

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, OCTOBER 12, 2017**

The Planning and Zoning Commission met in regular session on Thursday, October 12, 2017 at 372 Town Place, Fairview, Texas. Commissioners present were Chairman Sim Israeloff as well as Commissioners Scott Almy, Ricardo Doi, John Cox and Glenn Carlin. Vice Chairman Pat Friend and Commissioner Gregg Custer were absent. Staff members present were Planning Manager, Israel Roberts; Town Manager, Julie Couch; Town Secretary, Liz Cappon; Town Engineer, James Chancellor and Economic Development Manager, Ray Dunlap.

1. Call to order.

Chairman Israeloff called the meeting to order at 7:01 p.m. and declared a quorum present.

2. Consider and take action regarding the minutes of the July 13, 2017 meeting.

Commissioner Carlin made a motion to approve the July 13, 2017 minutes. Commissioner Almy seconded the motion and the motion was unanimously approved.

3. Consider and take action regarding a request for approval of a development plan for an entryway monument for the Oak Meadows Addition. The site is located near the terminus of Red Oak Trail and is zoned Planned Center. Applicant: Stephen Dinapoli.

Mr. Roberts gave a presentation on a development plan for two entryway monument signs for the Oak Meadows Addition along Red Oak Trail. Mr. Roberts described the proposed signage and the accompanying landscape plans.

Mr. Roberts explained that in 2015, the project was approved by the Commission with a condition of approval to submit a development plan with the final plat. Mr. Roberts stated that Staff is unable to locate if the development plan was ever filed but the final plat was approved, so they are seeking approval on the development plan again now. Mr. Roberts stated that Staff recommends approval as submitted.

Commissioner Doi asked Mr. Chancellor about potential visibility issues. Mr. Chancellor stated there is good site distance at the location. Commissioner Doi asked if the columns should have maintenance easements. Mr. Roberts stated he would review the plat.

Stephen Dinapoli, 1601 Alma Road in Plano, stated that the two remaining unpurchased lots are the ones near the signs, so if it needs to be adjusted for an easement, it can be easily changed.

Mr. Dinapoli stated he was working with the Town Inspector, Bud Ooton on the landscape and irrigation plan to avoid waterlines in the right-of-way.

Commissioner Cox asked for the Cox location of Red Oak Trail. Chairman Israeloff stated that Hart Road changes names to Red Oak Trail at Country Club Road.

Commissioner Doi made a motion to approve a request for approval of a development plan for an entryway monument for the Oak Meadows Addition. The site is located near the terminus of Red Oak Trail and is zoned for the (PC) Planned Center District. Applicant: Stephen Dinapoli. Commissioner Cox seconded the motion and the motion was unanimously approved.

4. Consider and take action regarding a request for approval of a Final Plat for the Apple Crossing Addition. The 38.5-acre site is located at the southeast corner of Highway 5 and Country Club Road and is zoned Commercial Planned Development District with the Urban Transition sub-district. Applicant: Casey Ross, Kimley-Horn and Associates.

Mr. Roberts gave a presentation on a request for approval of a Final Plat for the Apple Crossing Addition. Mr. Roberts stated that the development contained 182 townhome and single-family detached residential lots with 20 common area lots as well as 1 commercial lot. Mr. Roberts stated that Staff recommends approval as submitted.

Commissioner Carlin asked about the pond. Mr. Roberts stated that the pond is one of four ponds in the Town's regional drainage master plan. Mr. Roberts stated that the 4.5-acre pond could hold 140 acres of detention, which is much more than required for the development.

Commissioner Doi stated the plat needed to be corrected to Town of Fairview.

Commissioner Cox asked about the previously discussed rear-entry garages on the single-family homes. Mr. Roberts confirmed that the homes all would have rear-entry garages as requested by the Commission.

Commissioner Doi made a motion to approve a Final Plat for the Apple Crossing Addition. The 38.5-acre site is located at the southeast corner of Highway 5 and Country Club Road and is zoned for the (CPDD) Commercial Planned Development District with the Urban Transition sub-district. Applicant: Casey Ross, Kimley-Horn and Associates. Commissioner Almy seconded the motion and the motion was unanimously approved.

