




City of New Fairview
Planning & Zoning Commission Special Meeting
999 Illinois Lane
Monday, September 26, 2022, at 6:30 pm

1. **Call to Order and Determination of Quorum**
2. **Pledge to the Flags.**
 - A. **United States of America**
 - B. **Texas Flag Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.**
3. **Public Comment:** The Planning and Zoning Commission invites persons with comments or observations related to city issues, projects, or policies to briefly address the Planning and Zoning Commission. Anyone wishing to speak should sign-in with the City Secretary before the beginning of the Planning and Zoning Commission Meeting. In order to expedite the flow of business and to provide all citizens the opportunity to speak, there is a three-minute limitation on any person addressing the Planning and Zoning Commission. State law prohibits the Planning and Zoning Commission from discussing or taking action on any item not listed on the posted agenda.
4. **Work Session:**
 - A. **Receive a report from staff regarding redrafting Section 31 of the City of New Fairview Zoning Ordinance regarding Outdoor Lighting to bring the ordinance in-line with Dark Sky Initiatives.**
5. **New Business:** All matters listed in New Business will be discussed and considered separately.
 - A. **Consider recommending approval of a preliminary plat for Setters Glen, 157.222 acres in the Smith County School Land Survey Abstract No. 744 generally located in the 1400 Block of Illinois Street (FM 407), north of the highway.**
 - B. **Receive and consider approval of the minutes for the August 8 and August 29, 2022 meetings.**
6. **Adjournment**

I, the undersigned authority, do hereby certify the above notice of the meeting of the Planning and Zoning Commission of New Fairview, is a true and correct copy of the said notice that I posted on the official posting place at New Fairview City Hall, FM 407, New Fairview, Texas, a place of convenience and readily accessible to the general public at all times, and on its website, said notice being posted this 23rd day of September 2022 at 5:00 PM at least 72 hours proceeding the meeting time.



Susan Greenwood, Assistant City Secretary

SEAL:



This facility is wheelchair accessible; parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary at City Hall 817-638-5366 or fax 817-638-5369 or by email at citysecretary@newfairview.org for further information.



Planning and Zoning Commission AGENDA MEMO

Prepared By: John Cabrales Jr, City Administrator

September 26, 2022

Dark Sky Ordinance

DESCRIPTION:

Receive a report from staff regarding redrafting Section 31 of the City of New Fairview Zoning Ordinance regarding Outdoor Lighting to bring the ordinance in-line with Dark Sky Initiatives.

BACKGROUND INFORMATION:

The International Dark Sky Association is an organization which is attempting to reduce the amount of light pollution emitted from communities in order to achieve several goals. These goals include:

- Reduce harm artificial light brings to plants and wildlife which rely on nocturnal darkness to thrive;
- Reduce waste in energy and financial resources illuminating the built environment greater than necessary;
- Reduce impact on human health;
- Increase safety of people and property by appropriate lighting of areas;
- Restore the ability to see astronomical bodies from urbanizing areas.

At the request of the Planning and Zoning Commission, staff has drafted a replacement ordinance for Section 31 which was drafted several years ago. The current draft is modeled on an ordinance in a Texas community which has been certified as a Dark Sky Community. Additionally, the provisions of the ordinance are fairly straightforward for homeowners, business owners and developers to understand and is more simple for the City to implement.

FINANCIAL CONSIDERATION:

None

RECOMMENDED MOTIONS FOR PLANNING AND ZONING COMMISSION:

No action required.

ATTACHMENT(S):

1. IDA Protecting the Night Skies Brochure
2. Draft Outdoor Lighting Ordinance Section 31

Light Pollution is destroying our night...

...but YOU can make a difference.



Photo by Jim Richardson

What is Light Pollution?

Most of us are familiar with air, water and land pollution, but did you know that light can also be a pollutant?

The inappropriate or excessive use of artificial light – known as light pollution – can have serious environmental consequences for humans, wildlife and our climate.



By joining IDA you help us protect our planet, save billions of dollars in wasted energy and connect future generations to starry skies.

Light Pollution is Reversible!



A stunning example of the effects of light pollution. Photos taken before and during the 2003 Northeast blackout, a massive power outage affecting 55 million people. Photos by Todd Carlson.

Take Action!

Light Pollution affects us all. 5 ways you can make a difference!

1. Install lighting only when and where it's needed.
2. Use energy saving features such as timers, dimmers and motion sensors on outdoor lights.
3. Make sure your lighting is shielded so light shines down, not up. Encourage good lighting at your workplace, too.
4. Educate your friends and neighbors about the importance of good lighting for our health, economy and environment.
5. Join IDA and visit darksky.org for more information and free resources.



About IDA

The International Dark Sky Association, a 501(c)(3) nonprofit organization based in Tucson, Ariz., is dedicated to preserving the natural nighttime environment by educating policymakers and the public about night sky conservation and promoting eco-friendly outdoor lighting.

Our Mission

To preserve and protect the nighttime environment and our heritage of dark skies through environmentally responsible outdoor lighting.

