



Memorandum

February 8, 2018

TO: Planning & Zoning Commission
Julie Couch, Town Manager

FROM: Israel B. Roberts, Planning Manager

SUBJECT: **LAKES OF FAIRVIEW**

BACKGROUND: This is a request for approval to rezone 64.03-acres of land to the (PC) Planned Center District with modified (RE-1) One-acre Ranch Estates District design standards. The site is generally located east of Stoddard Road, between Country Club Road and Hart Road and is zoned for the (RE-3) Three-acre Ranch Estate District, (RE-1) One-acre Ranch Estate District and (PC) Planned Center District for the Fairview Country Day School. Applicant: Stephen DiNapoli, DiNapoli Development, LLC representing Shannon and Robert Kelly, Diane and Michael Pezzulli and Mark and Morgan Stoddard. (ZA2017-01)

STATUS OF ISSUE: The proposed rezoning request would establish entitlements for a 41 lot, single-family residential subdivision featuring 7.5-acres of open space/common area and a trail system. The site is currently occupied by three (3) homesteads and the Fairview Country Day School that is not operational.

COMPREHENSIVE PLAN: According to the Comprehensive Plan and the Future Land Use Map, the site is designated for Residential Estate Transition uses. By definition, the Residential Estate Transition designation recommends a gross density of one or fewer dwelling units per 1.5-acres of land while providing for a minimum lot size of 1-acre. In this case, with 64.03-acres of land, the Comprehensive Plan recommends a maximum of 42 residential units. The proposed concept plan reflects a total of 41 residential lots, all of which are a minimum of 1.0-acre in area, therefore, the proposed development meets the recommendations of the Comprehensive Plan regarding density and lot size.

Additionally, the Residential Estate Transition designation also recommends that approximately 10% of the land within a development be reserved for open space. This recommendation would suggest that 6.4-acres of land be reserved for open space for this proposal. As shown, the concept

plan reflects approximately 7.5-acres of open space, exceeding the Residential Estate Transition recommendations.

LAND USE: The land use and zoning of the surrounding properties are as follows:

	Current Zoning	Current Land Use	Future Land Use Plan
North	Single-Family PD (Serenity – City of McKinney)	Single-Family	Residential
East	RE-1 (Fairview Meadows)	Single-Family Residential	Residential Estate (1 DU/acre)
South	RE-1/RE-2/AG (Tranquility Farms / Tarkington Stables)	Single-Family Residential / Equestrian	Residential Estate (1 DU/acre)
West	RE-3/RE-1.5/RE-1	Puster Elementary School, Single-Family Residential and undeveloped	Residential Transition, Residential Estate & Institutional

The subject properties have a variety of existing zoning classifications including (RE-3) and (RE-1) Residential Estate Districts and a (PC) Planned Center District for the Fairview Country Day School. Below is a table that compares each zoning classification with the existing conditions and the total potential development permitted under these existing entitlements.

Zoning	Acreage	Existing Development	Potential Development
RE-1	6.93	1 home site	6 home sites (per gross acre)
RE-3	48.87	2 home sites	16 home sites (per gross acre)
PC	8.23	Phase 1: 3,866 sf educational building 1,579 sf support building 1,824 sf maintenance building	Phase 1: 7,269 sf (existing) Phase 2: 5,000-7,500 sf classroom Phase 3: 10,000-15,000 sf classroom and auditorium (Total: 22,269-29,769)

Based on the gross acreage available, and the entitled development rights for the school, the existing 64-acre tract of land could support 22 single-family homes and 22,269-29,769 square feet of private classroom space.

ACCESS AND TRAFFIC:

As proposed, the development will have two major points of access; one along Country Club Drive and one along Hart Road. Additionally, proposed Lots 37-40, will have direct driveway access to Country Club Road. Per the suggested development guidelines, driveway access to County Club Road for Lot 41 will be prohibited. Currently, each of the three (3) existing homesites have driveway access onto Country Club. One of the homes will be removed, and another will transition driveway access internal to the development, therefore, has presented, the proposal has a net increase of one (1) additional driveway onto Country Club. To prevent additional driveway along

Hart Road, Lots 11-15 must be internally accessible and will not have driveway access to Hart Road.

