

**TOWN OF FAIRVIEW, TEXAS**

**ORDINANCE NO. 2013-11-5A**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 14 (ZONING), AND THE ZONING MAP OF THE TOWN OF FAIRVIEW, TEXAS; GRANTING A CONDITIONAL USE PERMIT FOR A RELIGIOUS INSTITUTION (CHURCH) ON A 10.672± ACRE PROPERTY THAT IS ZONED ONE-ACRE RANCH ESTATE (RE-1) AND IS GENERALLY LOCATED NORTH OF STACY ROAD AND 1,400 FEET WEST OF MEANDERING WAY; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, notice of a public hearing before the Town of Fairview Planning and Zoning Commission was sent to real property owners within 500 feet of the property herein described at least ten (10) days before such hearing; and

**WHEREAS**, notice of a public hearing before the Town of Fairview Town Council (“Town Council”) was published in a newspaper of general circulation in the Town of Fairview at least sixteen (16) days before such hearing; and

**WHEREAS**, public hearings to adopt zoning on the property herein described were held before both the Planning and Zoning Commission and the Town Council, and the Planning and Zoning Commission has heretofore made a recommendation concerning the zoning; and

**WHEREAS**, the Town Council finds that the zoning herein effectuated furthers the purpose of zoning in the town and that it is in the public interest to approve said zoning described herein; now, therefore,

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS:**

**Section 1.** That the Code of Ordinances, Town of Fairview, Texas (“Fairview Code”), Chapter 14 (Zoning), and the zoning map of the Town of Fairview, Texas are hereby amended by granting a Conditional Use Permit for a religious institution (church) on a 10.672± acre property that is zoned One-Acre Ranch Estate (RE-1) and is generally located north of Stacy Road and 1,400 feet west of Meandering Way, more fully depicted on Exhibit “A” and Exhibit “B” attached hereto and incorporated herein, in accordance with the provisions of Chapter 14 (Zoning), Article 14.02, Division 1 (Generally), Section 14.02.010 and Chapter 14 (Zoning), Article 14.02, Division 11 (Conditional Use Permit District), Section 14.02.511 et seq., of the Fairview Code, as amended.

**Section 2.** Use and development of the subject property shall conform to the provisions found in Chapter 14 (Zoning), Article 14.02, Division 1 (Generally), Section 14.02.010 and Chapter 14 (Zoning), Article 14.02, Division 11 (Conditional Use Permit District), Section 14.02.511 et seq., of the Fairview Code, as amended, and is conditioned upon the following:

- a. Any modification to the worship center that increases the sanctuary seating capacity beyond 500 seats, shall require review and approval of an amended CUP after public hearings before the Planning & Zoning Commission and Town Council;
- b. Establishment of educational, daycare, or other similar accessory or non-accessory uses shall not be permitted by right, and instead shall require review and approval of an amended CUP after public hearings before the Planning and Zoning Commission and Town Council;
- c. Property must be served by the City of Allen sanitary sewer system. If any alternative sewage collection system is proposed for this development, the town shall require review and approval of an amended CUP after public hearings before the Planning & Zoning Commission and Town Council;
- d. A traffic impact study shall be completed during the plat application process. The property owner shall implement the recommendations of the study for any appropriate and necessary mitigation measures such as deceleration lanes, as approved by TxDOT;
- e. The property owner shall finance and be solely responsible for the costs of the construction of a left turn lane for eastbound traffic within the future Stacy Road median that shall front the subject property;
- f. The property owner shall provide cross access and a secondary emergency access point (as depicted on the Site Plan) through the adjacent property to the east;
- g. The subject property shall be developed generally in accordance with the Site Plan referenced as Exhibit "C" attached hereto and incorporated herein;
- h. The subject property shall be developed generally in accordance with the Facade Plan referenced as Exhibit "D" attached hereto and incorporated herein;
- i. The subject property shall be developed generally in accordance with the Preliminary Landscape Plan referenced as Exhibit "E" attached hereto and incorporated herein, with the exception that one or more landscape berms and living plant screens (collectively, "landscape buffer") shall be provided for at or near the northern property boundary. Said landscape buffer shall be provided for so that in combination with existing vegetation and/or privacy fencing on or near abutting residential property to the north, the landscape buffer will comply with Article 3.11 and Section 14.02.010(f) of the Fairview Code and said landscape buffer shall be designed in accordance with sound engineering practices; and
- j. The subject property shall be developed generally in accordance with the Floor Plan referenced as Exhibit "F" attached hereto and incorporated herein.

