

Fairways of Sherrill Park HOA 2012 Planning Committee Recommendations

2012 Committee Members: Michael Krantz (chair), Daniel Balley, John Fritsche, Diane Lauder, Sandy Lauder

Summary of Recommendations

The Planning Committee notes the most important issues facing our community in the next few years are likely to be appearance, nearby development and security:

1. **Growth:** Development along the Renner Rd/GBush Tpk (SR-190) strip from Wyndham Ln to Central Xpwy (US-75). See sections (1) and (2), below.
2. **Appearance:** Neighborhood upkeep, beautification and capital improvements. See section (9), below.
3. **Security:** Increased crime (increased from near-zero), which should be expected as a result of the above development. See section (5), below.
4. The Planning Committee also notes the following, ongoing items:
 - a) Neighborhood cohesion and general enjoyment of our community by all of our neighbors.
 - b) Adoption of the principle of "Do No Harm" in determining when and how the Association should take action.
 - c) Recognizing our *de facto* rules and applying them in a fair and constructive manner.
 - d) Recent development of the HOA web site and continued enhancement going forward.
 - e) Traffic congestion and mitigation along Renner Rd and Plano Rd.
 - f) Barrier enhancements to shield from Renner traffic and Development.

Sections (2) and (9e-f), below, address the issues most critical to our future property values. Sections (3), (10) and (11) address financial matters including future dues. The Committee recommends the following action items and contingency plans and notes the following items of interest for the FoSP HOA:

1. **Local Zoning and Development.** Two years ago, several HOA Presidents (including FoSP, Sherrill Park North/Foxboro and Crowley Park) conducted discussions and negotiations with City staff and landowners/developers regarding zoning changes related to the TOD (Transit-Oriented Development) and adjacent tracks, including the Parliament Group tracts on the north side of Renner Rd between Plano Rd and Wyndham Ln. These community leaders facilitated an agreement whereby:
 - a) The zoning measure was modified to limit the number of apartments that could be constructed in the TOD tract.
 - b) Additional apartments (beyond the new zoning allowance) in the TOD tract would require further re-zoning, including City approval and public hearings.
 - c) Additional traffic lanes at intersections would be provided to offset increased congestion on Renner Rd.
 - d) Deed restrictions to prohibit construction of apartments within 600 feet of Renner Rd west of Wyndham.

It was also determined that construction of apartments between Plano Rd and Wyndham Ln appeared unprofitable and unlikely, except perhaps in the NW section along G Bush Tpk (SR-190) and Plano Rd.

On the corner lot along Renner Rd east of Wyndham and west of the Church a large data center was constructed. This type of use is especially benign in terms of impact on the community. It also has a very nice exterior appearance, thanks to suggestions from our neighbor, Mark Parsons.

- 2. Update on Recent Re-Zoning and Further Development.** In December of this year, KDC purchased the above tracts after approval of their request for Re-Zoning. KDC is a developer that has completed several successful and very well done commercial developments in Richardson.

The TOD tract was re-zoned to allow a more monolithic (less broken-up) arrangement, in order to suit the needs of State Farm for a new office complex. The tracts along Wyndham were re-zoned to allow taller office buildings (up to five stories) for a corporate campus, but no apartments. The NW tract along G Bush Tpk and the east side of Renner Rd was re-zoned to allow approximately 2000 apartments – the number that had previously been zoned for all the tracts between Wyndham and Plano Rd combined.

The Office developments may be very positive for our community. Offices are one of the most benign uses of adjacent land, in terms of impact to adjacent residential neighborhoods. A major office complex such as this will bring many jobs to this locale, and may benefit our property values. This advantage could be increased by improving our neighborhood, which could accelerate a lift of property values and guard against negative impact. The large number of rental properties in the NW tract is a potential problem.

Apartment Development East of Plano Rd. FoSP HOA and Sherrill Park North petitioned for changes to this Re-Zoning. The result was an additional 20 feet added to the set-back for five-story buildings along Renner Rd, and a commitment from the Developer to some form of barrier planting in the Renner median.