The applicant conducted a Traffic Impact Analysis (TIA) in December of 2017. *(Note that at that time, the TIA was completed with the assumption of a 42 lot development. Since then, the concept plan has been revised for 41 lots).* According to the TIA, the proposed development will generate approximate 400 daily trips, with 32 AM and 52 PM peak hour trips, and that these relatively minor number of trips do not have a negative impact on the adjacent intersections, therefore no off-site improvements are warranted.

UTILITIES, DRAINAGE AND ENVIRONMENTAL:

An existing 12" waterline on Hart Road and an 8" waterline in Fairview Meadows would provide sufficient water to the proposed development. Like most other Fairview neighborhoods, the proposed development would be served by septic systems.

There is no FEMA 100-year floodplain on the property, however, there are two (2) existing ponds within the subject tract. Both of the pond locations are shown to be saved and located within HOA maintained commons areas on the concept plan.

LANDSCAPING:

As reflected on the concept plan, the site borders the Fairview Meadows subdivision to the east. To buffer the proposed development from the existing neighborhood, the applicant is proposing to install a 25' wide landscape buffer along the common border. The buffer would be planted with a variety of canopy ornamental trees in accordance with the "Typical Lot Screening" exhibit attached. This landscape buffer will continue along the southern property line adjacent to Hart Road for proposed Lots 11-15. As previously noted, these lots are prohibited from having driveway access onto Hart Road, and the landscape buffer will provide screening from the adjacent roadway.

OPEN SPACE, PARKLAND AND TRAILS:

The concept plan reflects three (3) open space common areas totaling 7.5-acres. Each of these lots will contain water features, two of which maintain an existing pond. Included within the open space and adjacent to Country Club Drive is a 50' wide landscape area. As reflected on the concept plan, the buffer area will feature a man-made stream that feeds the downstream pond.

In accordance with the Town's regulations, parkland dedication will amount to 1.22-acres of land. In this case, it is recommended that a cash-in-lieu fee be accepted in the amount of \$122,686.

The proposal includes the development of a trail that extends from the main entry at Country Club Drive, through the middle of the site and connects to a proposed trail adjacent to Hart Road. The trail along Hart Road will extend the width of the tract, connecting to the elementary school property. The applicant is currently analyzing the construction costs association with the trail, but should an agreement to extend the trail to the school, or any other extension of a trail outside the boundaries of this tract be finalized, the cost of those extensions may be reduced from the cash-in-lieu fee stated above.

RECENT HISTORY:

In 2014, the Planning and Zoning Commission heard a request to rezone the eastern 31-acres of this tract to accommodate a 20-lot single-family subdivision. Similarly, that request met the recommendations of the Comprehensive Plan and the Residential Estate Transition guidelines, however, the Commission denied that request. The application was withdrawn before it was heard by the Town Council.

PUBLIC INPUT:

Staff notified 57 adjacent property owners, including Lovejoy ISD, and as of the printing of this packet, have received five (5) letters of opposition. That correspondence has been included within this packet.