**Section 3.** That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction be subject to a fine in accordance with the general provisions of the Fairview Code.

**Section 4.** That the sections, paragraphs, sentences, phrases, clauses and words of this ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this ordinance or application thereof to any person, firm or corporation, or to any circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the Town Council hereby declares that it would have adopted such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 5.** That this ordinance shall take effect upon passage and publication, and it is accordingly so ordained.

**PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, THIS 5<sup>TH</sup> DAY OF NOVEMBER, 2013.**



Darion Culbertson Mayor  
Town of Fairview

ATTEST:

  
Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM:

  
Clark McCoy, Town Attorney





## EXHIBIT "B"

### Property Description

SITUATED in the State of Texas, County of Collin and Town of Fairview, being part of the John Taylor Survey, Abstract No. 909, being part of a 38.134 acre tract as described in a Special Warranty Deed to J. D. Goodman, Jr. Family Partners, Ltd., dated August 6, 1997 as recorded in Volume 4064, Page 2408 of the Collin County Land Records, part of a 1.00 acre tract of land conveyed to J. D. Goodman Jr. Family Partners by Special Warranty Deed filed 05/18/2009, recorded under County Clerk No. 200905818000600680 of the Collin County Land Records with said premises being more particularly described as follows:

BEGINNING at a TxDOT aluminum capped monument found in the north right-of-way line of Stacy Road (F.M. Road 2786) marking the southwest corner of an LDS Church 5.818 acre tract as recorded under County Clerk No. 20130102000003780 of the Collin County Land Records, and being the southeast corner of the herein described premises;

THENCE with the north right-of-way line of Stacy Road and the south line of said premises as follows: North 89°26'14" West, 152.98 feet to a TxDOT aluminum capped monument found in the east line of said 1.00 acre tract as recorded in Volume 2273, Page 146 of the Collin County Land Records; North 89°23'22" West, 157.43 feet to a TxDOT aluminum capped monument found in the west line of said 1.00 acre tract; North 89°34'19" West, 229.62 feet to a TxDOT aluminum capped monument found for corner; North 89°44'51" West, 143.83 feet to a point in the middle of a tributary of Sloan Creek, and marking the southwest corner of said premises and the southeast corner of Jonathan Goodman's 0.79 acre tract;