In this response to the Developer's Re-Zoning proposal, the zoning of apartments, which could have a huge impact on our neighborhood, was entirely ignored. Some felt that apartments had already been addressed; what was not understood was that this Re-Zoning largely destroyed the gains that had been achieved by negotiation two years ago. The 600-foot exclusion along Renner and the distribution of apartments made it unlikely most of these would have been built; so reallocating them to the NW tract, while apparently moving them slightly further away, effectively allowed over 800 more apartments. Strong arguments could be made that the office development replaced apartments, and it was unnecessary to also zone for all these apartments in a single tract. However, high density and other factors may encourage (if not ensure) a high-quality, mixed-use development similar to the TOD.

At the final zoning approval meeting of the City Council, a FoSP HOA Director spoke on this issue, after conferring with other Directors and many homeowners. At this late date, the best approach was to ask for assurances of quality construction. The City Council agreed with this request and modified the zoning to require a minimum density (30 du/ac) instead of the maximum density of 14 du/ac previously zoned (and appropriate for garden-style apartments). This density may serve to promote quality construction, but we have limited experience in this arena. The HOA should continue to monitor how this proceeds.

- 3. Accounting and Treasury Matters.** The Committee recognizes (with thanks) that the current Treasurer, Daniel Balley, has continued to restore and improve the finances of the HOA.

The Association should take steps to ensure consistency and continuity in accounting and in the maintenance of HOA financial records. This function can be distinct from filling the Office of Treasurer – the Treasurer must sign checks, understand the HOA's financial situation and take overall responsibility for oversight of accounting and financial records. However, the Treasurer need not be a Director. Also, the actual bookkeeper need not be the Treasurer, attend meetings, or even be a volunteer. This allows for some flexibility based on volunteer availability for different tasks, going forward.

Our dues have remained at \$370 per annum for the past three years. Next year we should consider reducing this amount. We have restored and increased the HOA's reserve funds. We should set a reserve target and possibly budget for capital improvements, so that we have a basis for setting dues at a level that serves our needs.

In setting a reserve target, we should consider potential points of risk. Two major points of risk are sprinkler failure/upgrade and D&O insurance deductible; these are described below in items (10) and (11), and each may be approximated at \$20,000. Our current reserves of \$60,000 could cover both of these occurring within the same year, along with another (unknown, unexpected) expense. Therefore, a reserve target in the area of \$60,000 to \$80,000 should be sufficient.

4. **Neighborhood Spirit.** Two years ago, the Association finally resolved divisive issues and events of prior years by concluding a final settlement. The Committee recommends that the Association continue to foster further mending and cohesion of the neighborhood, and the Activities Director consider sponsoring additional social events and activities (building on the recent successes), such as Movie Night, Golf Outing, Neighborhood Dinner, and/or Block Parties.
5. **Crime Prevention.** The Committee offers several long-term recommendations for neighborhood:
 - a) **Crime-Watch Patrols:** This is a Police and Community Volunteer effort that is not under the jurisdiction of the HOA. However, it is of interest to the Association, as it is the most effective measure we can take to promote our safety and security in the long term, and it must be undertaken by volunteers in the community. The Association and neighborhood residents should continue to encourage increasing participation in this excellent and effective measure.
 - b) **Surveillance cameras:** Installed at the entrances to the neighborhood, these would provide deterrence and 24 to 72 hours evidence on request of Richardson Police (RPD).
 - i) A resident would need to host a server to store the video feed, but it would not require monitoring or much administration.
 - ii) A critical success factor is clear images (primarily of license plates) under all lighting conditions.
 - iii) Because we have only four entrances to the neighborhood, a limited number of cameras would cover all vehicle traffic. When a crime occurs, we can provide the police with video on request.
 - iv) There is no legal obligation to get permission of residents, although it would be appropriate and desirable to get input from the neighborhood and from other residents along the Owens east and Primrose south alleys. In addition to emails (with flyers or personal contact), dummy cameras would encourage neighbors to voice their views and concerns.
 - v) Dummy cameras with warning signs would provide a deterrent at lower cost. These would also constitute a "test case" for neighborhood reaction.
 - vi) The primary issues with video cameras are expense (which is not prohibitive) and whether many homeowners prefer not to have such monitoring.
 - c) **Campaign for Responsible Prevention:** Most break-ins can be prevented by taking simple steps recommended by RPD, such as keeping garage doors closed, locking cars and removing or concealing valuables. The HOA should conduct periodic campaigns for resident awareness and compliance.
 - d) **Night Security:** Many break-ins take place between 11 PM and 6 AM. Crime Watch volunteers tend not to patrol during this time; in fact, these hours are a problem just because this is the time when witnesses are least likely. RPD does patrol our neighborhood at night, and we can ask for more. If this is insufficient to prevent crime, then we would have to pay someone to patrol.