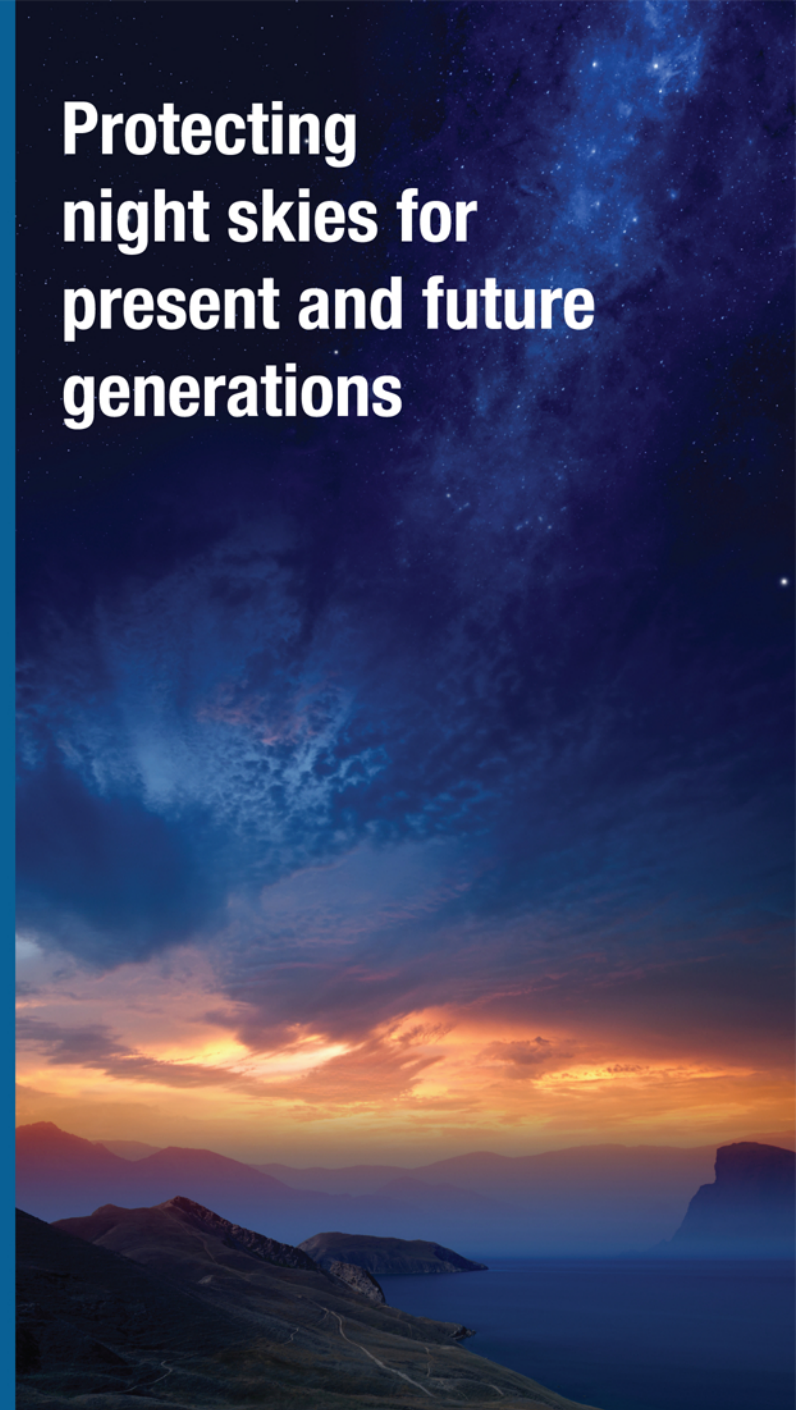
Our Goals

- **Advocate** for the protection of the night sky
- **Educate** the public and policymakers about night sky conservation
- **Promote** environmentally responsible outdoor lighting
- **Empower** the public with tools and resources to help bring back the night



International Dark-Sky Association
3223 N. First Avenue
Tucson, AZ 85719 USA
darksky.org ida@darksky.org
+1-520-293-3198

Protecting night skies for present and future generations



www.darksky.org

5 Ways Light Pollution Hurts our Planet

Artificial light not only prevents city dwellers from seeing the stars, it also harms the environment and human health.



Light Pollution Devastates Wildlife

Plants and animals depend on Earth's daily light and dark cycle to govern life-sustaining behaviors. Research shows that artificial light at night has negative and even deadly effects on many species.



Light Pollution May Harm Your Health

Studies suggest that artificial light at night negatively affects human health by increasing our risks for obesity, sleep disorders, depression, diabetes, breast cancer and more.



Light Pollution Can Make You Less Safe

There is no clear scientific evidence that increased outdoor lighting deters crime. In fact, poor outdoor lighting can decrease personal safety by making victims and property more visible to criminals.



Light Pollution Wastes Energy and Money

As much as 50 percent of outdoor lighting is wasted, which increases greenhouse gas emissions, contributes to climate change, and renders us all more energy dependent.



Light Pollution Robs Us of Our Heritage

Our ancestors experienced a night sky that inspired science, religion, philosophy, art and literature. Now, millions of children across the globe will never know the wonder of the Milky Way.

We need YOUR help!

IDA is working to preserve the night sky for future generations.

Join IDA

Name: _____

Address: _____

City: _____

State: _____ Zip: _____ Country: _____

Email: _____

Phone: _____

Pay by: Check (payable to IDA) Credit Card Cash

Card Number: _____

Expiration Date: _____ Security Code _____

Card Holder: _____

Signature: _____

Membership Level:

- \$35 \$250
 \$50 \$500
 \$100 \$1,000

Donate

I would like to make a one-time donation.

I would like to make an additional donation.

\$ _____

\$ _____

Your IDA membership is a tax-exempt donation.

Join Us in Protecting the Night!

Your dues and donations help us...

• Protect Wildlife and Ecosystems

We work with conservation experts and park officials to minimize the ecological impact of artificial lighting in natural areas, protecting habitats and wildlife.

• Promote Eco-Friendly Outdoor Lighting

Our Fixture Seal of Approval program certifies outdoor lighting fixtures that protect the night sky.

• Recognize and Preserve Dark Sky Places

The International Dark Sky Places conservation program recognizes and promotes excellent stewardship of the night sky. We have certified dozens of Places worldwide.

• Foster Education and Outreach

We educate communities and public officials about light pollution and provide specific solutions for minimizing its negative effects through our public outreach programs.

• Assist Parks and Protected Areas

IDA helps parks replace their bad lighting by providing eco-friendly options depending on need, and in some cases for free.

Together we can save the night.

Thank you for your support!



**DRAFT REPLACING
SECTION 31 of the
ZONING ORDINANCE**

**SECTION 31
OUTDOOR LIGHTING**

§ 31.1 Definitions.

For the purposes of this article, terms used shall be defined as follows:

Area lighting. Light fixtures located on public or private property that are designed to light spaces including but not limited to parks, parking lots, and sales lots.

Axis of illumination. The midline of the beam emitted by a light fixture.

Candela (cd). A unit of measurement of luminous intensity equal to one lumen of light emitted over one steradian of solid angle, and approximately equal to one candlepower.

Candlepower. The luminous intensity of a light source measured in candelas.

Correlated color temperature. The absolute temperature, in Kelvins (K), of a blackbody whose chromaticity most nearly resembles that of the light source. CCT characterizes the color content, or spectrum (“warmness” or “coolness”), of a light source. Lamps with a CCT of less than 3200 K are pinkish and considered “warm.” Lamps with a CCT greater than 4000 K are bluish–white and considered “cool.”

Existing light fixtures. Those outdoor light fixtures already installed on the date this article is effective.

Floodlight. A light fixture having a wide beam.

Full cutoff. A shielded light fixture that emits no light at or above horizontal (90 degree above nadir).

Footcandle. The illuminance produced on a surface one foot from a uniform point source of one candela and equal to one lumen per square foot.

Fully shielded. A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane passing through the lowest part of a fixture. A fully shielded fixture is not necessarily full cutoff.

Glare. Light produced by sources in the field-of-view that is brighter than the brightness to which the eyes are adapted, causing reduced visibility by lowering contrast.

IESNA. The Illuminating Engineering Society of North America, a recognized authority on lighting best practices and standards.

Illuminance. The density of luminous flux incident on a surface measured in lux or footcandles.

Initial lumens. The number of lumens of light emitted by a light source according to as-manufactured specifications and not accounting for any diminution of light due to age

or maintenance condition.

Light fixture. The assembly that holds or contains a lamp or bulb. It includes elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

Light pollution. Any adverse effect of artificial light. An example of light pollution is sky glow caused by scattered light from unshielded or poorly aimed light fixtures.

Light trespass. Unwanted light falling on public or private property from any location external to that property.

Lumen. A unit of luminous flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. For the purposes of this regulation, the lumen output values shall be the initial lumens of a lamp. The lumen rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer.

Luminaire. A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

Nadir. The direction indicated by a line connecting any point on the surface of the Earth and the center of the Earth.

Outdoor lighting. Nighttime illumination of an outside area or object by any manmade device that is located outdoors and produces light.

Private lighting. Outdoor light fixtures located on property owned or controlled by individual persons, including but not limited to families, partnerships, corporations, and other entities engaged in the conduct of business or other nongovernmental activities.

Public lighting. Outdoor light fixtures located on property owned, leased, or controlled by the city or other governmental entity or entities, including but not limited to streets, highways, alleys, easements, parking lots, parks, playing fields, schools, institutions of higher learning, and meeting places, and all entities completely or partly funded by grants obtained by the city or its agents from federal, state or private sources.

Sag-lens or drop-lens. Any clear or prismatic refracting lens that extends below the lowest opaque portion of a light fixture.

Searchlight. Any light fixture having a narrow beam intended to be seen in the sky by an observer on the ground. Spotlight means a light fixture having a narrow beam.

Spotlight. A strong beam of light that can be directed to illuminate a small area.

Temporary outdoor lighting. Lighting for a specific unique purpose of an outside area or object by any manmade device that produces light for a period of less than 5 consecutive days.

Trespass lighting. Light emitted by a luminaire which falls outside the boundaries of the property on which the luminaire is sited.