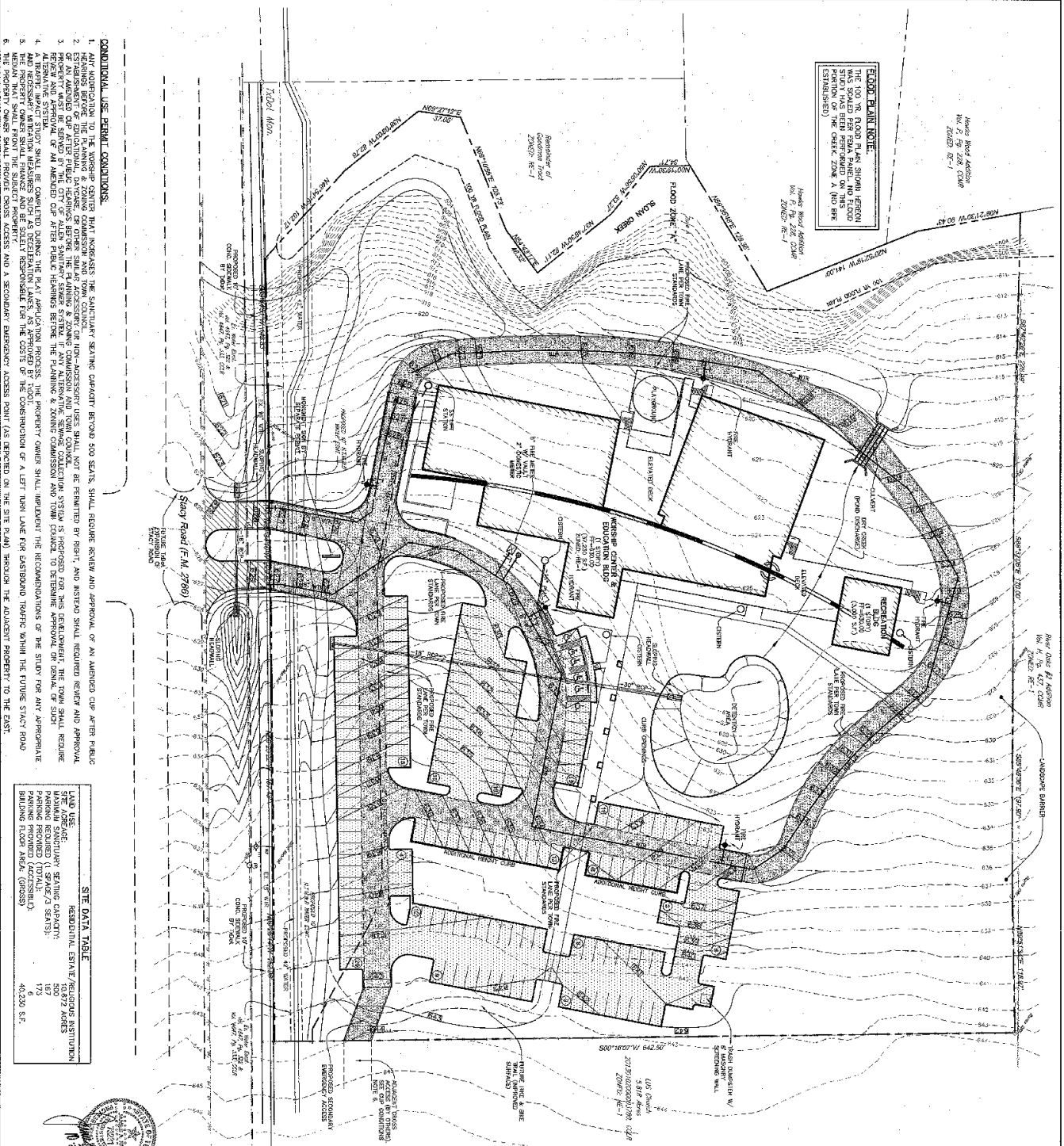
THENCE with the upstream meanders of said Tributary of Sloan Creek, the east line of said 0.79 acre tract and the west line of said premises as follows: North 46°54'16" West, 102.12 feet to a point North 38°09'03" West, 82.76 feet to a point; North 09°27'12" East, 37.05 feet to a point; North 69°10'55" East, 105.73 feet to a point; North 54°43'17" East, 46.32 feet to a point; North 37°48'30" West, 82.11 feet to a point; North 50°05'56" West, 53.27 feet to a point; North 00°19'30" West, 34.71 feet to a point; North 59°35'48" East with an easterly line of Hawks Wood Addition, an addition as recorded in Volume P, Page 228 of the Collin County Map Records a distance of 128.36 feet to a point; North 20°52'19" West with easterly line of said addition for a distance of 141.00 feet to a point; North 09°21'30" West with an easterly line of said addition a distance of 90.43 feet to a point marking the northwest corner of said premises and the southwest corner of River Oaks #2 Addition, an addition as recorded in Volume H, Page 437 of the Collin County Map Records;

