLY SUNSHINE LIGUSTRUM CERISE CHARM LOROPETALUM ROSE CREEK ABELIA	Ilex cornuta 'Burfordii nana' Ilex vomitoria 'Nana' Ligustrum sinensis 'Sunshine' Loropetalum chinense 'Kurodage' Abelia spp. 'Rose Creek'	5 gallon, 14"-24" Ht./ 20"-24" spread, full, bushy, specimen

TURF GRASS			
	S.F. GRASS	Cynodon dactylon	Solid sod
	BERMUDA GRASS	Cynodon dactylon	Solid sod

Date:	
Revisions:	
#	

Issued For:  
**CONSTRUCTION**

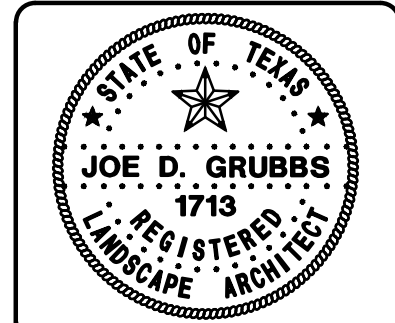
Job No.  
**24106**

Scale  
**1" = 20'-0"**

Drawn By:  
**JDG**

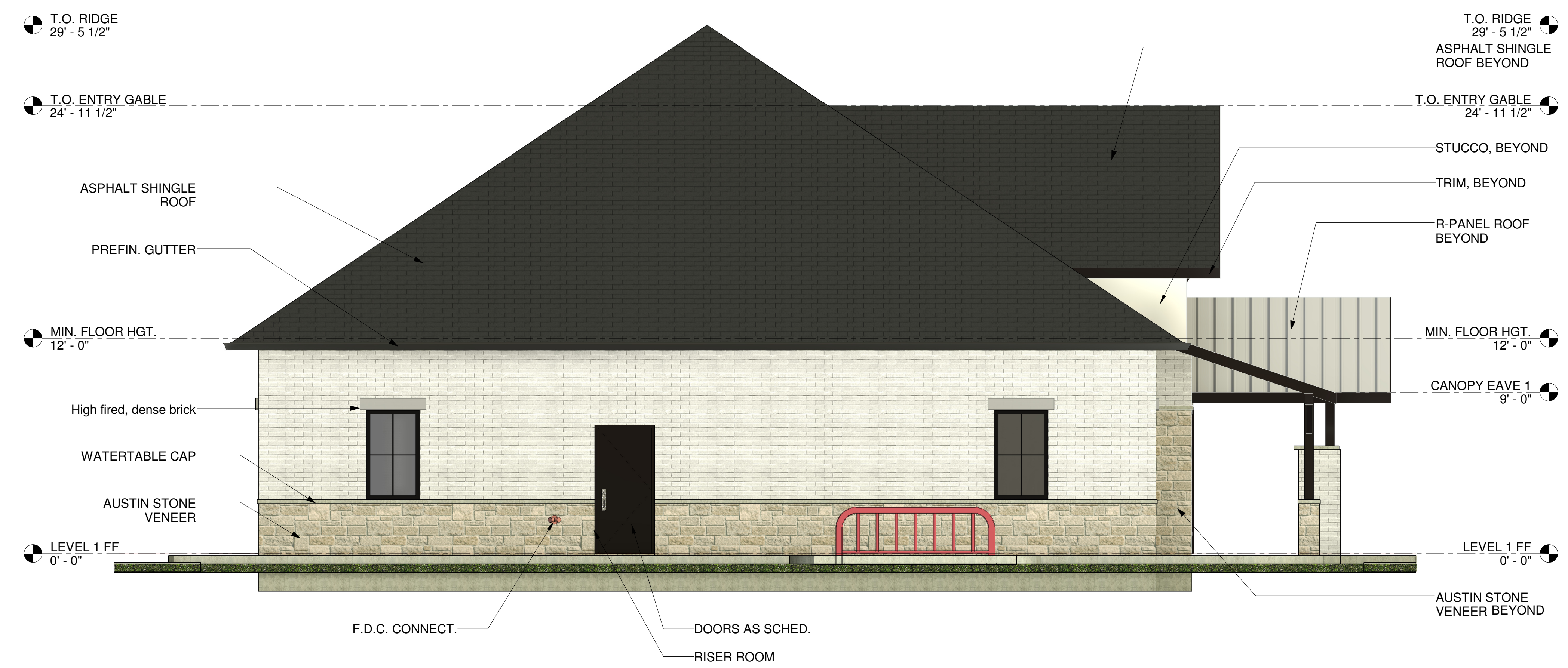
Date  
**03-21-2024**

**Bentley Medical Office**  
350 South State Highway 5  