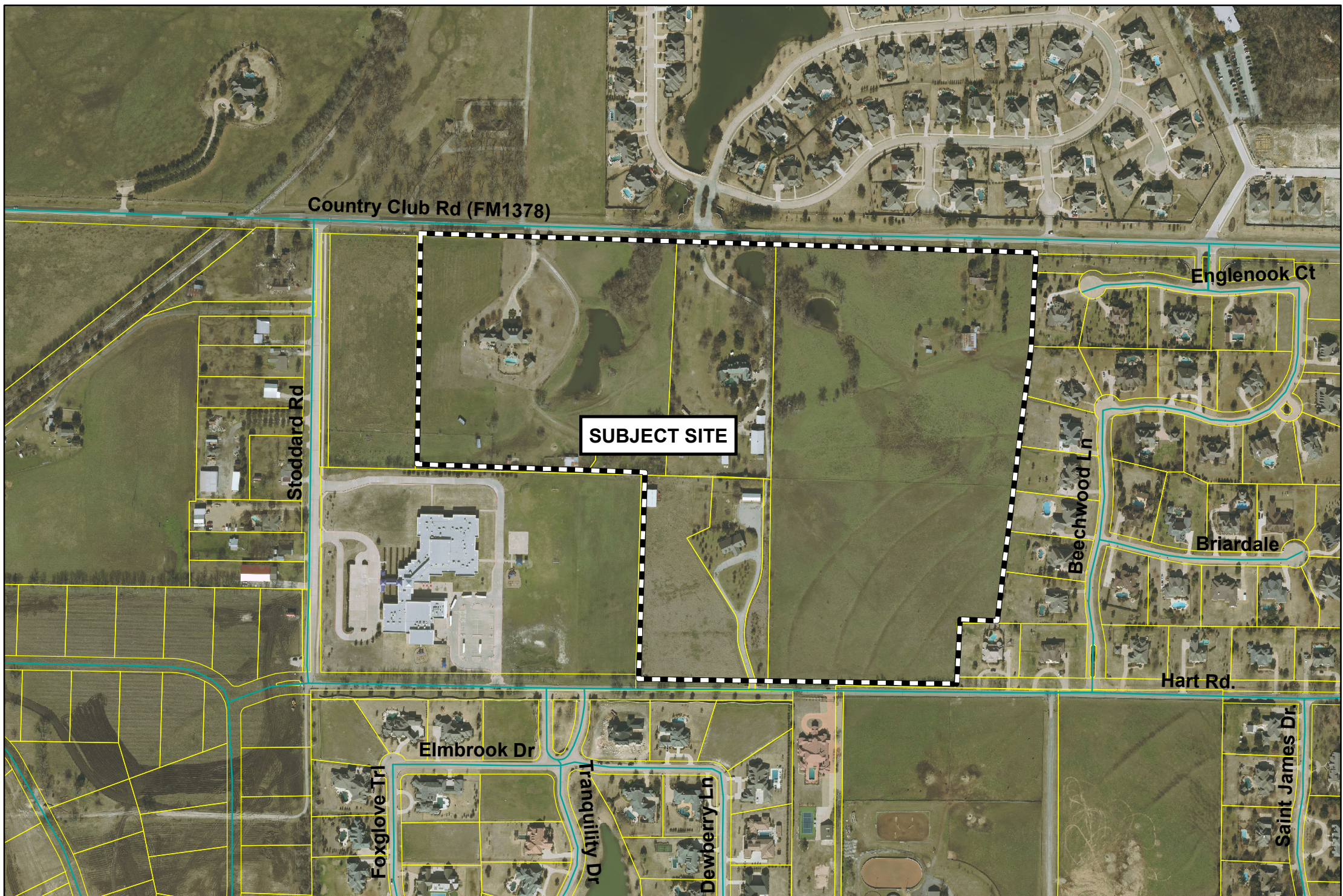
STAFF RECOMMENDATION: Staff recommends APPROVAL of the request, subject to the following conditions:

1. Zoning: (PC) Planned Center District for the (RE-1) One-Acre Ranch Estate District with the following modifications:
 - a. Maximum Lot coverage: 40%
2. Site shall generally be developed in accordance with the concept plans. All structures and uses on Lots 29 and 39, as shown on the concept plan, existing on the date of adoption of this (PC) district, shall be permitted uses.
3. Maximum density shall be 42 residential lots.
4. 10' wide concrete trail shall be installed along Hart Road.
5. A 25' wide landscape buffer shall be installed along the common property line adjacent to the Fairview Meadows Addition (Lots 4-11), and southern property line adjacent to Hart Road (Lots 11-15). Said buffer shall be planted generally in accordance with the "Typical Lot Screening" Plan. Canopy/Shade Trees shall be a minimum of 3-inch caliper and 12-feet tall at the time of planting. Ornamental and multi-stem trees shall be a minimum of 3-inch caliper, and/or have a minimum of 3 canes for multi-stem trees, and be a minimum of 8-feet tall in height at the time of planting.
6. A cash-in-lieu fee of parkland dedication shall be \$122,686. This fee may be reduced by the construction costs of trails outside the designated boundaries of this tract.
7. A cul-de-sac longer than 600 feet in length shall be permitted, however, homes constructed on Lots 33-36 shall install a fire suppression sprinkler system.
8. Lot 41 shall not have driveway access to Country Club Road.
9. Lots 11-15 shall face internal to the development, and will not have driveway access to Hart Road.
10. All common area lots shall be owned and maintained by a Homeowners Association.
11. The minimum building setback along Country Club Road for Lots 37-41 shall be 50 feet.