Uplighting. The most commonly used technique to illuminate structures or parts of structures, trees, walls, waterfalls, fountains, and other outdoor objects. Light fixtures are ground-mounted and directed upwards, away from the viewer to prevent glare. Normally these fixtures are easily adjustable.

Wallpack. A type of floodlight mounted on the wall of a building or other structure.

§ 31.2. Existing light fixtures.

- (a) To reduce glare, safety hazards for drivers and pedestrians, light trespass, and light pollution, all existing spotlights, floodlights, and wallpacks shall be adjusted in accordance with the following provisions:
 - (1) For spotlights and floodlights mounted overhead on poles and used for area lighting, the axis of illumination shall be adjusted to an angle not more than 20 degrees from the vertical line between the fixture and the ground.
 - (2) For spotlights and floodlights mounted at or near ground level and used to light a building, billboard, or other structure, the axis of illumination shall be adjusted to minimize the amount of light escaping above, below, and to the sides of the illuminated object.
 - (3) Wallpacks shall be adjusted where possible to minimize the amount of light emitted above the horizontal.
- (b) It is not the intent of this section to require an additional investment in order to comply with these provisions.
- (c) Existing light fixtures, other than spotlights, floodlights, and wallpacks, already installed at the time this article is enacted may continue in service without adjustment or modification through the remainder of their useful lives but thereafter must be brought into compliance with this article.

§ 31.3. General outdoor lighting restrictions.

- (a) This section applies to all new private lighting installed after the date of adoption of this article, including replacements for existing fixtures.
- (b) Lighting at public and private outdoor sports facilities, including but not limited to playing fields, arenas, tracks, and swimming pools, shall be shielded such that no light-emitting part of fixtures is visible from any other property; shall provide levels of illuminance consistent with the IESNA "Recommended Practice for Sports and Recreational Area Lighting," (IESNA RP-6-01) or current successor recommendations; and shall not exceed a correlated color temperature of 4000 K. Sports lighting shall furthermore cease upon conclusion of scheduled events or 11:00 p.m. (whichever occurs first) except by special use permit issued by the city. Installations of such lighting shall make use of timers to ensure that light is extinguished by the curfew hour or conclusion of scheduled events and may not inadvertently be caused to continue operating thereafter.
- (c) Strobe lights on communication towers and other hazards to aerial navigation, that are required by the Federal Aviation Administration (FAA) during daytime hours and are permitted but not required to be operational at night, may not be used at night. Other lights used at night on such structures shall not be brighter than the minimum required by the FAA.
- (d) All other outdoor lighting fixtures using lamps or bulbs having outputs greater than 1,800 initial lumens must be full cutoff fixtures.

- (e) Sag-lens or drop lens fixtures are prohibited.
- (f) In the interest of conserving energy and protecting the environment, mercury vapor fixtures are prohibited.
- (g) Each flag to be lighted shall be lighted by one spotlight not exceeding 1,800 lumens and a correlated color temperature of 3200 K.
- (h) The aggregate total outdoor lighting on any property in residential zones shall not exceed 10,000 lumens per acre.
- (i) The aggregate total of outdoor lighting on any property in commercial zones shall not exceed 25,000 lumens per acre, unless approved by the city. (see section 31.7).

§ 31.4. Residential outdoor lighting restrictions.

The following restrictions are applicable to all private lighting within residential areas within the city limits:

- (a) No exterior lighting on a lot shall be directed outside the boundaries of such lot or produce a glare visible from outside the boundaries of such lot except as otherwise.
- (b) Garage bay lighting shall not exceed 1,800 initial lamp lumens per fixture and a correlated color temperature of 3200 K.
- (c) Mercury vapor lamps are prohibited.
- (d) Architectural or landscape uplighting is prohibited unless approved by the city (see section 31.7).
- (e) All exterior lighting shall be shielded so that no light source is visible from any neighboring property.

§ 31.5. Municipal outdoor lighting restrictions.

- (a) It shall be the policy of the city to not provide street lighting along public rights-of-way unless specific and dire public safety considerations indicate otherwise.
- (b) All streetlights shall be full cutoff fixtures using lamps with a correlated color temperature not exceeding 3200 K, or of approved historical design, utilizing illumination levels specified in the IESNA “American National Standard Practice for Roadway Lighting” (IESNA RP-08-00) or current successor recommendations.

§ 31.6. Levels of illuminance required or permitted at specific facilities.

- (a) Maximum, average, and/or minimum levels of illuminance for different facilities are listed below in horizontal footcandles. Unless otherwise specified, minimum levels shall be the lowest consistent with safety. Lighting requirements are as follows:
 - (1) Parking lots and parking areas: average 2.0 fc; minimum 0.5 fc.

- (2) Points of structure entry/exit: maximum 5.0 fc.
- (3) Service stations and other fueling facilities: maximum 10.0 fc in the area surrounding pump islands; parking areas and entry areas shall be lighted as required above; drop lens fixtures are prohibited, whether mounted under canopies or on poles. Canopy lighting shall be installed so as to be recessed into the canopy. Neither canopy nor overhead lighting shall trespass onto any other property.
- (4) Sales lots where merchandise, including automobiles, are displayed at night: maximum 20.0 fc. Area lighting used to illuminate sales lots may not trespass onto any other property.
- (b) For locations and facilities not specified herein, the development services department shall set acceptable levels of illuminance upon request based on guidelines established by IESNA.
- (c) The use of searchlights and spotlights is prohibited for advertising, attracting attention to any event, and for any other use except for emergency purposes.

§ 31.7. Large outdoor lighting projects.

- (a) An outdoor lighting project reasonably expected to utilize more than 25,000 lumens per acre in the aggregate shall file a lighting plan with the city. A lighting plan shall be filed at the same time as any other plans required by the city and shall specify the following:
 - (1) Number and type of light fixtures to be used;
 - (2) Their output in lumens; and
 - (3) Photometric data from the manufacturer(s) showing the spatial distribution of the output of the proposed fixtures.
- (b) The city shall review the lighting plan taking into account factors including but not limited to levels of luminance, glare, safety hazards, light trespass, and light pollution.. The applicant shall not undertake the outdoor lighting project until the lighting plan is approved. The decision of the city may be appealed to the city council.

§ 31.8. Exceptions; amendments.

- (a) This article shall not apply to the following:
 - (1) Decorative holiday lighting from the Friday following Thanksgiving through January 8 of the following year.
 - (2) Lighting required by local, state or federal law to be installed on surface vehicles and aircraft;
 - (3) Airport lighting required by law;
 - (4) Temporary emergency lighting;
 - (5) Temporary outdoor lighting;

- (6) Governmental facilities where compelling needs for safety and security are demonstrated; and
- (7) Lighting for walkways, flower bed borders, etc., provided that such lighting does not exceed 100 initial lumens per fixture and a correlated color temperature of 3200 K. Lighting for trees provided such lighting does not exceed 600 initial lumens per fixture and a correlated color temperature of 3200 K. All other uplighting provided such lighting does not exceed 400 initial lumens per fixture and a correlated color temperature of 3200 K. Limits in section 31.3(h)–(i) still apply.
- (b) This Section may be amended from time to time as local conditions change, and as changes occur in the recommendations of nationally recognized organizations such as the Illuminating Engineering Society of North America and the International Dark-Sky Association.
- (c) Nothing in this Section shall be construed as limiting the right of any person or entity to pursue legal action against any other person or entity under any applicable law, including the doctrine of light trespass as a form of private nuisance.
- (d) The city council shall have the power to grant variances in the application of the provisions of this article and to hear and adjudicate appeals from architectural control committees and city decisions.