Fairview Texas



Sheet Title:  
**Preliminary Landscape Plan**

Sheet Number:  
**L1**  
of **L1** Sheets



2 EXTERIOR ELEVATION - NORTH  
1/4" = 1'-0"

Revision Schedule

NO.	DATE	REVISION DESCRIPTION
1	11/13/24	REVISIONS PER BLDG. DEPT. COMMENTS
2	03/08/24	REVISIONS PER BLDG. DEPT. COMMENTS

BENTLEY MEDICAL OFFICE SHELL

EXTERIOR ELEVATIONS

SCHEMATIC DESIGN

DATE: 2/19/24  
BY: MKA  
CHECKED: MKA  
DATE: 3/10/24

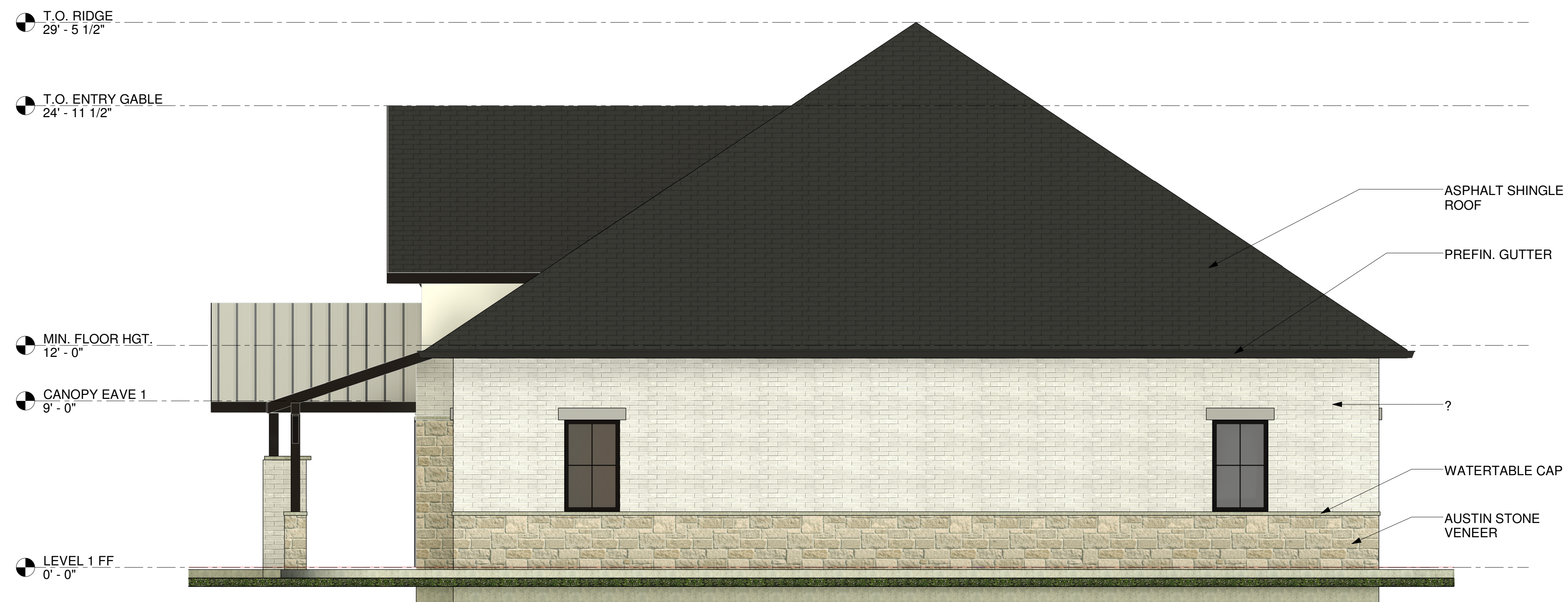
A3.1

350 TX-5, McKinney, TX 75069

OWNER/CIVIL REVIEW



1 EXTERIOR ELEVATION - WEST  
1/4" = 1'-0"



② EXTERIOR ELEVATION - SOUTH  
1/4" = 1'-0"



