

TOWN OF FAIRVIEW, TEXAS

ORDINANCE NO. 2013-7-2B

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 14 (ZONING), AND THE ZONING MAP OF THE TOWN OF FAIRVIEW, TEXAS; GRANTING CONDITIONAL USE PERMIT (CU) ZONING FOR A RELIGIOUS INSTITUTION (CHURCH) ON A 5.818± ACRE PROPERTY THAT IS ZONED ONE-ACRE RANCH ESTATE (RE-1) AND IS GENERALLY LOCATED NORTH OF STACY ROAD AND 900 FEET WEST OF MEANDERING WAY; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVING 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 adopting Conditional Use Permit (CU) Zoning for a religious institution (church) on a 5.818± acre property that is zoned One-Acre Ranch Estate (RE-1) and is generally located north of Stacy Road and 950 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 meetinghouse that increases the sanctuary seating capacity beyond two hundred and forty-two (242) seats, shall require review of the CUP in the form of public hearings before the Planning and Zoning Commission and Town Council;
- b. Establishment of educational, daycare, or other similar ancillary uses shall not be permitted by right, and instead shall require amendment of the CUP after public hearings before the Planning and Zoning Commission and Town Council;
- c. If the property is served by an aerobic septic system, the property owner shall install a low pressure dosing system;
- d. The property owner shall finance the construction of a left turn lane for eastbound traffic within the future Stacy Road median that shall front the subject property;
- e. 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 or turn lanes, as approved by TxDOT;
- f. The subject property shall be developed in accordance with the Site Plan referenced as Exhibit "C" attached hereto and incorporated herein;
- g. The subject property shall be developed in accordance with the Facade Plan referenced as Exhibit "D" attached hereto and incorporated herein; and
- h. The subject property shall be developed in accordance with the Floor Plan referenced as Exhibit "E" 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.

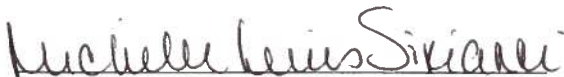
Section 5. That this ordinance shall take effect upon passage and publication, and it is accordingly so ordained.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS, THIS 2ND DAY OF JULY, 2013.



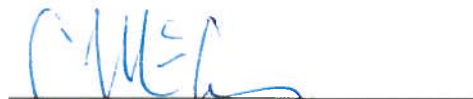
Darion Culbertson Mayor
Town of Fairview

ATTEST:



Michelle Lewis Sirianni, Town Secretary

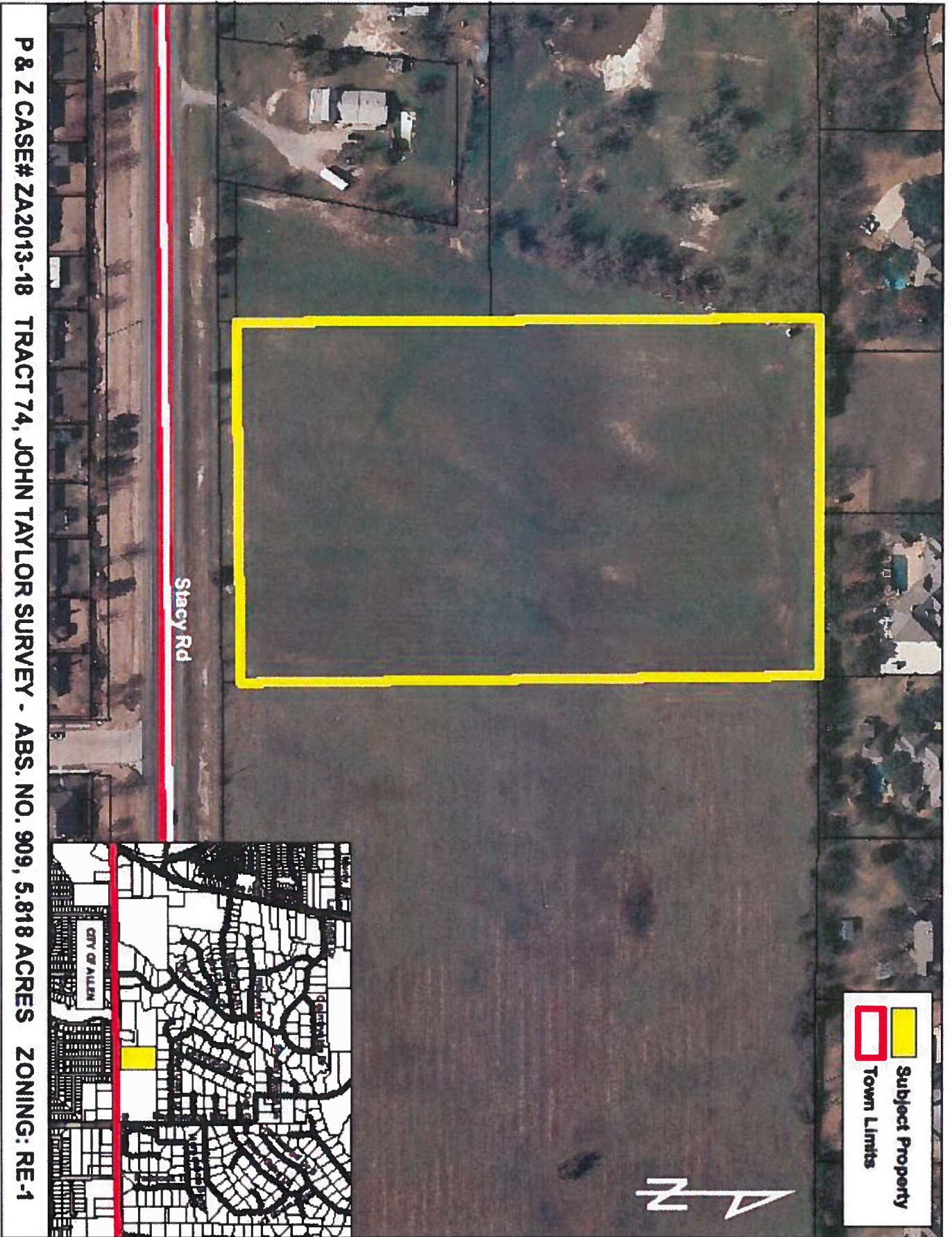
APPROVED AS TO FORM:



Clark McCoy, Town Attorney



EXHIBIT "A"



P & Z CASE# ZA2013-18 TRACT 74, JOHN TAYLOR SURVEY - ABS. NO. 909, 5.818 ACRES ZONING: RE-1

EXHIBIT "B"

PROPERTY DESCRIPTION

LDS - Fairview

BEING a 5.818 acre tract of land, situated in the John A. Taylor Survey, Abstract No. 909, and being part of a 38.134 acre tract of land as described in Special Warranty Deed to J. D. GOODMAN, JR. FAMILY PARTNERS, LTD. as recorded in Volume 4064, Page 2408, Deed Records, Collin County, Texas, same being all of a 5.818 acre tract of land as described in Warranty Deed with Vendor's Lien to Michael L. Fry and Linda L. Fry as recorded in Volume 4883, Page 481, Deed Records, Collin County, Texas, said 5.818 acre tract being more particularly describes as follows:

BEGINNING at a TxDOT aluminum monument found for the southeast corner of said 5.818 acre tract, same being the northeast corner of a Right of Way Dedication to the State of Texas, as recorded in Instrument Number 20121003001258670, from which a 1/2" iron rod found at the southwest corner of a called 13.916 acre tract of land described in Special Warranty Deed to G&G - Stacy at Meandering LLC, as recorded in County Clerk's File No. 20080715000858170, Collin County, Texas, referencing South 02°05'08" East, a distance of 20.00 feet;

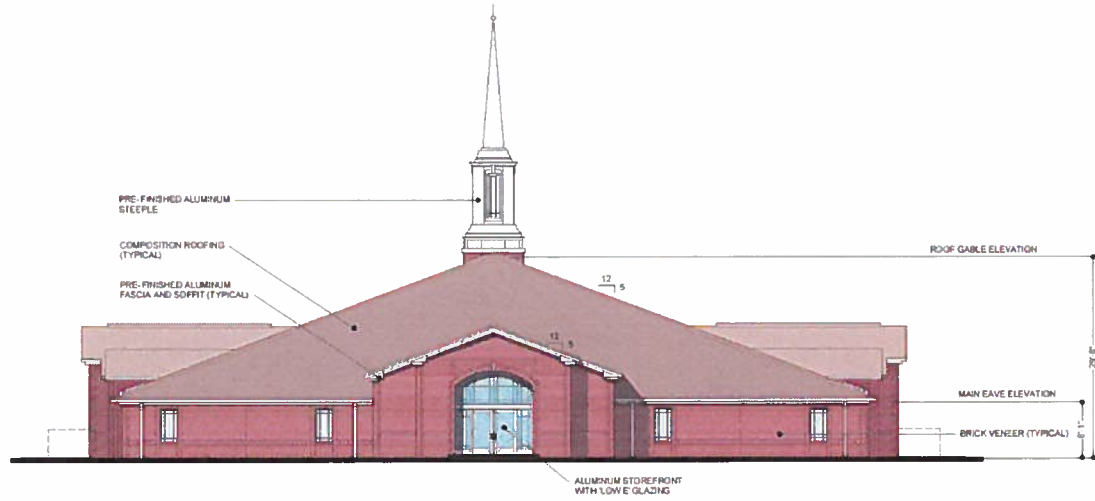
THENCE South 88°05'07" West, along the north line of said F.M. 2786, a distance of 395.38 feet to a TxDOT aluminum monument found for the southwest corner of said 5.818 acre tract, same being the northwest corner of said Right of Way Dedication;