§ 31. 9. Outdoor Lighting Plan.

An Outdoor Lighting Plan must be submitted separately from any required site plan or landscape plan on all public or private properties, including rights-of-way, public easements, franchises and utility easements for approval by the Administrative Official. An Outdoor Lighting Plan shall be submitted prior to issuing a building permit. Plans shall include the following:

- (a) A layout of the proposed fixture locations.
- (b) The light source, including the specifics of the light emission and color.
- (c) The luminous area for each proposed light source with proposed footcandle measurements.
- (d) The type and height of the light fixture or light source above grade showing appropriate shielding and cut-off appendages.
- (e) The type of illumination.

§ 31. 10. Enforcement.

- (a) Enforcement. The city shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this article is hereby

declared to be a nuisance.

- (b) Criminal prosecution. Any person violating any provision of this article shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00), except as may be otherwise expressly provided by state law. Each day that a provision of this article is violated shall constitute a separate offense. An offense under this article is a misdemeanor.
- (c) Civil remedies. Nothing in this Section shall be construed as preempting or waiving the rights of third parties from instituting any action for remedies against site operators or permittees. Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including, but not limited to the following:
 - (1) Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this Section;
 - (2) A civil penalty up to one thousand dollars (\$1,000.00) for each day a violation occurs, when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice committed acts in violation of this article or failed to take action necessary for compliance with this Section; and other available relief.



Planning and Zoning Commission
AGENDA MEMO

Prepared By: John Cabrales Jr, City Administrator

September 26, 2022

Approval of Preliminary Plat for Settlers Glen

DESCRIPTION:

Consider recommending approval of a preliminary plat for Settlers Glen, 157.222 acres in the Smith County School Land Survey Abstract No. 744 generally located in the 1400 Block of Illinois Street (FM 407), north of the highway.

BACKGROUND INFORMATION:

Beaten Path Development, LLC is asking consideration of a preliminary plat in accordance with land annexed and zoned in the City of New Fairview in January 2022. The property incorporates two tracts which will be developed as 171 single family residential lots and 9 open space lots. The lot configurations generally conform to the concept plans submitted with the zoning of the property. The minimum lot sizes are half an acre, but the majority of the lots are greater than that in size. The open space lots included in the plat accommodate existing gas well pad sites and open spaces around the lots and a Runway Protection Zone (RPZ) for the Fairview Airport. The RPZ is a trapezoidal area at ground level extending from the end of the runway and centered on the extended centerline of the runway. Its purpose is to provide a safe, clear space for aircraft takeoffs and approaches.

The preliminary plat conforms to the standards of the zoning and subdivision regulations of the City of New Fairview.

Staff recommends approval of the Preliminary Plat.

FINANCIAL CONSIDERATION:

None

RECOMMENDED MOTIONS FOR PLANNING AND ZONING COMMISSION:

I move to Recommend **Approval/Denial/Approve with Conditions**, of the request of the Preliminary Plat of 157.222 acres in the Smith County School Land Survey Abstract No. 744 generally located in the 1400 Block of Illinois Street (FM 407), north of the highway.

ATTACHMENT(S):

1. Settlers Glen Preliminary Plat



LOT SIZE AVERAGES (Residential Lots Only)

AVERAGE LOT SIZE (SQ. FT.)	24,536 SF
SMALLEST LOT (LOT 20, BLK 7)	21,780 SF
LARGEST LOT (LOT 2, BLK 1)	94,213 SF

POPULATION DENSITIES

PROJECT AREA	157.222 Acres
LOTS PER ACRE (171 LOTS/157.222 Ac.)	1.09 LOTS/ACRE
POPULATION YIELD	171 LOTS x 3.00 PEOPLE/LOT = 513 PEOPLE

R.O.W. DEDICATION

RESIDENTIAL R.O.W.	15.49 Ac.
THOROUGHFARE R.O.W.	3.08 Ac.
TOTAL R.O.W.	18.57 Ac.
RATIO TO TOTAL PROJECT AREA (157.22 Ac.)	11.81%

LOT COUNTS

RESIDENTIAL LOTS	171 LOTS
OPEN SPACE LOTS	9 LOTS
TOTAL LOTS	180 LOTS

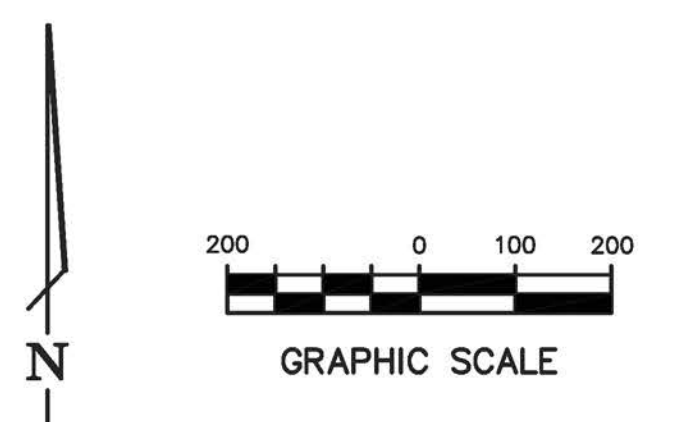
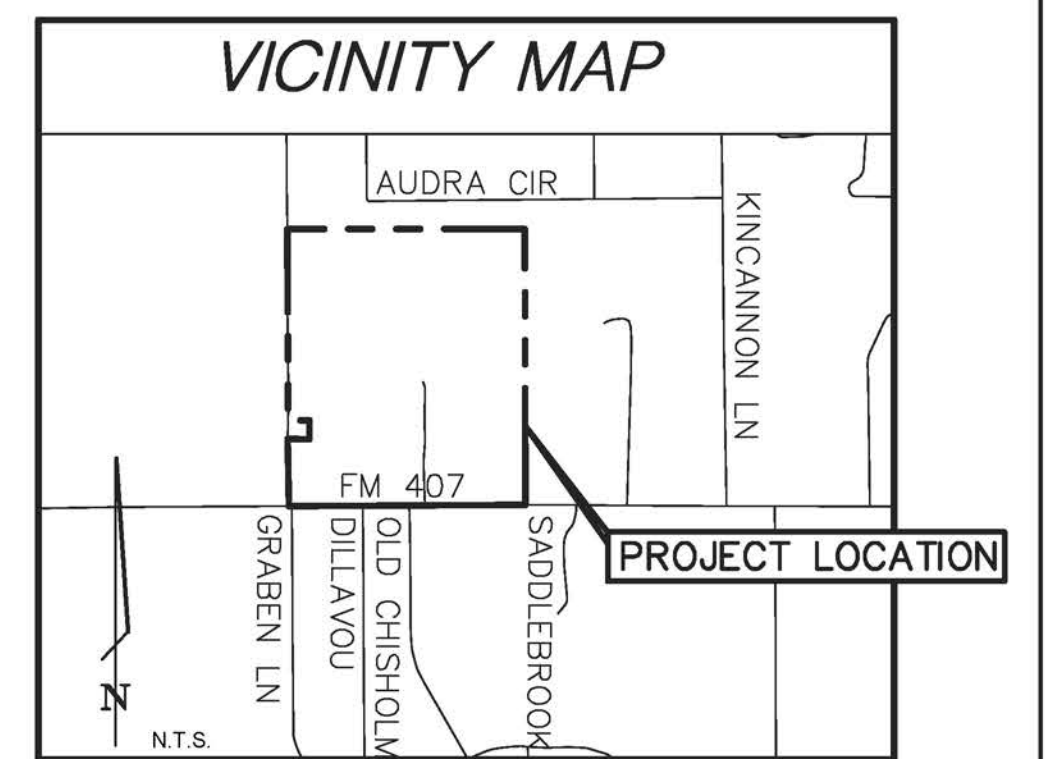
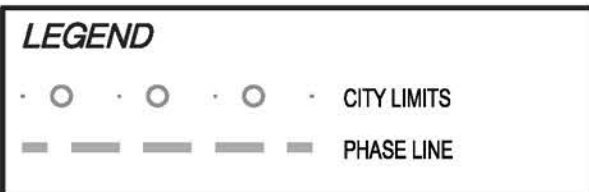
- NOTES**
1. THE ENTIRE DEVELOPMENT WILL BE LOCATED WITHIN NEW FAIRVIEW CITY LIMITS.
 2. ENTIRE DEVELOPMENT WILL BE LOCATED IN WISE COUNTY.
 3. WATER IS PROVIDED BY AQUA TEXAS.
 4. SANITARY SEWER IS PROVIDED BY ONSITE SEWER SYSTEMS.
 5. FRONT BUILDING SETBACKS ARE 30' UNLESS OTHERWISE NOTED.
 6. PROPOSED STREET R.O.W.'S ARE 50' UNLESS OTHERWISE NOTED.
 7. MINIMUM 5' DRAINAGE EASEMENTS ON BOTH SIDES OF THE STREET R.O.W.'S UNLESS OTHERWISE NOTED.