12. A Development Plan, reflecting trail locations, buffer landscaping, all common area site/landscape elements, and neighborhood entryway signage shall be submitted with the Final Plat.

ATTACHMENTS:

- Locator
- Exhibits
- Correspondence

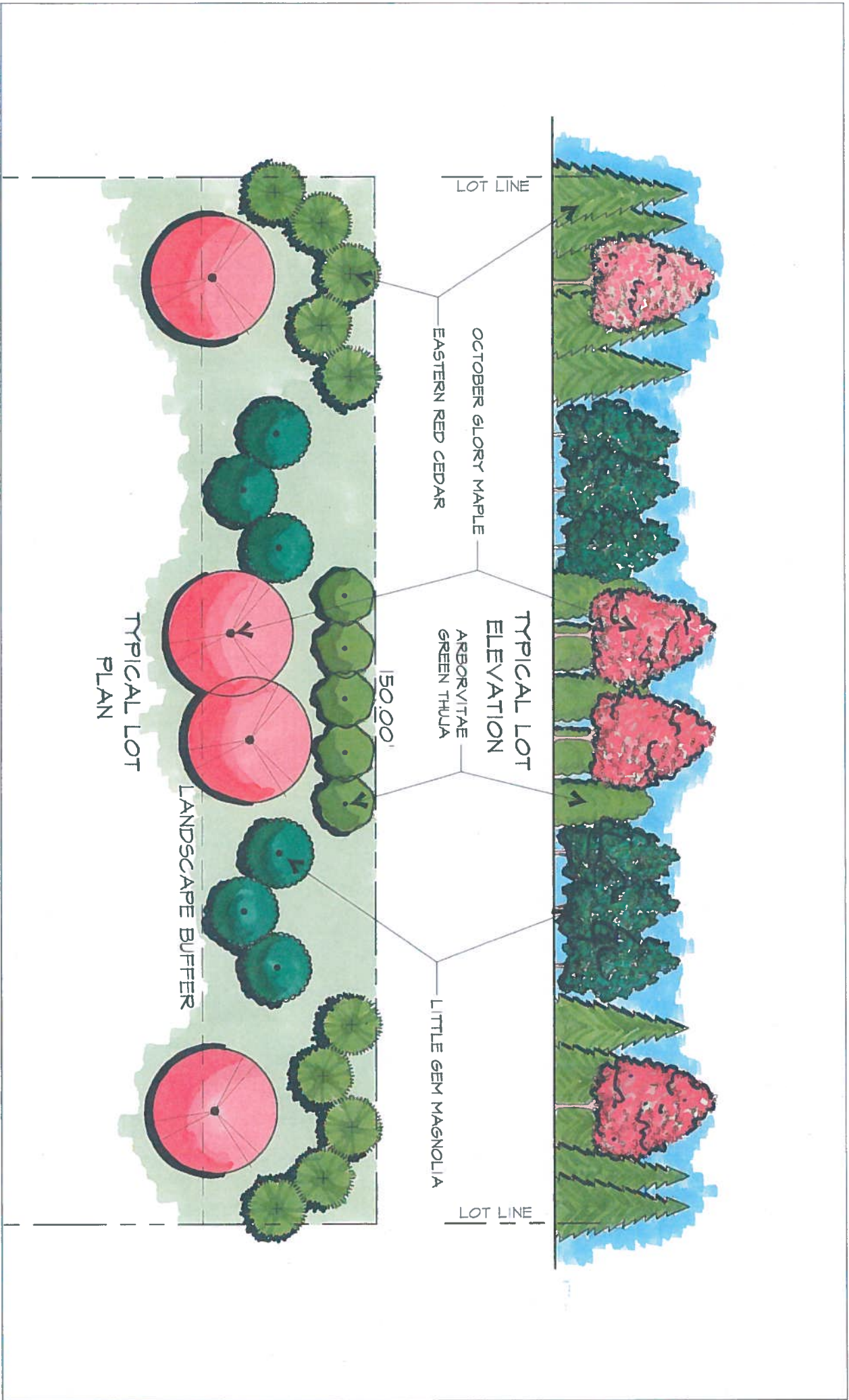


Plot Date/Time: 1/25/2018 11:54 AM



COUNTRY CLUB ROAD (F.M. 1378)





0 8' 16' 32'
SCALE: 1" = 8'-0"

Sheet Title:

Typical Lot Screening

The Lakes of Fairview

Fairview Texas

Issued For:
PRELIMINARY
Job No.
17159
Scale
1" = 8'-0"
Drawn By:
JDS
Date
11-12-2017

#	Revisions	Date

From: Stuart Blumenthal
To: [Israel Roberts](#)
Subject: Zoning Change
Date: Thursday, February 1, 2018 9:47:48 PM

Mr. Roberts,

I want to thank you for making sure this rezoning process is done correctly regarding the land east of Stoddard Road and between Country Club and Hart Road.

Let me say I oppose this and let me state why.

First, we moved here almost 3 years ago. We fell in love the country and in fact on the website, it USED to say that we are keeping Fairview country. That is no longer on the website and we have been extremely saddened to see all the development going on. We did not come here to build another house. The number of houses here that have going in is amazing and is taking away from the beauty in this small city.

Second, there is no way that Country Club road can handle 42 houses (approximately 100 additional cars) especially with the apartments going in at Country Club and Greeneville. Just getting out of my neighborhood can now take 3 to 5 minutes in the morning with the new houses that have gone in by the Heard Museum and down the road. Traffic is flowing and with the apartment going in, it will only get worse. If you rezone and let 42 houses go there with an average of 2.25 cars, it will only get worse. I don't think that intersection will be able to handle this.