A professional security guard would be expensive, and we may prefer to not have third-party, uniformed security.

When we start seeing more night-time crime, then we could offer to pay a neighbor (or several) to make regular patrols – doing exactly as the Crime Watch Patrol volunteers, but with fixed hours instead of as available. This local, unarmed security should cost much less than a uniformed security guard. In effect, the HOA would be paying someone to perform CWP on a schedule during the hours when it is most needed and no one is willing to volunteer.

- e) **Gates at Neighborhood Entrances:** While we might wish it otherwise, this is simply not feasible:
- i) Requires change to deed restrictions and agreement by 100% of homeowners (including the Owens east alley). As a practical matter, canvassing the neighborhood for signatures requires a phenomenal effort, and it is unlikely we could get 100% affirmative action on any matter.
 - ii) Requires homeowners (HOA) to maintain streets, street lights, etc. (Cost, Effort, Liability)
 - iii) Requires collector lanes and turnaround between arterial streets and gates – there is no room for this at 3 entry ways and barely at Wyndham. (Gated communities are constructed as such; this would be the first instance of gating an existing community.)
 - iv) Requires barrier walls extended to gates and gating of sidewalks.
 - v) Result would be inconvenient to all and unsightly to many.
 - vi) In summary, gating the community would incur large construction and maintenance costs and substantial initial and ongoing effort. It would be a controversial measure that could not succeed without unanimous support. There are other measures that we can take to safeguard our homes with much less cost and effort and much greater overall benefit.

- f) **Secure mailboxes:** Based upon the expression of some interest at two recent NNO's (and previously in the community), the Committee investigated two possible products (See Appendix 1):

- i) An insert with a locking door, which can be bolted to the bottom of the mailbox.
- ii) A locking "Gray Door" that can be installed in the mailbox by the vendor (based in Plano).

The reason we need "insertable" mailbox security, is many of our mailboxes are built into brick housing, making it expensive to simply replace the mailbox.

With sufficient participation and organized (same-time) purchases, we could:

- i) Get a volume discount.
- ii) Get the "Gray Door" vendor to tailor doors to our various shaped mailboxes.
- iii) Reach a "critical mass" of secure mailboxes, where the crooks who would drive around rifling mailboxes would give our neighborhood a pass.
- iv) Possibly subsidize the effort with HOA funds.
- v) There are no USPS-approved products, so this requires approval of our local Post Office. We have obtained this approval in writing. (Thanks, Sandy.)

We did not get sufficient interest for these benefits, particularly from Directors and Officers. Some have since had mail stolen and changed their minds. They should actively promote this effort.

Some measures can and should be taken as soon as possible. We should continue to encourage neighbors to volunteer for Crime Watch Patrol. As incidents occur, interest and willingness to participate may increase. New neighbors may be more willing. (Get 'em before they get busy or complacent!) We can conduct campaigns for secure mailboxes and responsible prevention.

Other measures require more effort and/or expense. Surveillance cameras could be deployed in the near or middle future. We probably won't pay for night security or ask for speed traps (see below) until we have more problems. Crime will become a major issue in the next three years, as more jobs and rental properties are located between us and the freeways.

6. **Traffic.** There are two potential traffic problems our neighborhood streets – (1) speeding residents or visitors and (2) cut-through traffic. This section will address the latter. (For neighbors who drive too fast, we can email pleas and periodically request the SMART radar trailer unit that shows our speed.)

As with crime, this is related to development and the increased traffic it brings. Cut-through traffic will become a bigger problem as congestion along Renner increases. When Renner road is more of a "parking lot" during rush hour, then more drivers will attempt to cut through our neighborhood to get around the Renner/Jupiter intersection.