THENCE North 02°05'08" West, departing said F.M. 2786, being parallel with the east line of aforementioned 38.134 acre tract and the west line of herein described tract, a distance of 643.49 feet to a 1/2" iron rod set for corner, being in the south line of Lot 8, River Oaks II, an addition to the City of Fairview, according to the Plat thereof recorded in Volume H, Page 437, Plat Records, Collin County, Texas;

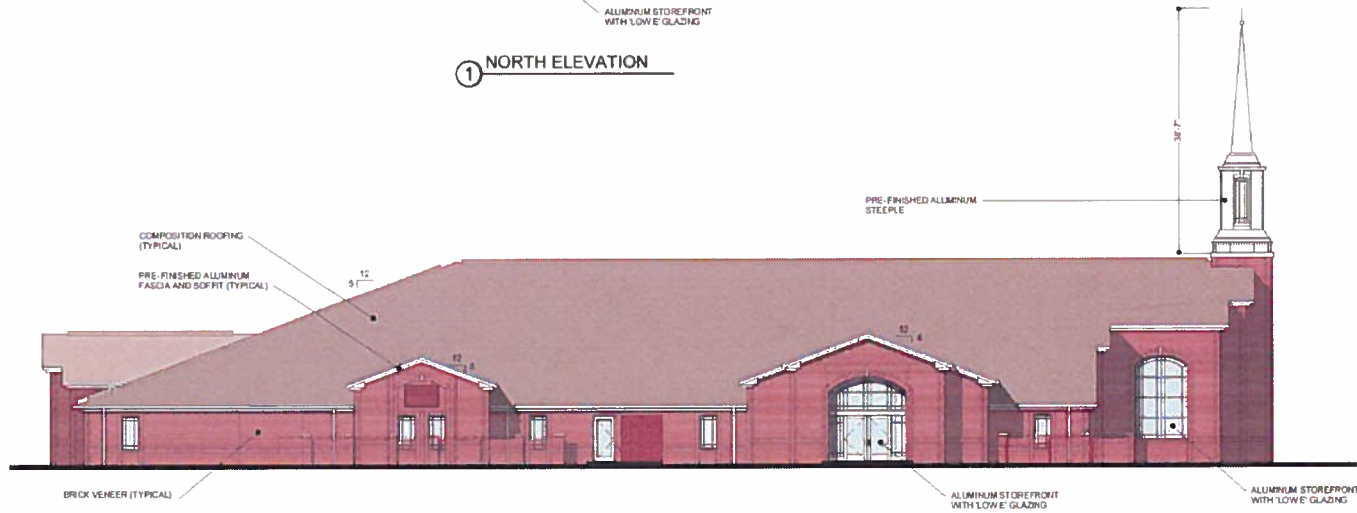
THENCE North 88°48'10" East, along the south line of said River Oaks addition, passing the common south corner of Lots 7 and 8 at 40.41 feet and passing the common south corner of Lots 6 and 7 at 215.41 feet and continuing a total distance of 372.59 feet to a 1/2" iron rod set for corner;

THENCE North 88°35'50" East, continuing along said addition, a distance of 22.84 feet to a 1/2" iron rod set for corner at the northwest corner of the aforementioned G&G tract;

THENCE South 02°05'08" East, along the west line of said G&G tract, a distance of 638.62 feet to the POINT OF BEGINNING and containing 253,447 square feet or 5.818 acres of land, more or less.