5. Conduct a public hearing, consider and take action on a request for approval of a conditional use permit (CUP) for a sports court (tennis court). The 1.0-acre site is located at 781 Stallion Drive and is zoned for the (RE-1) One-Acre Ranch Estate District. Applicant: Shamin Choudhury representing Susan and Abdalla Hussain.

Mr. Roberts gave a presentation on a public hearing and a request for approval of a conditional use permit (CUP) for a full-size tennis court. Mr. Roberts stated that the applicants were not present.

Mr. Roberts described plan changes to lighting and screening through the planning process. Mr. Roberts stated that the ball containment system was into the setbacks of the site plan by 5 feet, but the court itself was not within the setbacks.

Mr. Roberts stated that there were no responses to the 30 property owners notified and that Staff recommends approval subject to the light fixtures being mounted parallel to the ground to abide by the dark skies ordinance.

Chairman Israeloff opened the public hearing. There were no speakers. Chairman Israeloff closed the public hearing.

Commissioner Cox asked the Commission's prior discussion regarding applicants who are not present for their agenda item. Commissioner Cox suggested tabling the item to the next meeting in case of questions for the applicant. Chairman Israeloff asked if there were any questions for the applicant from the Commission.

Commissioner Doi stated that his question was for Mr. Chancellor regarding the impervious surface form for it being under 35 percent. Mr. Roberts stated that he has the form and the concrete area is 34.8 percent and that he made the applicant aware that no other concrete structures would be approved. Commissioner Cox asked if this was for the entire lot including the driveway. Mr. Roberts confirmed that it was the entire lots impervious surface percentage

Commissioner Cox expressed concerns about the ball containment system being in the setbacks and the screening foliage choices. The Commission and Mr. Roberts discussed the red-tipped photinias. Commissioner Doi asked if tree replacement, if necessary, could be enforced through the CUP. Mr. Roberts stated that it would.

Commissioner Carlin stated his dissatisfaction with the applicant not being present. Mr. Roberts stated that the applicants were aware of the meeting when he last spoke with them and did not receive any indication that they were not planning on attending. Commissioner Doi suggested that the Commission formalize a policy for applicants that do not show up to their Commission hearing. Ms. Couch stated that it would be more enforceable if there were a formally adopted policy and would check with the Town Attorney for recommendations of how best to proceed with such a policy. Chairman Israeloff suggested the policy be put on a future agenda so that the Commission can formally discuss it.

Commissioner Doi made a motion to approve a conditional use permit (CUP) for a sports court (tennis court) with staff's recommended conditions. The 1.0-acre site is located at 781 Stallion Drive and is zoned for the (RE-1) One-Acre Ranch Estate District. Applicant: Shamin Choudhury representing Susan and Abdalla Hussain. Commissioner Almy seconded the motion and the motion was approved by a vote of 4 to 1 with Commissioner Cox opposed.

6. Conduct a public hearing, consider and take necessary action on a request for approval of a major warrant to allow off-premise advertising on a digital monument sign. The site is located on the east side of US 75 and north of Murry Farm Road and is zoned for the (CPDD) Commercial Planned Development District with the Urban Village Sub-district. Applicant: Matt Gallo, Lincoln Property Management.

Mr. Roberts gave a presentation on a public hearing and a revised major warrant to allow off-premise advertising on a digital monument sign for Fairview Town Center. Mr. Roberts stated that in December 2016, the Council approved the new master sign plan for the shopping center but for digital on-site advertising only. Mr. Roberts stated that the applicant has submitted a new smaller design for an LED sign with on-site advertising.

Mr. Roberts stated that there were no responses from the six neighboring property owners notified and that Staff has no recommendation as it is a policy decision by the Commission.

Chairman Israeloff opened the public hearing.