THENCE with the north line of said premises, the north line of said 38.134 acre tract and the south line of said River Oaks #2 Addition as follows: South 87°42'26" East, 228.99 feet to a Roome capped ½" iron rod set; South 88°32'06" East, 170.00 feet to a Roome capped ½" iron rod set; South 88°48'36" East, 197.90 feet to a Roome capped ½" iron rod set; North 89°51'34" East, 118.97 feet to a Roome capped ½" iron rod set marking the northeast corner of said premises and the northwest corner of the aforementioned 5.818 acre tract;

THENCE with the east line of said premises and the west line of said 5.818 acre tract, South 00°16'07" West, 642.50 feet to the point of beginning and containing 10.672 acres of land.

# EXHIBIT "C"

written authorization of Brockette/Davis/Drake, Inc. as provided.



**FLOOD HAZARD**  
 THE 100 YEAR FLOOD PLAIN SHOWN HEREON WAS SOLELY BASED UPON FEMA RECORDS AND FLOOD STUDIES HAS BEEN PERFORMED ON THE SITE ESTABLISHED.

- CONDITIONAL USE PERMIT CONDITIONS:**
1. ANY ADDITIONAL TO THE MINIMUM CAPACITY THAT INCREASES THE SANITARY SEWER CAPACITY BEYOND 500 SEATS SHALL REQUIRE REVIEW AND APPROVAL OF AN AMENDED CUP AFTER PUBLIC REVIEW AND APPROVAL.
  2. ESTABLISHMENT OF EDUCATIONAL, PARKING, OR OTHER USES AT ACCESSORY OR NON-ACCESSORY USES SHALL NOT BE PERMITTED BY RIGHT, AND INSTEAD SHALL REQUIRE REVIEW AND APPROVAL FROM THE TOWN ENGINEER.
  3. PRELIMINARY DESIGN OF SANITARY SEWER SYSTEM SHALL BE SUBMITTED TO THE TOWN ENGINEER FOR REVIEW AND APPROVAL BEFORE THE PLANNING & ZONING COMMISSION AND TOWN COUNCIL TO OBTAIN APPROVAL OF DESIGN OF SUCH A TREATMENT PLANT SHALL BE COMPLETED DURING THE PLAN APPLICATION PROCESS. THE PROPERTY OWNER SHALL IMPLEMENT THE RECOMMENDATIONS OF THE STUDY FOR ANY APPROPRIATE TREATMENT PLANT.
  4. ANY NECESSARY IMPROVEMENTS TO THE SANITARY SEWER SYSTEM SHALL BE COMPLETED BY THE PROPERTY OWNER AT HIS OWN EXPENSE.
  5. MEAN THAT SHALL FRONT THE SUBJECT PROPERTY.
  6. THE PROPERTY OWNER SHALL PROVIDE CROSS ACCESS AND A SECONDARY EMERGENCY ACCESS POINT (AS SPECIFIED ON THE SITE PLAN) THROUGH THE ADJACENT PROPERTY TO THE EAST.

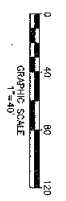
SITE DATA TABLE	
LAND USE:	RESIDENTIAL SINGLE-FAMILY (RESIDENTIAL INSTITUTION)
SITE AREA:	10,472 SQUARE FEET
PARKING PROVIDED (TOTAL):	187
PARKING PROVIDED (ACCESSIBLE):	173
BUILDING FOOTPRINT AREA (SQ. FT.):	40,250 S.F.