PRIVATE OPEN SPACE LOTS

LOT	BLOCK	AREA (Ac.)	NOTE
1x	1	5.91	HOA LOT - OPEN SPACE
3x	1	0.25	HOA LOT - OPEN SPACE & UTILITY EASEMENT
1x	3	0.09	HOA LOT - OPEN SPACE & UTILITY EASEMENT
10x	4	1.24	HOA LOT - OPEN SPACE
5x	5	0.80	HOA LOT - OPEN SPACE
2x	6	13.46	HOA LOT - OPEN SPACE & UTILITY EASEMENT
18x	6	14.12	HOA LOT - OPEN SPACE
1x	7	0.74	HOA LOT - OPEN SPACE & UTILITY EASEMENT
12x	8	5.72	HOA LOT - OPEN SPACE

LAND USE SUMMARY TABLE

LAND USE	AREA (Ac.)	AREA (LF)
SINGLE FAMILY RESIDENTIAL	171 LOTS	96.32 Ac.
PRIVATE OPEN SPACE	9	42.33 Ac.
STREET R.O.W.		
THOROUGHFARE	2,861 LF	3.08 Ac.
COLLECTOR	0 LF	0 Ac.
RESIDENTIAL	13,273 LF	15.49 Ac.



LIST OF BLOCK LENGTHS

BLOCK	STREET	FROM	TO	LENGTH (FT)
Block 2	Bloomington Court	Aurora Street	Springfield Street	1,170
Block 2	Springfield Street	Bloomington Court	Peoria Drive	1,625
Block 2	Aurora Street	Bloomington Court	N Galena Court	519
Block 2	Peoria Drive	N Galena Court	Springfield Street	577
Block 2	N Galena Court	Peoria Drive	End	625
Block 3	Aurora Street	N Galena Court	End	773
Block 3	Bloomington Court	Start	Aurora Street	277
Block 3	S Galena Street	FM 407	Aurora Street	1,053
Block 4	Peoria Drive	Springfield Street	S Rockford Court	711
Block 4	Springfield Street	Peoria Drive	Wheaton Street	970
Block 4	Wheaton Street	Springfield Street	S Rockford Court	540
Block 4	S Rockford Court	Peoria Drive	Wheaton Street	827
Block 5	Springfield Street	Start	Wheaton Street	355
Block 5	Wheaton Street	Springfield Street	S Rockford Court	540
Block 5	S Rockford Court	Peoria Court	End	1,290
Block 5	Peoria Court	S Rockford Court	End	740
Block 5	N Rockford Court	Peoria Court	End	232
Block 6	Peoria Drive	N Rockford Court	End	415
Block 6	N Rockford Court	Peoria Court	End	1,565
Block 7	Aurora Street	Start	Bloomington Court	256
Block 7	Bloomington Court	Aurora Street	End	1,280
Block 7	Springfield Street	Bloomington Court	Peoria Drive	1,625
Block 7	Peoria Drive	Springfield Street	End	845
Block 8	S Galena Street	FM 407	Peoria Drive	874
Block 8	Evanston Court	Springfield Street	FM 407	840
Block 8	Springfield Street	Peoria Drive	Evanston Court	492
Block 8	Peoria Drive	S Galena Street	Springfield Street	577
Block 9	Springfield Street	Evanston Court	FM 407	843
Block 9	Evanston Court	FM 407	Springfield Street	838

APPROVAL OF PRELIMINARY PLAT

PLANNING & ZONING COMMISSION CHAIRMAN _____ DATE _____

ATTEST: _____

CITY ADMINISTRATOR, CITY OF NEW FAIRVIEW _____ DATE _____

A PRELIMINARY PLAT FOR
SETTLERS GLEN
 A TRACT OF LAND OF 157.222 ACRES SITUATED IN
 SMITH COUNTY SCHOOL LAND SURVEY, ABSTRACT
 NO. 744, WISE COUNTY, TEXAS

NEW FAIRVIEW, TEXAS
 September 19, 2022

OWNER AUSTIN FRISCO - SETTLERS GLEN LLC. 1441 ILLINOIS ST RHOME, TX, 76078	DEVELOPER BEATEN PATH DEVELOPMENT 700 W. HARWOOD RD. HURST, TEXAS 76054	ENGINEER/SURVEYOR TEAGUE NALL AND PERKINS, INC. 5237 N. RIVERSIDE DR., SUITE 100 FORT WORTH, TEXAS 76137 (817) 336-5773 CONTACT: GUNNER CHI, P.E.
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OWNER'S CERTIFICATE AND DEDICATION
STATE OF TEXAS, COUNTY OF WISE

WHEREAS I (we), _____, am (are) the sole owner (all of the owners) of a tract of land situated in the _____ Survey, County of _____ (Wise or Denton), according to the deed recorded as Document _____ and more particularly described as follows: (insert legal description) Now therefore know all men by these presents: That (Owner's Name) _____ through the undersigned authority, does hereby adopt this plat designating the herein above described property as (Subdivision Name) _____ an addition to the City of New Fairview, Texas, and does hereby dedicate to the public use forever the streets and alleys shown hereon; and does hereby dedicate the easements shown on the plat for mutual use and accommodation of all public utilities desiring to use, or using same, said dedications being free and clear of all liens and encumbrances, except as shown herein, (Owner's Name) _____, does hereby bind (himself/herself/itself), (his/hers/its) successors and assigns to forever warrant and defend all and singular the above described streets, alleys, easements and rights unto the public against every person whomsoever lawfully claiming or to claim the same or any part thereof. No permanent buildings or structures shall be constructed over any existing or platted easement of any type. Any fencing, trees, shrubs or other improvements may only be placed in or over any existing or platted easement of any type with the authorization of the City of New Fairview or easement holder(s). The City of New Fairview at the owner's expense, and any easement holder, shall have the right to move and keep removed all or part of any fence, tree, shrub, or other improvements or growths which in any way endangers or interferes with the construction, maintenance, or efficiency of its respective systems on any of the easements shown on the plat; and The City of New Fairview and any easement holder shall have the right at all times to ingress and egress upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

WITNESSED MY HAND THIS _____ DAY OF _____, 20____

Signature of Owner Position in Corporation (if Applicable)

Name of Corporation if Applicable Lien Holder (if Applicable)

(If there is no lien holder, add the following statement:)

To the best of my knowledge there are no liens against this property.