- a) Some drivers will have difficulty finding their way through. We don't want them speeding around Wyndham and Wren looking for Jupiter. The "Not a Through Street" sign at the Wyndham entrance and the "No Outlet" sign on Wyndham at Waterford should mitigate this. We can add more prominent signs if needed.
- b) The routes to get from Renner to Jupiter reach a confluence around Waterford and Wyndmere. Anyone trying to cut through must pass through this intersection. These drivers will be in a hurry and will try to save time, so they will tend to speed, roll through stop signs, and cut across the center at turns and along the Wyndmere curves. An RPD patrol car parked up the Wyndmere cul-de-sac or at the Bluebonnet corner could deter this behavior via traffic stops. When cut-through traffic develops, we should request this assistance from RPD – eventually on a regular schedule for the evening rush hour (4:30 PM to 7 PM).
- c) We should probably alert the neighborhood when this measure is taken, so those of us who tend to drive "familiar" would not take the officer's time.
- d) There are other traffic calming measures available – speed bumps, speed tables and worse. We probably don't need them or want them on our streets. The Committee does not recommend this.
- e) Presently, cut-through traffic does not appear to be a problem for us. (There is an appearance of such after school hours, when high school students and their friends come home.) We should keep these measures in mind and be alert for when this problem develops, perhaps in five years.

7. Neighborhood Communications. The Committee recommends:

- a) A quarterly (or so) update on status of the neighborhood email list for the HOA Board of Directors in the form of a list of neighbors to whom we do not send email. Since email coverage has been expanded to include approximately 85% of the neighborhood, this will allow the Association to communicate important information to the remaining 40 to 45 neighbors by delivering written notices of the most important items to their doors. (The point is: 150 was too many for paper; but we can easily handle 40, if we know who they are.)
- b) While not a recommendation per se, when certain emergencies come up (such as the power outage on Primrose a few years ago), then we could use the e-mail venue to notify non-impacted neighbors of the situation in case they might be able to help. The HOA should also be more proactive when possible, in terms of providing help and comfort (such as basic beverages (coffee/water/lemonade) to the stricken areas of the community, and perhaps locating refrigeration for temporary storage).

8. Web Site:

- a) The Committee notes with thanks that the HOA Webmaster, John Fritsche, has done a wonderful job renovating and building the HOA web site.
- b) The Committee notes that HOA minutes and financial statements are currently e-mailed to neighbors and are now available on the web site (behind the login to restrict access from the general public). Properly maintained, these can become archival documents for the HOA and enhance communication and transparency. Other forms could also be placed here, such as annual dues notices, nomination forms, proxy forms, etc. This also brings us into compliance with recent Texas state legislation.
- c) Nextdoor.com now provides a community social network for many neighbors. This could prove very beneficial to the neighborhood and server several functions that cannot be handled as well via a local web site (such as neighborhood classified advertisements and referrals).
- d) We should routinely promote the HOA web site and FoSP Nextdoor.com by sending neighborhood emails about new features or content, asking neighbors to "Visit our [website](#)", and providing the login credentials.

9. **Physical Improvements and Upkeep.** There are many ways in which we can improve the Common Areas and the neighborhood borders and entry ways. The appearance of the neighborhood probably has the largest impact on our property values (after Development north of Renner), and the contributions of individual homeowners has a much greater effect than the shared assets. These elements will be particularly important in the next five years, as nearby business Development draws many new residents to our vicinity; however, quality of life and the wishes of Membership continue to be paramount.

Here are a few ways in which we can enhance the neighborhood:

- a) Replace fallen trees and plant additional trees in Common Areas; plant grass where sparse.
- b) Playground equipment or playscapes; tables and benches; exercise stations.
- c) Improved lighting for Common Areas and/or for neighborhood streets. This is limited by power source and placement. At present we are dependent on the street lights provided by the Cit.
- d) The City of Richardson has a Neighborhood Vitality program, which funds improvement and beautification of neighborhood entry ways and boundary structures, among other things. We should identify such improvements we would like to see in FoSP and apply for these awards.
- e) Some neighbors have noted that the upkeep of properties is inconsistent and has degraded. The HOA must find ways to encourage homeowners to do better, as this has a substantial impact on our property values and home sales (and it makes the neighborhood much more pleasant for all of us).
 - i) We must keep our yards mowed, planted, and landscaped.
 - ii) Many fences are discolored and in disrepair; gray fences are eyesores along our streets and golf course.
 - iii) Many cars are consistently parked on both sides of the streets, choking them. Whenever possible we should park in our garages and driveways.