**DEVELOPER:**  
 CHASE OAKS CHURCH  
 444 N. CENTRAL EXPRESSWAY  
 FAIRVIEW, TEXAS 75823  
 CONTACT: AM NILEY

**ENGINEER:**  
 BROCKETTE/DAVIS/DRAKE, INC.  
 444 N. CENTRAL EXPRESSWAY  
 FAIRVIEW, TEXAS 75823  
 CONTACT: AM NILEY

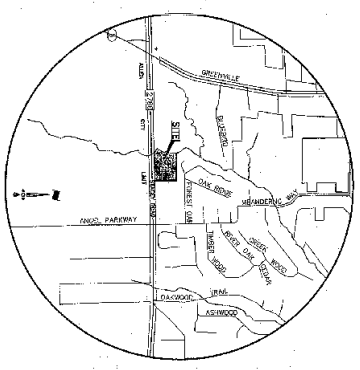
**SUBMISSION DATE: SEPTEMBER 10, 2013**  
 PART OF A 3.814 ACRE TRACT RECORDED IN VOLUME 4084,  
 OUT OF THE 1001 TRACT SURVEY, ABSTRACT NO. 808  
 IN THE TOWN OF FAIRVIEW, TARRANT COUNTY, TEXAS



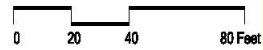
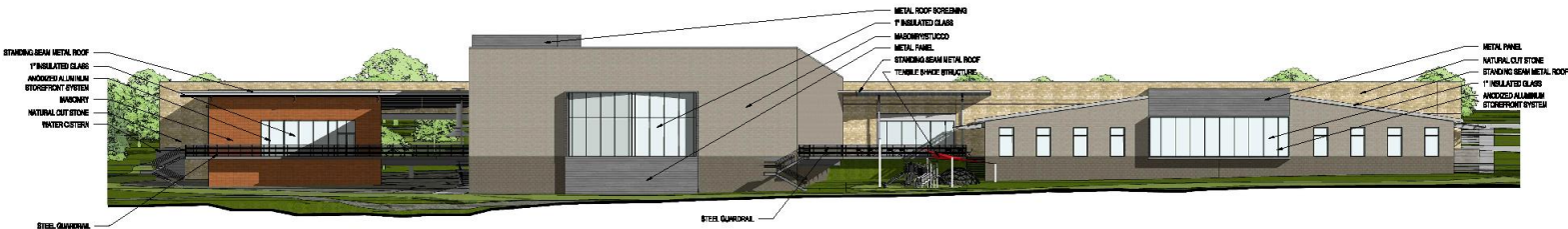
- SITE NOTES:**
1. THE PROPOSED BUILDING WILL BE BUILT ON A SLOPE AND A BEARING CAPACITY SHALL BE DETERMINED BY A REGISTERED CIVIL ENGINEER.
  2. THE PROPOSED BUILDING SHALL BE BUILT ON A SLOPE AND A BEARING CAPACITY SHALL BE DETERMINED BY A REGISTERED CIVIL ENGINEER.
  3. THE PURPOSE OF THE CONDITIONAL USE PERMIT APPLICATION IS TO OBTAIN APPROVAL OF THE PROPOSED BUILDING IN THE RE-1 ZONING DISTRICT.

**LEGEND**

- PROPOSED FIRE HYDRANT
- EXISTING FIRE HYDRANT
- EXISTING POWER POLE
- EXISTING OVERHEAD ELECTRIC
- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPOSED SANITARY SEWER
- PROPOSED WALKED LINE
- PROPERTY LINE
- PROPOSED STORM DRAIN LINE
- PARKING COUNT
- PAVE LAINE
- REINFORCED CONCRETE PAVEMENT
- ASPHALT PAVEMENT