Signature of Owner

BEFORE ME, the undersigned authority, on this day personally appeared _____ known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration expressed and in the capacity therein stated.
GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the _____ day of _____, 20____

Notary Public, in and for the State of Texas

My commission expires _____

Printed name: _____

PERPETUAL MAINTENANCE AGREEMENT
THE STATE OF TEXAS §
COUNTY OF WISE §

KNOW ALL MEN BY THESE PRESENTS: The following reservations, restrictions, and covenants are imposed on _____ (subdivision name) as it abuts, is adjacent to, or is included within the floodplain easements, drainage easements or emergency access easements shown on the plat filed herewith:

1. No commercial building, outbuilding, fence, or other structure shall be erected on said easement except for small ornamental walls, patios, and other landscaping, provided however, these items allowed shall not interfere in any way with the free flow of water in said channel or narrow the existing channel of the stream or interfere with free access by way of the easement for maintenance purposes without written consent of the City Administrator or their designee.

2.The HOA shall be responsible for the maintenance of his portion of said easement in order to preserve its beauty and to prevent any obstruction, flooding, or erosion. Such maintenance shall include but shall not be limited to the following:

- a. Mowing grass and preventing the growth of weeds.
- b. Preventing the growth of trees or permitting other obstructions to the easement which would obstruct free access for maintenance purposes.
- c. Preventing erosion by corrective construction if necessary.
- d. Preventing the accumulation of trash and debris in the easement.

3. In addition to other rights of enforcement contained in these restrictions or available by statutes, ordinance, or common law, the Dedicator, his successors and assigns, and all parties claiming title to _____ (subdivision name) by, through or under them, shall be taken to hold, agree, and covenant with the Dedicator and their successors and assigns, and with each of them to conform to and observe all restrictions and covenants as to the use and maintenance of said easement and Dedicator or HOA or any of the above shall have the right to sue for and obtain an injunction, prohibitive or mandatory, to prevent the breach of or to enforce the observance of the restrictions and covenants above set forth, in addition to the ordinary legal action for damages, and failure of the Dedicator or the owners of an other lot or lots shown to abut said easement to enforce any other restrictions or covenants herein set forth at the time of violation shall in no event be deemed to be a waiver of the right to do so at any time thereafter.

4. In addition to the rights of enforcement given to Dedicator and other Lot owners as set forth in Paragraph 3 above, it specifically provided that the City of New Fairview may, at its option, bring any action and obtain any remedy to enforce or prevent the breach of said restrictions.

5. It is specifically provided that the Dedicator, his successors and assigns, HOA and the City of New Fairview as provided above, shall have the right to recover their attorney's fees, court costs, and expenses incurred in any suit to enforce or prevent the breach of any covenant or restriction applicable to said easement.

6. In addition to the remedies above provided, the City of New Fairview may, at its option, thirty days after written notices to a lot owner, enter the easement and perform the necessary maintenance repair and charge the lot owner or owners the pro-rata cost thereof. Said charges shall be a lien on the abutting lot or lots inferior only to prior recorded liens on said lot or lots.

TO HAVE AND TO HOLD the above-described Perpetual Maintenance Agreement in and to said premises with the right of ingress and egress thereto, together with all and singular the usual rights thereto in any wise belonging, unto the said City of New Fairview, Texas, and its successors and assigns forever, and I do hereby bind myself, my heirs, executors and administrators to warrant and forever defend, all and singular, the said premises unto the said City of New Fairview, Texas, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, this instrument is executed this day of _____, 20____

Signature of Owner

THE STATE OF TEXAS
COUNTY OF _____ (Wise or Denton)

This instrument was acknowledged before me by the said _____ on this _____ day of _____, 20____

Notary Public, in and for the State of Texas

My commission expires _____

Printed name: _____

WILFRED BECK PROPERTY

BEING A 6,196,179 square feet or 142.245 acres of land located in the Smith County School Land Survey, Abstract Number 744, Wise County, Texas and being all of called 142.51 acre tract of land described by deed to Wilfred C. Beck and Wife, Mary Jo Beck as recorded in Instrument Number 201324377 of the Official Public Records of Wise County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch rod with cap stamped "CASTLEROCK" found lying in the near center of the remains of an old road bed for the southwest corner of Lot 12R, Block 3, Highland Meadows, an addition to Wise County, Texas as recorded in Cabinet E, Slide 132 of the Plat Records of Wise County, Texas, also for the occupied northeast corner of a tract of land described by deed to Joe Thurmond Family Properties, L.L.C. as recorded in Volume 1385, Page 534 of the Deed Records of Wise County, Texas and the northwest corner of said Beck tract, and the northwest corner of a Boundary Line Agreement as recorded in Instrument Number 201707642 of the Official Public Records of Wise County, Texas, from which a 1/2 inch iron rod with cap stamped "R.P.L.S. 5281" found bears South 02 degrees 51 minutes 10 seconds West, a distance of 9.59 feet and a 1/2 inch iron rod with illegible cap bears North 05 degrees 11 minutes 22 seconds West, a distance of 6.22 feet;

THENCE North 89 degrees 28 minutes 07 seconds East, (Deed North 89 degrees 28 minutes 54 seconds East) along the north line of said Beck tract and the south line of said Lot 12R, Block 3 partway, a distance of 2622.72 feet (Deed 2636.40 feet) to a Fence Corner Post found for the northeast corner of said Beck tract, from which a 1/2 inch iron rod with yellow cap found bears North 00 degree 35 minutes 34 seconds East, a distance of 5.90 feet ;

THENCE South 01 degrees 04 minutes 22 seconds East, (Deed South 01 degrees 03 minutes 54 seconds East) along the east line of said Beck tract and generally along a barbed wire fence line, a distance of 2631.12 feet (Deed 2630.94 feet) to a 5/8 inch iron rod with cap stamped "TNP" set for the southeast corner of same, also lying on the north line of F.M. Highway No. 407, a variable width right-of-way;

THENCE South 89 degrees 53 minutes 00 seconds West, (Deed South 89 degrees 54 minutes 00 seconds West) along the south line of said Beck tract and the north line of F.M. Highway No. 407, a distance of 597.05 feet to a 5/8 inch iron rod with cap stamped "TNP" set for the southeast corner of a called 15.00 acre tract described by deed to Pete Kozlowski and wife, Jennifer Kozlowski recorded in Instrument Number 201320732 of the Official Public Records of Wise County, Texas;

THENCE North 00 degrees 24 minutes 07 seconds West, (Deed North 00 degrees 28 minutes 13 seconds West) leaving the north line of said F.M. Highway No. 407, along the east line of said 15.00 acre tract, a distance of 1177.44 feet (Deed 1175.79 feet) to a 1/2 inch iron rod found for the northeast corner of same;

THENCE South 89 degrees 27 minutes 38 seconds West, (Deed South 89 degrees 28 minutes 54 seconds West) along the north line of said 15.00 acre tract, a distance of 553.39 feet (Deed 551.85') to a 1/2 inch iron rod with cap stamped "ESLG" found for the northwest corner of same in a north south barbed wire fence;

THENCE South 00 degrees 21 minutes 48 seconds East, (Deed South 00 degrees 22 minutes 19 seconds East) along the west line of said 15.00 acre tract and generally along a barbed wire fence line, a distance of 1175.64 feet (Deed 1175.45') to a 1/2 inch iron rod with yellow cap found for the southwest corner of same, also lying on the north line of the aforementioned F.M. Highway No. 407, and on the south line of the aforementioned Beck tract;