The Association should consider the following steps to encourage compliance and support of the goals:

- i) Personal discussions and encouragement; public recognition for improvement.
 - ii) Letters to each homeowner as necessary, specifying problems for compliance, rules that apply, and remedies required. Such letters should be professional in demeanor, on HOA letterhead, similar to City code enforcement letters.
 - iii) Fines for non-compliance after several demand letters.
 - iv) No further action; in particular no legal action for these types of issues. Final action should be a lien on the house for unpaid fines and non-performance, similar to non-payment of dues.
- f) Further capital improvements could include:
- i) Baseball field and/or other sports facilities for children at Primrose common area, near the existing volleyball courts.
 - ii) Pavilion for cookouts and other events at Wyndmere/Waterford common area. (Note gas and electric connections are available.)
 - iii) Tennis courts at Wyndmere/Waterford common area near Golf Course.
 - iv) Flagpole at main entrance.

These projects would entail annual budgeting for maintenance, utilities and perhaps higher insurance premiums. This is all doable; we must decide what will best promote our property values and what facilities we want in our neighborhood.

In order to begin improvements, the Planning Committee has recommended (and the Finance Committee has budgeted) an additional \$10,000 for 2013 for Capital Improvements. At present, this is intended primarily for tree plantings in the neighborhood.

10. **Sprinkler System.** The sprinklers system for the Common Areas is over twenty years old and may require major repairs or upgrade at some time in future. There is no immediate failure or urgent need, but we need to be ready for this when it comes. Such an upgrade (including the controller system) may cost on the order of \$20,000.

11. **Insurance.** Our D&O insurance is still a difficult situation, due to recent legal issues. Our previous carrier (Travelers) dropped us, and our current, inferior coverage costs \$5500 per year and has a \$20,000 deductible and other inadequacies. After another year or two, our recent claim will be beyond the look-back period, and we may seek better and less expensive

We recently signed over subrogation rights for our previous D&O carrier (Travelers) to seek compensation from our liability carrier (Philadelphia) in relation to our recent claim. This probably will have no impact on us; but we are waiting to see if it could result in Philadelphia raising our premium or denying coverage, or if it may result in other costs.

12. **Golf Course Fence.** The wrought iron fence along the boundary of the Sherrill Park Golf Course is rusty and dilapidated over much of its length. This is the property and responsibility of the City of Richardson, yet funding for this long-awaited and much-needed repair has been difficult to find. Diane Lauder is working with the City (Councilman Scott Dunn) to rectify this situation. This also impacts our property values and our neighborhood appearance.

13. **NTMWD Plant Upgrade.** The North Texas Municipal Water District is upgrading the waste transfer station just southwest of our neighborhood. The smell from this plant is a concern for us and especially for the Sherrill Park North/Foxboro neighborhood adjacent to us to the west. The plan is to increase the capacity of the plant in order to process more waste from other cities in the NTMWD at this central location and to modernize it with features to reduce noise, smell and visibility.

The City of Richardson and the Neighborhood Protection Alliance of Richardson (NPAR) agreed to a memorandum of points to ensure we would be protected. The NTMWD has committed to most of the points in this memorandum, except for a few points including a barrier wall and a restriction on the number of trucks bringing in waste from other cities in the first few years after the upgrade.

We are concerned that the upgrade may not sufficiently improve (or prevent degradation) in terms of smell, noise, and visibility. We are also concerned about the increased number of trucks on our streets.

14. **Recent Legislation.** Recent legislation in Texas required the Association to execute and file various policies and possibly amend the Bylaws. Note that amending the Bylaws requires a vote of 51% of the Members of the Association (in person or by Proxy) at a Meeting of the Membership.

We executed and filed new policies, drawn up by attorneys from boiler-plates. The main purpose of these new policies is to retain authority to rule on external improvements and accessories of homes. As initial drafts, they probably contain some detail provisions that we may later find to be problematic for our neighborhood. Such problems may not be found for a long time – perhaps never.

It is important to be aware that such policies are merely Association decisions. They are not governing documents that require an arduous process to amend. They can be modified at any time by action of the Board, with the additional requirement that all such changes be filed with the County property records, along with the original policies. The Association is not compelled to simply follow the letter of these initial templates, if the principles and interests of the Association can be better served by revising them.