① NORTH ELEVATION



② WEST ELEVATION

VANDIVER ASSOCIATES
 architects/planners/designers
 1000 10th ST, #403, Plano, TX 75074
 PH: (972) 422-0688

Sheet

FAIRVIEW WARD
 MEETINGHOUSE
 STACY RD
 FAIRVIEW, TEXAS 75069

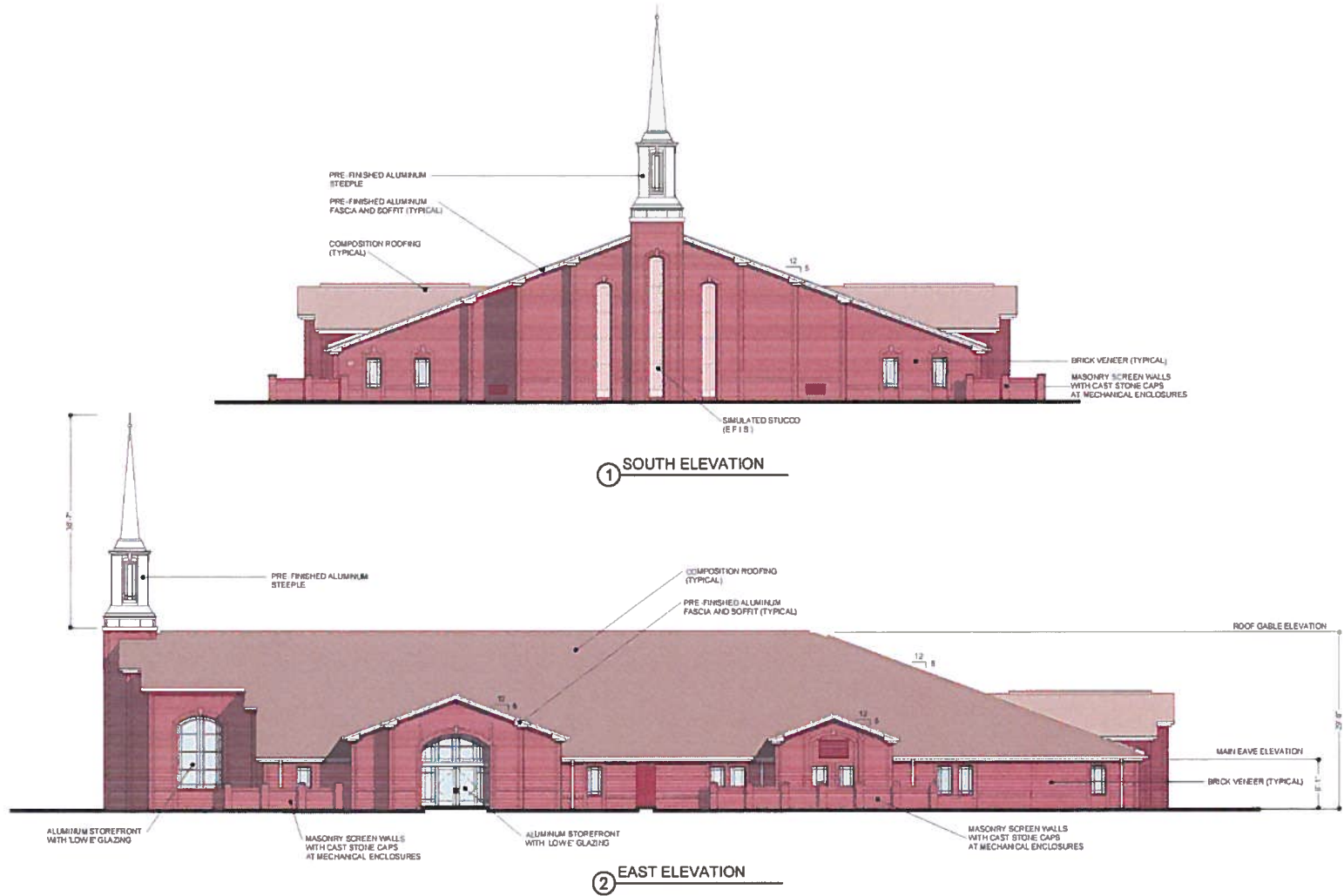
Project for
THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Rev	Description	Date
1	7-23-13 CLIP FINAL	

DATE: 3.20.13
 DRAWN BY: MER-CST/AM-CB-04
 PROJECT NUMBER: 63348306-130710101

BUILDING ELEVATIONS

Sheet
A202



VANDIVER ASSOCIATES
 V.A.R.G.O.
 architectural/planning/design firm
 1000 18th ST., #400, Plano, TX 75074
 PH: (972) 452-9688