① EXTERIOR ELEVATION - EAST  
1/4" = 1'-0"

Revision Schedule

NO.	DATE	REVISION DESCRIPTION

BENTLEY MEDICAL OFFICE SHELL

350 TX-5, McKinney, TX 75069

OWNER/CIVIL REVIEW

EXTERIOR ELEVATIONS

SCHEMATIC DESIGN

A3.2

PROJECT NO.  
2019-21

DATE  
3/10/24

DESIGNED BY  
NLS

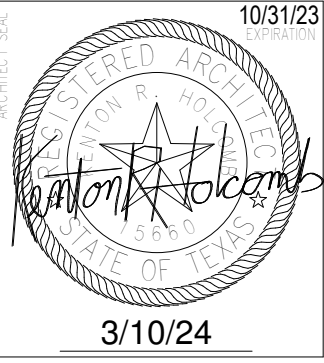
CHECKED BY  
ARH

SCALE  
1/8" = 1'-0"





11880 Younger Ct., Ste. A  
 Azle, Texas 76020  
 817-905-6991



STATEMENT OF A PROFESSIONAL ENGINEER  
 I, the undersigned, a duly Licensed Professional Engineer in the State of Texas, do hereby certify that I am the author of the design and construction documents herein, and that I am a duly Licensed Professional Engineer in the State of Texas, License No. 16336, dated 3/10/24.

**Revision Schedule**

NO.	DATE	REVISION DESCRIPTION

BENTLEY MEDICAL OFFICE SHELL

350 TX-5, McKinney, TX 75069

OWNER/CIVIL REVIEW

3D RENDERING

Project No. 2019.21  
 Date 3/10/24  
 Author C. Beckler  
 Title 3D RENDERING

**A3.0**



March 28, 2024

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN the Town of Fairview Planning and Zoning Commission will convene for a meeting scheduled **Thursday, April 11, 2024**, at 7:00 p.m. located at Fairview Town Hall, 372 Town Place, Fairview, TX 75069. The meeting agenda will be posted online at fairviewtexas.org.

The Planning and Zoning Commission will consider and discuss the following:

To: Israel Roberts  
iroberts@fairviewtexas.org

Name: Sam & Marcia Roper

Address: 5896 Fairview Hwy

Support

Signature: Samuel Roper

Oppose (provide comments below)

Date: 4-3-24

Comments:

1. State Highway 5 is currently scheduled for rebuilding and modification in anticipation of a major traffic influx at 121/SH5 from numerous new apartments and housing units along with additional medical facilities.
2. Our Villas in the Park community is being inundated with extra vehicular traffic due to congestion on Stacy—using our feeder residential streets as short cuts (at higher rates of speed) to facilitate reaching Highway 75. No traffic control efforts so far. Additional traffic will likewise attempt to circumvent the confusion on Stacy by cutting through our community.
3. Our retention pond was set up for a specific purpose; it cannot support more use than it was pre-set to handle, already flooding above the edges every time it rains. Additional usage on the east side of Highway 5 will only exacerbate the problems.
4. If Fairview Zoning and Planning set the required parameters (landscape guidelines, frontage requirements, parking restrictions) WHY allow for Major Warrants?? We don't want another McKinney here in our small town. Follow the guidelines already in place or move the building to a different location that can accommodate the needs of the builders. Do not ask our community to support such a grandiose idea on a mere 1.25 acres of land.
5. There is far too much commercialism being crammed into what used to be a lovely small town. We are wall-to-wall shopping, offices, apartments, medical facilities, etc. already. There are surrounding areas that are starving for medical facilities, but Fairview is NOT one of them. Consider leaving the trees alone, enjoy the green area (not much left as it is!), breathe the fresh air facilitated by trees and growing plants and let Fairview residents breathe, grow, and love our community.

*Tranches*