15. **Outdated Covenants.** Our Deed Restrictions (also called Declarations, Covenants, or CE&Rs) are outdated and should ideally be amended. This could be an arduous task and finding willing and capable volunteers may be difficult. Amending the CE&Rs requires affirmative consent of 90% of the Membership. Also, the Association has functioned for the most part by tacitly identifying irrelevant or and dysfunctional provisions and in their stead following appropriate practices.

The Committee proposes the following general principals for distinguishing substantive from "immaterial" rules in the CE&Rs. It is important to have guiding principles, so that (1) we are not constrained by provisions that are no longer appropriate, but on the other hand (2) rules regarding fairness and authority are not subject to disregard based on partisan agendas, personal interests, or hasty and ill-considered decisions that may inadvertently make our duties or our neighbors' lives more difficult rather than less so.

- a) When a rule has been effectively retired or modified based on several years of accepted practice without objection, then the practice rather than the written provision is effective. In effect, several sequential Boards of Directors (as well as the Membership) have tacitly agreed to the new practice.
- b) When a practice or rule change impacts all homeowners equivalently (or impacts all in a positive or benign manner and does no harm) – again without protest of infringement – then it may be construed to be generally accepted as above. (See item 3c of the Summary on page 1.)
- c) When disregarding or changing a rule in a manner not yet established by (a) or (b) serves some at the expense of others (in the view of any who object to the new practice), then the existing rule must stand unless properly amended in accordance with our governing documents.
- d) Rules regarding the conduct of the Associations business – especially regarding how decisions are made and most especially how volunteers are selected to make them – these rules must be followed unless properly amended in accordance with our governing documents.
- e) In the case of rules that are clearly intended to be effective together as a group (such as to provide checks and balances), it is unacceptable to disregard some of these rules while relying on others – Directors may not pick and choose rules in order to do as they please.

This is not a declaration that our governing documents no longer need to be amended, or that ignoring certain rules can legally supplant that process. Our deed restrictions remain in effect.

This is a recommendation to consider that the above principles may be superior to "everybody knows" or personal preference as practical guidance in serving the larger interests of the Association.

The duties of the Directors include asking our neighbors to follow the rules. If we do not follow the rules ourselves, then what standing do we have to perform this duty? By following these principles consistently, we can exemplify service to the neighborhood; thus, we can ask our neighbors to do the same.

The Association should at all times strive to both act and appear as impartial, fair, and in service of the interests of the Association and of all of the Members. We should avoid both action and appearance of ignoring or manipulating rules or otherwise inconsistent or self-serving behavior.

Appendix Items

1) Locking Mailbox flyer

Fairways of Sherrill Park HOA

Secure Mailbox Proposal

Over the past several years, neighbors have reported repeat incidents of strangers driving through our neighborhood and rifling through our mailboxes. Criminals do this in order to steal checks, commit identity theft, and so forth.

It's less common now, because many of us don't send items through the mail very often. Internet purchases, on-line banking, etc. have replaced a lot of our mail delivery. Yet most of us still receive at least a few items through the mail.

One of the biggest problems with this sort of mail theft, is we never know for certain what we may have lost to thieves – it's gone before we ever see it.

One solution is to purchase a locking mailbox; where our postal carrier can insert mail through a slot, but a key is used to open the mailbox door and retrieve the mail.

Locking mailboxes can be purchased easily; however, many of us have mailboxes with brick housing. This makes it difficult and expensive to replace the mailbox. There are a few companies that sell (and sometimes install) locking doors or inserts for existing mailboxes. The links at the bottom of the page offer some examples.

This seems like an ideal solution for us, but these replacement doors and inserts are a bit expensive. Also, some are only available for standard dome-shaped mailboxes, and many of us have a square-ish mailbox with bent sides.

If those of us who are interested purchase such locking doors in a group order, we could get a discounted price and also make it worthwhile for the vendor to provide doors for our variously-shaped boxes.

If you are interested in learning more, please check the sign-in sheet. This not a commitment to do anything – at this time, we just want a list of neighbors who would like further information. In future, we may pick a vendor, provide detailed information, and ask who wants to order with us.

**<http://www.budgetmailboxes.com/imperial-mailbox-locking-insert.html>
<http://www.mailboxsafetv.com/>**