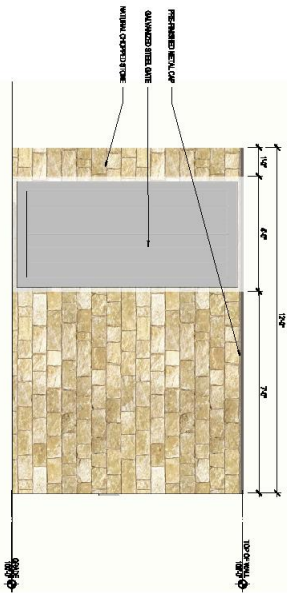
<p><b>CHASE OAKS CHURCH</b>                  FAIRVIEW, TEXAS                  CUP ZONING SITE PLAN</p>	<p>THIS DOCUMENT IS THE PROPERTY OF BROCKETTE/DAVIS/DRAKE, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.</p>	<p><b>BROCKETTE/DAVIS/DRAKE, INC.</b>                  consulting engineers                  Civil &amp; Structural Engineering • Surveying                  Texas Registered Engineering Firm F-641                  4444 North Central Expressway, Suite 1100                  Dallas, Texas 75244                  (214) 924-3647 • fax (214) 824-7064</p>
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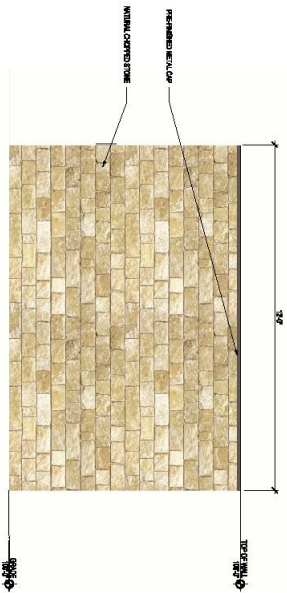
**CHASE OAKS CHURCH**  
 Fairview Campus  
 Fairview, TX 75069

Job #: 13144.00  
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 Date: 10.02.13  
 Drawn by: JBS

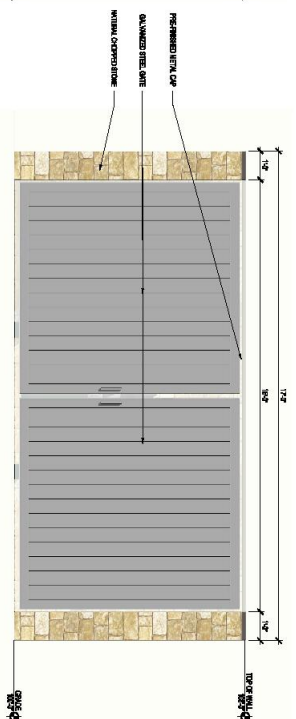
**gff** Good Fulton & Farrell Architects  
 2808 Fairmount Street Suite 300 Dallas, Texas 75201  
 214.303.1500/Tel 214.303.1512/Fax www.gff.com



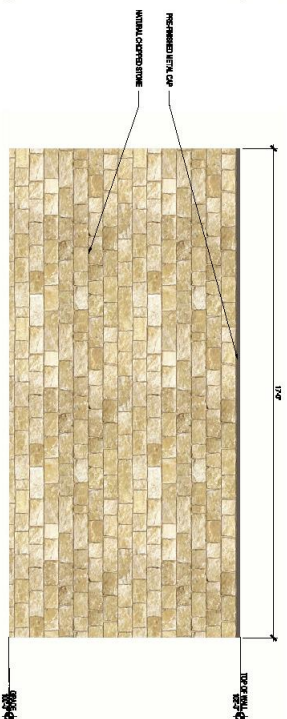
**05** DUMPSTER SCREEN - ELEVATION 4  
 Plan Name: **05**  
 Scale: 1/8" = 1'-0"



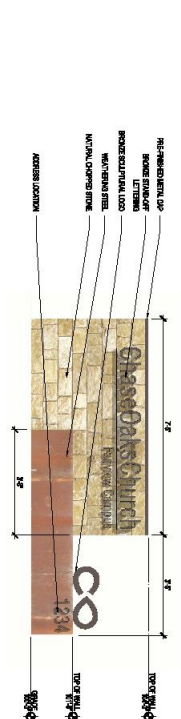
**04** DUMPSTER SCREEN - ELEVATION 3  
 Plan Name: **04**  
 Scale: 1/8" = 1'-0"