Third, can the schools handle this? Just going down Country Club in the morning will become even more congested going to 5-6, 7-8 and the High School. Once there, depending upon how many families move in, it could cause class shortages. Part of what makes Lovejoy ISD so good is the small number of classrooms and good student / teacher ratio.

I have no problems of the land being sold. It has to remain 3 acre lots. They will make a fortune by having the land divided smaller.

I request that you publically state the support and opposition results so we know that our government is working for us.

Again, I appreciate making sure this is done correctly and your time on this matter.

Sincerely,

Stuart I Blumenthal
861 Beechwood Lane
Fairview, TX 75069



January 26, 2018

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Planning and Zoning Commission for the Town of Fairview, Texas, will convene for a public hearing on Thursday, February 8, 2018 at 7:00 PM at Town Hall, 372 Town Place, Fairview, Texas. At such time and place the Commission will hold a public hearing and take appropriate action regarding the following:

- a. Conduct a public hearing, consider and take necessary action on a request to rezone 64.03-acres of land to the (PC) Planned Center District with modified (RE-1) One-acre Ranch Estates District design standards. The site is generally located east of Stoddard Road, between Country Club Road and Hart Road a zoned for the (RE-3) Three-acre Ranch Estate District, (RE-1) One-acre Ranch Estate District and (PC) Planned Center District for the Fairview Country Day School. Applicant: Stephen DiNapoli, DiNapoli Development, LLC representing Shannon and Robert Kelly, Diane and Michael Pezzulli and Mark and Morgan Stoddard. (ZA2017-01)

All interested citizens and property owners are invited to attend and participate in this meeting. For questions and/or comments please contact Israel B. Roberts, Planning Manager, at 972-562-0522, extension 5094; or via email: iroberts@fairviewtexas.org. Citizens may also visit Town Hall, Monday-Friday from 8:30-4:30 PM to obtain more information on this matter prior to the public hearing.