THENCE South 89 degrees 36 minutes 46 seconds West, (Deed South 89 degrees 45 minutes 30 seconds West) along the north line of said F.M. Highway No. 407 and the south line of said Beck tract, a distance of 1509.95 feet (Deed 1503.30 feet) to a 5/8 inch iron rod with cap stamped "TNP" set west side of a gravel drive in the projected center of aforementioned old road bed for the southwest corner of said Beck tract and the southeast corner of the aforementioned Joe Thurmond Family Properties tract;

THENCE North 00 degrees 14 minutes 04 seconds West, (Deed North 00 degrees 40 minutes 47 seconds West) along the east line of said Joe Thurmond Family Properties tract and the west line of said Beck tract, generally along said gravel drive same being the projected center of said old road bed, a distance of 580.06 feet (Deed 576.89 feet) to a 5/8 inch iron rod with cap stamped "TNP" set for the southwest corner of a called 2.0 acre tract of lad described by deed to Gary Davis as recorded in Volume 357, Page 384 of the Deed Records of Wise County, Texas;

THENCE North 89 degrees 30 minutes 19 seconds East, (Deed North 89 degrees 25 minutes 22 seconds East) along the south line of said 2.0 acre tract along a barbed wire fence line, a distance of 297.06 feet (Deed 295.220 feet) to a Fence Corner Post found for the southeast corner of same;

THENCE North 00 degrees 35 minutes 50 seconds West, (Deed North 00 degrees 40 minutes 47 seconds West) along the east line of said 2.0 acre tract along a barbed wire fence line, a distance of 294.23 feet to a Fence Corner Post found for the northeast corner of same;

THENCE South 89 degrees 30 minutes 19 seconds West, (Deed South 89 degrees 16 minutes 18 seconds West) along the north line of said 2.0 acre tract along a barbed wire fence line, a distance 295.20 feet to a 5/8 inch iron rod with cap stamped "TNP" set for the northwest corner of same, also lying in the near center of said old road bed, also lying on the west line of said Beck tract and the east line of said Joe Thurmond Family Properties tract;

THENCE North 00 degrees 14 minutes 04 seconds West, (Deed North 00 degrees 40 minutes 47 seconds West) along the east line of said Joe Thurmond Family Properties tract and the west line of said Beck and along the near center of said old road bed, a distance of 1746.90 feet (Deed 1748.71 feet) to the POINT-OF-BEGINNING and containing 6,196,179 square feet or 142.245 acres of land.

KOZLOWSKI PROPERTY

BEING 652,402 square feet or 14.977 acres of land located in the Smith County School Land Survey, Abstract Number 744, Wise County, Texas and being all of called 15.00 acre tract of land described by deed to Pete Kozlowski and wife, Jennifer Kozlowski recorded in Instrument Number 201320732 of the Official Public Records of Wise County, Texas and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with cap stamped "TNP" set on the north line of F.M. Highway No. 407, a variable width right-of-way for the southeast corner of said 15.00 acre tract, same being a southerly corner of a called 142.51 acre tract of land described by deed to Wilfred C. Beck and Wife, Mary Jo Beck as recorded in Instrument Number 201324377 of the Official Public Records of Wise County, Texas;

THENCE along the north line of said F.M. Highway No. 407, same being the south line of said 15.00 acre tract the following courses and distances;

South 89 degrees 53 minutes 00 seconds West, (Deed North 89 degrees 47 minutes 00 seconds West), a distance of 121.12 feet (Deed 153.56 feet) to a Concrete Highway Monument found for corner;

South 00 degrees 03 minutes 55 seconds East, a distance of 10.00 feet to a 5/8 inch iron rod with cap stamped "TNP" set for corner;

South 89 degrees 29 minutes 37 seconds West, a distance of 33.13 feet to a 5/8 inch iron rod with cap stamped "TNP" set for corner;

South 89 degrees 27 minutes 07 seconds West, a distance of 61.30 feet to a 1/2 inch iron rod with cap stamped "ESLLG" found for corner;

North 01 degrees 18 minutes 30 seconds West, a distance of 10.00 feet to a 1/2 inch iron rod with cap stamped "ESLLG" found for corner;

South 89 degrees 36 minutes 46 seconds West, (Deed North 89 degrees 47 minutes 00 seconds West) a distance of 338.42 feet (Deed 338.71 feet) to a 1/2 inch iron rod with yellow cap found for the southwest corner of said 15.00 acre tract, same being a southerly corner of said 142.51 acre tract;

THENCE departing the north line of said .M. Highway No. 407, same being the south line of said 15.00 acre tract and along the common line of said 15.00 acre tract and said 142.51 acre tract the following courses and distances;

North 00 degrees 21 minutes 48 seconds West, (Deed North 00 degrees 12 minutes 43 seconds East) a distance of 1175.64 feet (Deed 1176.45 feet) to a 5/8 inch iron rod with cap stamped "ESLLG" found for the northwest corner of said 15.00 acre tract;

North 89 degrees 27 minutes 38 seconds East, (Deed 89 degrees 49 minutes 13 seconds East) a distance of 553.39 feet (Deed 553.57 feet) to a 1/2 inch iron rod found for the northeast corner of said 15.00 acre tract;

South 00 degrees 24 minutes 07 seconds East, (Deed 00 degrees 10 minutes 47 seconds West) a distance of 1177.44 feet (Deed 1187.16 feet) to the POINT OF BEGINNING containing 652,402 square feet, or 14.977 acres of land.

A PRELIMINARY PLAT FOR
SETTLERS GLEN
A TRACT OF LAND OF 157.222 ACRES SITUATED IN
SMITH COUNTY SCHOOL LAND SURVEY, ABSTRACT
NO. 744, WISE COUNTY, TEXAS

NEW FAIRVIEW, TEXAS

September 19, 2022

OWNER AUSTIN FRISCO – SETTLERS GLEN LLC. 1441 ILLINOIS ST RHOME, TX, 76078	DEVELOPER BEATEN PATH DEVELOPMENT 700 W. HARWOOD RD. HURST, TEXAS 76054	ENGINEER/SURVEYOR TEAGUE NALL AND PERKINS, INC. 5237 N. RIVERSIDE DR, SUITE 100 FORT WORTH, TEXAS 76137 (817) 336-5773 CONTACT: GUNNER CHI, P.E.
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SHEET NO. 2 OF 2
CASE NO: 22-02-PP



**City of New Fairview
Planning & Zoning Commission
Regular Meeting
999 Illinois Lane
Monday, August 8, 2022, at 6:00 pm**

**STATE OF TEXAS
COUNTY OF WISE
CITY OF NEW FAIRVIEW**

THE CITY COUNCIL CONVENED INTO A CITY COUNCIL MEETING THE SAME BEING OPEN TO THE PUBLIC, THE 8th DAY OF AUGUST IN THE NEW FAIRVIEW CITY HALL AND NOTICE OF SAID MEETING GIVING THE TIME PLACE AND SUBJECT THEREFORE HAVING BEEN POSTED AS PRESCRIBED BY ARTICLE 5 OF THE TEXAS GOVERNMENT CODE WITH THE FOLLOWING

MEMBERS PRESENT:

PLANNING & ZONING COMMISSIONERS

Commissioner Rebecca McPherson

Commissioner Julie Burger

Commissioner Denis Sansoucie

ABSENT:

David Randolph

Marissa Randolph

CITY STAFF

John Cabrales Jr, City Administrator

Brooke Boller, City Secretary

Susan Greenwood, Court Administrator/Assistant City Secretary

1. **Call to Order and Determination of Quorum (Meeting called to order by Commissioner Rebecca McPherson at 6:11 PM; Roll Call with the above-mentioned names.)**
2. **Pledge to the Flags.**
 - A. United States of America
 - B. Texas Flag Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.
3. **Public Comment:** The Planning and Zoning Commission invites persons with comments or observations related to city issues, projects, or policies to briefly address the Planning and Zoning Commission. Anyone wishing to speak should sign-in with the City Secretary before the beginning of the Planning and Zoning Commission Meeting. In order to expedite the flow of business and to provide all citizens the opportunity to speak, there is a three-minute limitation on any person addressing the Planning and Zoning

Commission. State law prohibits the Planning and Zoning Commission from discussing or taking action on any item not listed on the posted agenda.