Phone

FAIRVIEW WARD MEETINGHOUSE
 STACY RD
 FAIRVIEW, TEXAS 75089

Project for
THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

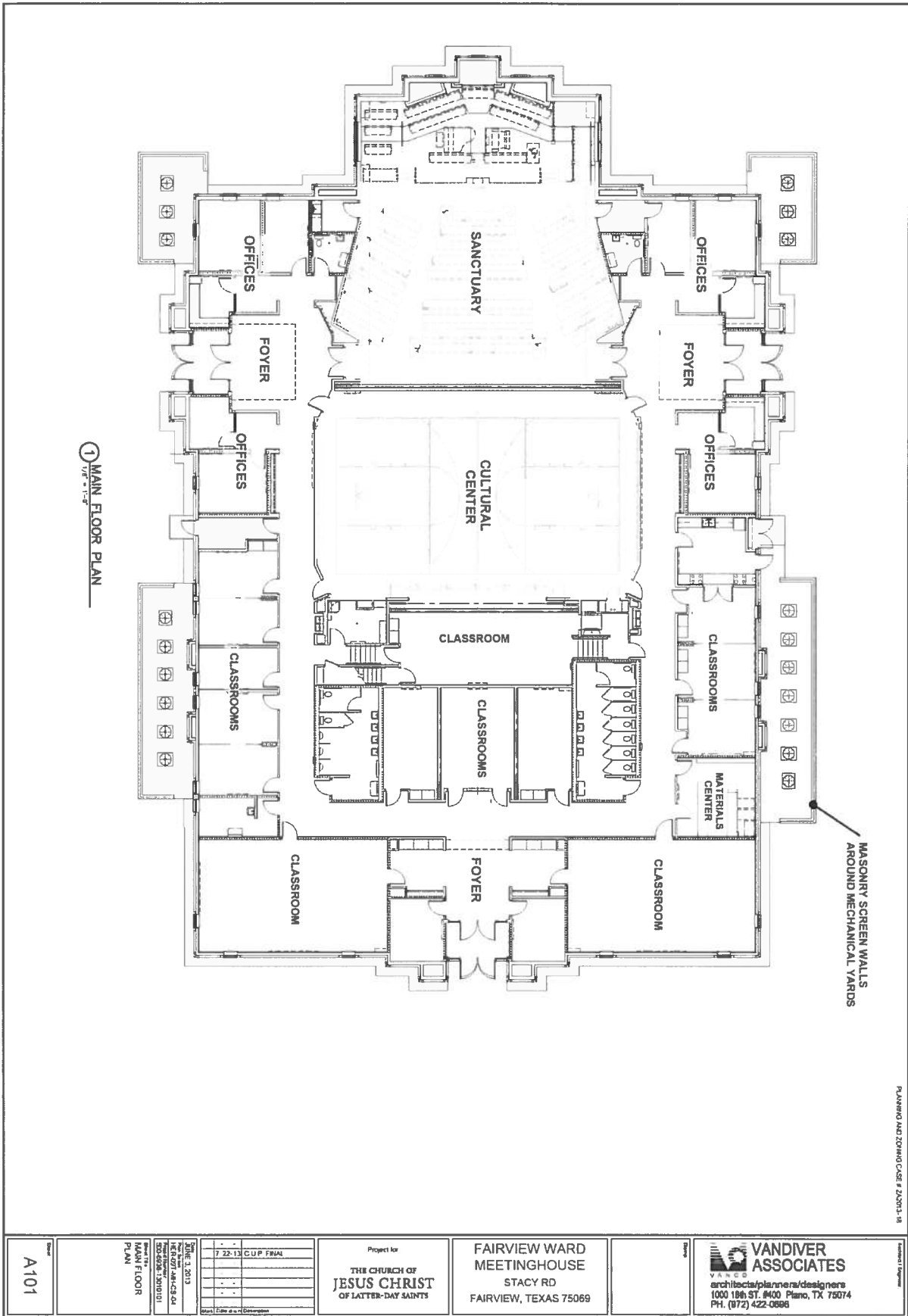
Rev.	Date	Description
1	06-03-2013	FOR SETTING PERMITS
2	06-03-2013	FOR SETTING PERMITS
3	06-03-2013	FOR SETTING PERMITS
4	06-03-2013	FOR SETTING PERMITS
5	06-03-2013	FOR SETTING PERMITS
6	06-03-2013	FOR SETTING PERMITS
7	06-03-2013	FOR SETTING PERMITS
8	06-03-2013	FOR SETTING PERMITS
9	06-03-2013	FOR SETTING PERMITS
10	06-03-2013	FOR SETTING PERMITS

Date: JUNE 3, 2013
 File Name: MEH-021-MH-CB-04
 Project Number: 500-9938-13010101

Sheet Title
BUILDING ELEVATIONS

Sheet
A201

EXHIBIT "E"



PLANNING AND ZONING CASE # 220973-18

SHEET 11 OF 12