If you wish to communicate your support or opposition for this proposal to the Planning and Zoning Commission, town staff and the Town Council, please respond to the queries below and return it to Mr. Roberts via mail, email, fax or hand delivery.

Name: Jay Ebersohl Address: 1040 Hart Rd

☐ Support Signature: J. P. Ebersohl

☒ Oppose (provide comments below) Date: 2/1/2018

Comments: I am going to great lengths and expense to maintain the minimum lot size down the street. It would be unfair to allow modifications to smaller sizes.



January 26, 2018

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Planning and Zoning Commission for the Town of Fairview, Texas, will convene for a public hearing on Thursday, February 8, 2018 at 7:00 PM at Town Hall, 372 Town Place, Fairview, Texas. At such time and place the Commission will hold a public hearing and take appropriate action regarding the following:

- a. Conduct a public hearing, consider and take necessary action on a request to rezone 64.03-acres of land to the (PC) Planned Center District with modified (RE-1) One-acre Ranch Estates District design standards. The site is generally located east of Stoddard Road, between Country Club Road and Hart Road a zoned for the (RE-3) Three-acre Ranch Estate District, (RE-1) One-acre Ranch Estate District and (PC) Planned Center District for the Fairview Country Day School. Applicant: Stephen DiNapoli, DiNapoli Development, LLC representing Shannon and Robert Kelly, Diane and Michael Pezzulli and Mark and Morgan Stoddard. (ZA2017-01)

All interested citizens and property owners are invited to attend and participate in this meeting. For questions and/or comments please contact Israel B. Roberts, Planning Manager, at 972-562-0522, extension 5094; or via email: iroberts@fairviewtexas.org. Citizens may also visit Town Hall, Monday-Friday from 8:30-4:30 PM to obtain more information on this matter prior to the public hearing.

If you wish to communicate your support or opposition for this proposal to the Planning and Zoning Commission, town staff and the Town Council, please respond to the queries below and return it to Mr. Roberts via mail, email, fax or hand delivery.

Name: I.B. Solutions L.L.C.

Address: 707 Elmbrook

☐ Support

Signature: 



☒ Oppose (provide comments below)

Date: 1-31-18

Comments: Please maintain 2 acre minimum for this area.

Israel Roberts

From: Stark Langs <selangs@flash.net>
Sent: Monday, January 29, 2018 4:17 PM
To: Israel Roberts
Subject: ZA2017-01

Hello Mr. Roberts:

I received a letter from the Town indicating they are considering increasing the density on 64+/- acres located immediately west of my Fairview Meadows home from RE-3 to modified RE-1. **I am against this zoning change.** A major factor in my purchase decision in 2010 was that the 29+/- acres of vacant land adjacent to my lot (Stoddard tract portion of the application) was zoned for 9 homes. The variation in density in my opinion was one of the primary appeals of Fairview - if I wanted homogeneous density, I would have moved to Plano. I am a proponent of keeping in country and adhering to existing zoning regulations.

I further find it extremely troubling that in this particular case the developer's broker is already advertising the lots for sale, and evidently encouraging preliminary lot selection and earnest money deposits, prior to any public discussion about the increased density being requested. It is in my opinion at a minimum unethical, and likely counter to Texas Real Estate Council rules, to advertise for sale and accept deposits on real estate that is not yet legally approved to build. I find it incredulous that a broker (of whom I have to this point heard only positive things) would do this without having gotten the proverbial 'wink and a nod' from someone within the Town's hierarchy.

[Lakes of Fairview, Texas Introduction - Tom Grisak Estate Home Realtors](#)

Lakes of Fairview, Texas Introduction - Tom Grisak Estate Home Realtors

The Lakes of Fairview is a proposed 60 acre development near the intersection of Hart Rd and Country Club in Fai...

from the brokers website (Jan. 29, 2018), "Preliminary lot lines have been drawn and buyers can make lot selections now with an earnest money deposit."