Matthew Gallo, Senior Vice President of Retail Acquisitions at Lincoln Property Company, 2000 McKinney Avenue, Suite 1000 in Dallas, stated that the remainder of the signage plan should be complete by mid-November. Mr. Gallo added that potential tenants have come to expect an LED sign. Mr. Gallo stated that having off-site advertising allows for a greater variety of display content including local community and charity events. Mr. Gallo showed a rendering of the new green space being added to the mall, which he stated would accommodate events. Mr. Gallo stated that off-site advertising allows the mall to not charge tenants for sign use. Mr. Gallo added that the sign is less costly due to the reduced screen size because DART approved a better location within their right-of-way. Mr. Gallo stated that due to these reductions in costs, the shopping center would be willing just utilize the sign for up to 50 percent off-site advertising.

Commissioner Carlin asked Mr. Gallo for examples of the type of content that would be advertised. Mr. Gallo stated that it is mostly product-based advertising as well as car companies and local car dealerships. Mr. Gallo stated other off-site messages could include messages from the schools and Heritage Ranch. Chairman Israeloff asked how they would decide which messages to post. Mr. Gallo stated he did not think there would be many and most times the market they are advertising to would be the same as their demographic.

Commissioner Carlin asked why the big-box chains were not willing to share in the cost of the sign. Mr. Gallo stated the stores would like the mall to pay for the rights to their logos.

Chairman Israeloff described first amendment restrictions to the Town regulating the sign beyond off- and on-premise advertising to the Commission. Chairman Israeloff stated his agreement that the DART right-of-way is a much easier location to see the sign.

Chairman Israeloff closed the public hearing.

Commissioner Cox asked about the discrepancy between the percentages of off-premise stated now versus the written request from September 2017 for up to 100 percent off-site. Mr. Gallo stated that as final bids on the project are now complete and costs for the sign came in lower than expected 50 percent is now acceptable to Lincoln.

Commissioner Cox asked about the possibility of casino advertisements on the sign. Mr. Gallo stated that their own policy is not to advertise vices or anything offensive. Commissioner Cox stated that if community announcements would be free, how will they determine what content is appropriate. Mr. Gallo stated a private entity versus a school or government entity would be treated differently.

Chairman Israeloff stated his concern that no dedicated portion of time has been allotted to community messages. Commissioner Doi asked about the Village at Allen's sign. Mr. Dunlap stated that the Allen sign is partially owned by the Allen Economic Development Corporation. Mr. Gallo said that they were open to allocating up to 5 percent of the 50 percent off-site to community messaging. Mr. Roberts stated that such a condition in the ordinance would be difficult to enforce. Mr. Couch suggested having a condition that the sign will be made available for public service announcements as opportunities arise. Ms. Couch stated the number of messages will likely be very small and she did not foresee any issues regarding use of the sign. Mr. Gallo agreed, stating that there is a lot of time to fill with 8 second messages on the board from early a.m. until midnight. Ms. Cappon agreed.

Chairman Israeloff asked how the 50 percent would be administered. Mr. Gallo stated that reports of the content could be run from the LED board software.

Commissioner Carlin asked about other LED signs owned by Lincoln. Mr. Gallo stated they did not have many but they are becoming more important. Mr. Gallo added that in the past, they have collaborated with Reynolds Outdoor Advertising rather than managing the ads in-house as they would here due to Reynolds not being willing to take on the project without having an agreement of up to 100 percent off-site advertising.

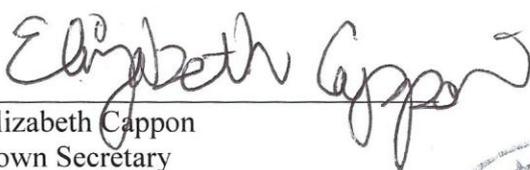
Commissioner Doi made a motion to approve a major warrant to allow up to 50 percent off-premise advertising on a digital monument sign with the conditions that the sign be made available for public service announcements and that the operator will provide reports to the Town to reflect the percentage of advertising, as requested. Commissioner Carlin seconded the motion and the motion was unanimously approved.

Chairman Israeloff and Mr. Gallo discussed the timeline for the projects in the mall.

7. Adjourn.

Chairman Israeloff adjourned the commission from the meeting at 7:57 p.m.

Respectfully submitted,


Elizabeth Cappon
Town Secretary


Sim Israeloff, Chairman
Planning and Zoning Commission