**03** DUMPSTER SCREEN - ELEVATION 2  
 Plan Name: **03**  
 Scale: 1/8" = 1'-0"



**02** DUMPSTER SCREEN - ELEVATION 1  
 Plan Name: **02**  
 Scale: 1/8" = 1'-0"



**01** MONUMENT SIGN - ELEVATION (TYP)  
 Plan Name: **01**  
 Scale: 1/8" = 1'-0"

CHASE OAKS CHURCH

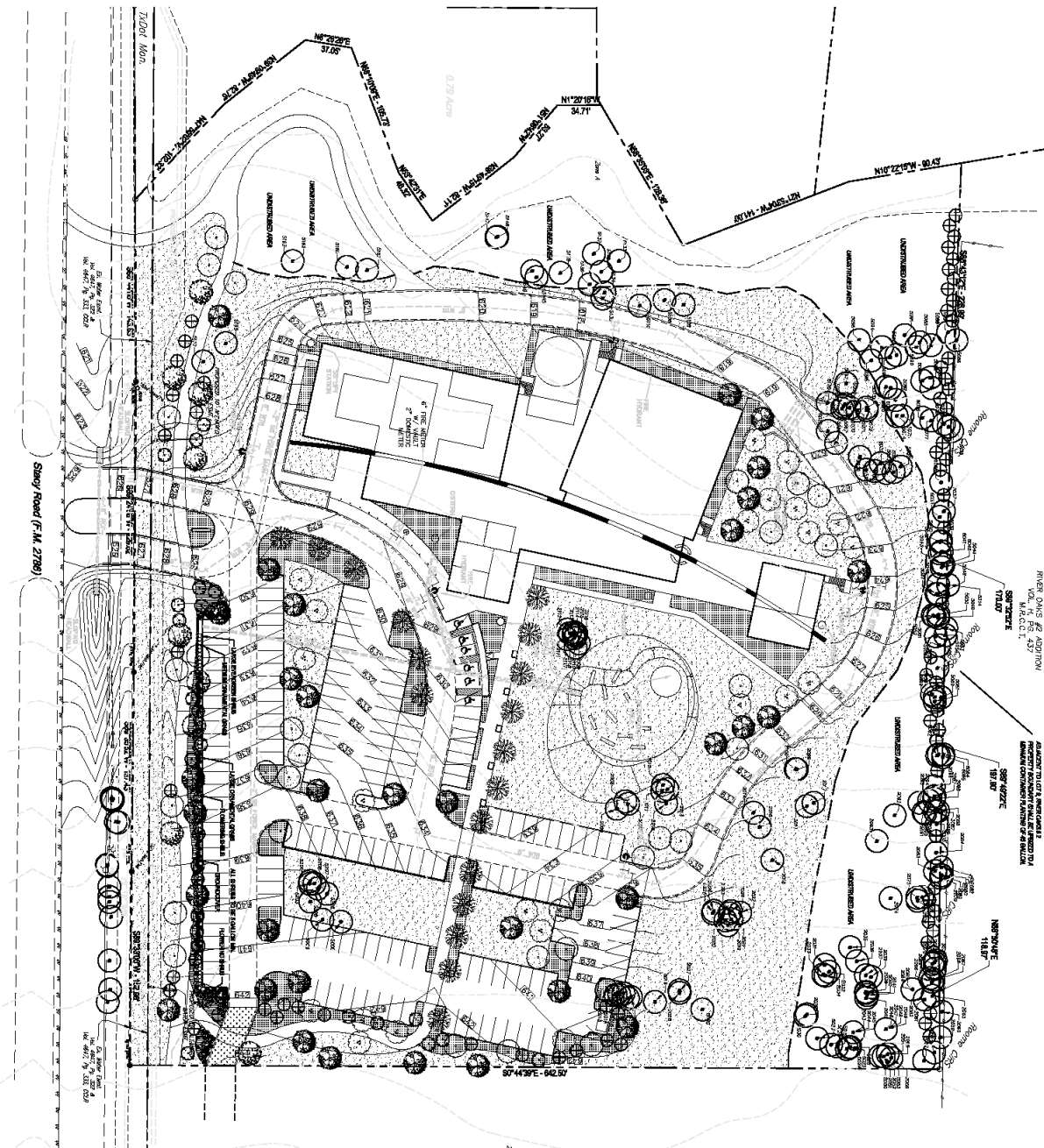
Fairview Campus  
 Fairview, TX 75069

Job #: 13144.00  
 File Name: 08\_25\_13  
 Date: 08\_25\_13  
 Drawn by:

**Good Fulton & Farrell Architects**  
 2308 Fairmount Street  
 Suite 307  
 Dallas, Texas 75201  
 214.363.1800 / TX  
 214.363.1827 / TX  
 www.gff.com



# EXHIBIT "E"



RIVER OAKS #2 ADDITION  
VOL. 14, P. 437

PLANNING AND ENGINEERING  
FOR THE CITY OF FAIRVIEW, TEXAS  
NO. 11, P. 117



**01 PRELIMINARY LANDSCAPE PLAN**

PROJECT: CHASE OAKS CHURCH  
FAIRVIEW, TEXAS

DATE: 08/27/2013

DESIGNED BY: BDA

Scale: 1" = 40'

Drawn By: BDA

Designed By: BDA

Sheet

PLS.1

Project File: CHASE  
PLS.1

**SYMBOL LEGEND**

1. PLANTING SYMBOLS

2. PLANTING NOTES

3. PLANTING SCHEDULES

4. PLANTING SPECIFICATIONS

5. PLANTING INSTALLATION

6. PLANTING MAINTENANCE

7. PLANTING REMOVAL

8. PLANTING REPLACEMENT

9. PLANTING PROTECTION

10. PLANTING IRRIGATION

**LANDSCAPE ESTABLISHMENT**

1. PLANTING SYMBOLS

2. PLANTING NOTES

3. PLANTING SCHEDULES

4. PLANTING SPECIFICATIONS

5. PLANTING INSTALLATION

6. PLANTING MAINTENANCE

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9. PLANTING PROTECTION

10. PLANTING IRRIGATION

**PLANTING SCHEDULES**

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3. PLANTING SCHEDULES

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**PLANTING SPECIFICATIONS**

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**PLANTING INSTALLATION**

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4. PLANTING SPECIFICATIONS

5. PLANTING INSTALLATION

6. PLANTING MAINTENANCE

7. PLANTING REMOVAL

8. PLANTING REPLACEMENT

9. PLANTING PROTECTION

10. PLANTING IRRIGATION

**PLANTING MAINTENANCE**

1. PLANTING SYMBOLS

2. PLANTING NOTES

3. PLANTING SCHEDULES

4. PLANTING SPECIFICATIONS

5. PLANTING INSTALLATION

6. PLANTING MAINTENANCE

7. PLANTING REMOVAL

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10. PLANTING IRRIGATION

**PLANTING REMOVAL**

1. PLANTING SYMBOLS

2. PLANTING NOTES

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4. PLANTING SPECIFICATIONS

5. PLANTING INSTALLATION

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**PLANTING REPLACEMENT**

1. PLANTING SYMBOLS

2. PLANTING NOTES

3. PLANTING SCHEDULES

4. PLANTING SPECIFICATIONS

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6. PLANTING MAINTENANCE

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**PLANTING PROTECTION**

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10. PLANTING IRRIGATION

**PLANTING IRRIGATION**

1. PLANTING SYMBOLS

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3. PLANTING SCHEDULES

4. PLANTING SPECIFICATIONS

5. PLANTING INSTALLATION

6. PLANTING MAINTENANCE

7. PLANTING REMOVAL

8. PLANTING REPLACEMENT

9. PLANTING PROTECTION

10. PLANTING IRRIGATION

## CHASE OAKS CHURCH FAIRVIEW, TEXAS CUP ZONING SITE PLAN

THIS DOCUMENT IS  
RELEASED FOR THE  
REVIEW UNDER THE  
AUTHORITY OF JAMES  
7-23-14 01.00/10.13. IT  
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