Stark Langs
831 Beechwood Lane
Fairview, TX 75069

From: Paul Westbrook
To: [Israel Roberts](#)
Subject: Re-zoning Concern
Date: Wednesday, January 31, 2018 3:04:00 PM
Attachments: [Dinapoli_re-zoning_objection Feb 8,2018.pdf](#)
[ATT00001.htm](#)

I have a few concerns with the proposed zoning for the 64.03 acres of land along Hart and Country Club roads.

1. Increased density. If I look at our existing zoning map (<https://www.fairviewtexas.org/pdf/Planning/Documents/Town%20of%20Fairview%20Zoning%20Map.pdf>) I see a combination of zoning across that land. There are ~49 acres zoned RE-3. There are ~7 acres zoned RE-1. There are ~8 acres zoned PC. Even if we assume PC was RE-1 zoning that would allow for a maximum of 30 homes (including the existing homes) with an average density of ~2.1 acres per home. Not the 41 proposed - just 30. Why do we keep increasing our density? It adds more traffic to overcrowded roads and more runoff which cause flooding problems downstream. We need to keep that 64 acres at 30 homes max - no matter how it's parceled up.

2. Traffic Hazard. In addition to the 2 existing homes that connect directly to Country Club Road I see four (4) additional lots that will connect directly. That's intentionally adding a hazard to a busy thoroughfare. All lots should go to a collector street which enters the main road at the safest possible location. No new lots should connect directly to Country Club.

I've attached the official form.

Thanks,

Paul



January 26, 2018

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Planning and Zoning Commission for the Town of Fairview, Texas, will convene for a public hearing on Thursday, February 8, 2018 at 7:00 PM at Town Hall, 372 Town Place, Fairview, Texas. At such time and place the Commission will hold a public hearing and take appropriate action regarding the following:

- a. Conduct a public hearing, consider and take necessary action on a request to rezone 64.03-acres of land to the (PC) Planned Center District with modified (RE-1) One-acre Ranch Estates District design standards. The site is generally located east of Stoddard Road, between Country Club Road and Hart Road a zoned for the (RE-3) Three-acre Ranch Estate District, (RE-1) One-acre Ranch Estate District and (PC) Planned Center District for the Fairview Country Day School. Applicant: Stephen DiNapoli, DiNapoli Development, LLC representing Shannon and Robert Kelly, Diane and Michael Pezzulli and Mark and Morgan Stoddard. (ZA2017-01)

All interested citizens and property owners are invited to attend and participate in this meeting. For questions and/or comments please contact Israel B. Roberts, Planning Manager, at 972-562-0522, extension 5094; or via email: iroberts@fairviewtexas.org. Citizens may also visit Town Hall, Monday-Friday from 8:30-4:30 PM to obtain more information on this matter prior to the public hearing.

If you wish to communicate your support or opposition for this proposal to the Planning and Zoning Commission, town staff and the Town Council, please respond to the queries below and return it to Mr. Roberts via mail, email, fax or hand delivery.

Name: Paul Westbrook

Address: 440 Lakewood Dr., Fairview, TX

☐ Support

Signature: Paul Westbrook

☒ Oppose (provide comments below)

Date: 1/31/2018

Comments:

I have a few concerns with the proposed zoning for the 64.03 acres of land along Hart and Country Club roads.

1. Increased density. The existing zoning would allow for a maximum of 30 homes (including the existing homes) - not the 41 proposed - just 30. We need to keep that 64 acres at 30 homes max - no matter how it's parceled up. Stop the density creep that keeps occurring.

P:\- Planning Dept\DEVELOPMENT FILES\Zoning\2017\ZA2017-01 Lakes of Fairview\Notification\ZA2017-01 Lakes of Fairview notification.docx

2. Traffic Hazard. In addition to the 2 existing homes that connect directly to Country Club Road I see four (4) additional lots (37, 38, 40, 41) that will connect directly. That's intentionally adding a hazard to a busy thoroughfare. All lots should go to a collector street which enters the main road at the safest possible location. No new lots should connect directly to Country Club.