4. **Work Session:**

- A. Receive a report and hold a discussion regarding Specific Use Permits and various types of plats.
Commissioners received a presentation from the City Planner Stephen Cook about the permit process, the different types of Specific Use Permits and various types of plats.

5. **New Business:** All matters listed in New Business will be discussed and considered separately.

- A. Receive and consider approval of the minutes for the June 13, July 11, and July 18, 2022, meetings.

Motion: Commissioner Denis Sansoucie

Second: Commissioner Julie Burger

Vote: All in Favor

Result: Motion to approve the June 13th minutes, July 11th minutes, and July 18th minutes.

- B. Receive and consider and act on a fence regulation for a Fence Ordinance.

**There was a joint consensus among the Commissioners that they agreed that they wanted to recommend to Council to repeal the language on the fencing ordinances and have them in one place. The Commissioners agreed that the fencing needed to be replaced with the same material, no chain link fencing on the exterior but could be used for interior fencing as long as it was not visible, they did not want the UV plastic material, but acceptable materials would be wood, masonry, wire, and iron. They wanted residents to still apply for a fencing permit for review to ensure the fence was not on a neighbor's property, they discussed the fee being waived if the fencing is being partially replaced as long as it was not more than fifty percent of fencing being replaced and it was installed in the same place
The Commissioners wanted to see that the fencing did not exceed 8 feet for the rear and side yard.**

Commissioner Denis Sansoucie stated it would be acceptable to have 6 feet fencing in the front yard if there were 2 or more acres and gas wells needed fencing around all equipment for security reasons and to reduce noise, he also questioned if there was a natural disaster would the city charge the permit fee? Commissioner Denis Sansoucie would like the wording to state that they would not be required to pay the permit fee due to a natural disaster, but residents would still have to apply. Commissioner Rebecca McPherson stated she still struggles with being required to pull a fence permit. Commissioner Julie Burger stated she understands but it might protect future incidents.

Motion to Move Forward: Denis Sansoucie

Second: Julie Burger

Vote: All in Favor

Result: Motion Carries

6. **Adjournment**

Motion: Commissioner Denis Sansoucie

Second: Commissioner Julie Burger

Vote: All in Favor

Result: Planning and Zoning adjourned the meeting at 8:12pm.

MINUTES APPROVED ON THIS 13th DAY OF SEPTEMBER 2022

Rebecca McPherson, Commissioner

Susan Greenwood, Assistant City Secretary

This facility is wheelchair accessible; parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary at City Hall 817-638-5366 or fax 817-638-5369 or by email at citysecretary@newfairview.org for further information.



**City of New Fairview
Planning & Zoning Commission
Regular Meeting
999 Illinois Lane
Monday, August 29, 2022, at 6:00 pm**

**STATE OF TEXAS
COUNTY OF WISE
CITY OF NEW FAIRVIEW**

THE CITY COUNCIL CONVENED INTO A CITY COUNCIL MEETING THE SAME BEING OPEN TO THE PUBLIC, THE 8th DAY OF AUGUST IN THE NEW FAIRVIEW CITY HALL AND NOTICE OF SAID MEETING GIVING THE TIME PLACE AND SUBJECT THEREFORE HAVING BEEN POSTED AS PRESCRIBED BY ARTICLE 5 OF THE TEXAS GOVERNMENT CODE WITH THE FOLLOWING

MEMBERS PRESENT:

PLANNING & ZONING COMMISSIONERS

**Commissioner Rebecca McPherson
Commissioner Julie Burger
Commissioner Denis Sansoucie
David Randolph
Marissa Randolph**

CITY STAFF

**John Cabrales Jr, City Administrator
Brooke Boller, City Secretary
Susan Greenwood, Court Administrator/Assistant City Secretary
Patti Akers, City Land Use Attorney**

1. **Call to Order and Determination of Quorum (Meeting called to order by Commissioner Rebecca McPherson at 6:01 PM; Roll Call with the above-mentioned names.)**
2. **Pledge to the Flags.**
 - A. United States of America
 - B. Texas Flag Honor the Texas Flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.

3. **Public Comment:** The Planning and Zoning Commission invites persons with comments or observations related to city issues, projects, or policies to briefly address the Planning and Zoning Commission. Anyone wishing to speak should sign-in with the City Secretary before the beginning of the Planning and Zoning Commission Meeting. In order to expedite the flow of business and to provide all citizens the opportunity to speak, there is a three-minute limitation on any person addressing the Planning and Zoning Commission. State law prohibits the Planning and Zoning Commission from discussing or taking action on any item not listed on the posted agenda.

4. **New Business:** All matters listed in New Business will be discussed and considered separately.
 - A. Hold a public hearing and consider an Ordinance for the zoning of 179.779 acres in the James C. Jack Survey, Abstract No.679, Denton County, Texas and rezoning of 15.563 acres currently zoned (PD) Planned Development generally located east of S. County Line Road and south of Dove Hollow Lane to (PD) Planned Development for single family residential on one half (1/2) acre lots.
The public hearing opened at 6:02 PM.
The public hearing closed at 6:20 PM.
Commissioner Rebecca Me Pherson open the public hearing. The City Administrator John Cabrales Jr. invited everyone to meet Patti Acres, the Land Use Attorney for New Fairview. Stephen Cook, the City Planner, gave a presentation on the zoning of the 179.779 acres in the James C. Jack Survey Abstract No. 679 Denton County, Texas and rezoning of 15.563 acres. Stephen Cook discussed the driveways and sidewalks for Paloma Ranch and that the developer has agreed to plant caliper trees every 40 feet. The Developer for Paloma Ranch, Ben Mc Caslin said he was here to answer any questions, he was excited about Phase 3 & 4, and to continue working with the New Fairview staff.
Motion: Commissioner Denis Sansoucie
Second: Marissa Randolph
Vote: For: Commissioners Denis Sansoucie, Marissa Randolph, and Rebecca Mc Pherson
Against: Commissioners David Randolph and Julie Burger

 - B. Consider the approval of a preliminary plat of Paloma Ranch Estates Phases 3 & 4 containing 195.342 acres in the James C. Jack Survey, Abstract No.679, Denton County, Texas generally located east of S. County Line Road and south of Dove Hollow Lane.
Motion: Commissioner Denis Sansoucie
Second: Marissa Randolph
Vote: For: Commissioners Denis Sansoucie, Marissa Randolph, and Rebecca Mc Pherson
Against: Commissioners David Randolph and Julie Burger
Result: Preliminary plat of Paloma Ranch Estates Phases 3 & 4 containing 195.342 acres in the James C. Jack Survey, Abstract No.679, Denton County, Texas generally located east of S. County Line Road and south of Dove Hollow Lane was approved.

5. **Adjournment**
Motion: Commissioner David Randolph
Second: Commissioner Denis Sansoucie
Vote: All in Favor
Result: Planning and Zoning adjourned the meeting at 6:27 pm.
MINUTES APPROVED ON THIS 13th DAY OF SEPTEMBER 2022

Rebecca McPherson, Commissioner

Susan Greenwood, Assistant City Secretary

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