



## *Memorandum*

### *August 7, 2018*

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TO: Town Council  
Julie Couch, Town Manager

FROM: Israel Roberts, AICP  
Planning Manager

SUBJECT: **CONDITIONAL USE PERMIT FOR A SPORT COURT (CASE #CUP2018-6)**

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**BACKGROUND:** This is a request for approval of a conditional use permit (CUP) for a sports court. The 2.09-acre site is located at 1050 Three Oaks Drive and is zoned for the (RE-1) One-Acre Ranch Estate District. Applicant: Tim Jackson, Tim Jackson Custom Homes, representing Kendall and Brandy Carll. (Case #CUP2018-06)

**STATUS OF ISSUE:** The applicant desires to constructed a 35'x60' square foot concrete pad with the intention of creating multi-purpose sport court in the backyard of a homesite. The court will feature a 10' tall containment fence and will be able to provide basketball, tennis and volleyball amenities for the lot.

#### Staff Analysis

- In the (RE-1) One-acre Ranch Estate District:
  - Setback for an accessory use is 30.' *The proposed court is shown to be at least 45' from the western property line, thus meeting all setback recommendations.*
  - Maximum lot coverage is 35%. *Including the proposed multi-use sport court, the lot coverage is approximately 15.6%, meeting the lot coverage requirement.*
  
- Lighting:
  - The applicant proposes to install a full cut-off LED light fixture on a 20-foot tall pole. According to the lighting specifications provided, the light will produce a maximum of 13.5 foot-candles of light near the center of the proposed court. The

fixtures should be mounted parallel to the ground and provide additional shielding on all sides to help prevent any unintended light trespass adjacent properties.

- The proposed location slightly encroaches into the drainage easement for Wilson Creek. To alleviate any potential drainage issues, staff has established a base elevation (finished floor) at which the court must be installed to not have a negative impact on the downstream drainage.
- Screening:
  - As shown by the aerial and the provided pictures of the area, the lot is heavily wooded with a variety of tree species. To further maintain this wooded atmosphere, the court should be screened from adjacent properties by a hearty evergreen shrub.

### History

Since the adoption of the sport court ordinance in 2012, there have been eight (8) requests for CUPs for sports court. Seven of those have been approved. Most recently, in May 2018, the Council approved a lighted tennis court on Creekwood Drive and an unlit basketball court on Pecan Drive.

### Public Input

The town has notified 23 adjacent property owners within 500 feet of the subject property, and to date, there are ten (10) owners in opposition, including the Heard Museum, and three (3) in support.

**RECOMMENDATIONS:** At the June 14 meeting Planning and Zoning Commission meeting, staff recommended approval, however, the Planning and Zoning Commission recommended **DENIAL** of this request. Since the Commission recommended denial, a super-majority (3/4<sup>th</sup>) vote in favor of this request is necessary to overturn the commission's recommendation. Should the Council consider approval, below are a set of conditions for consideration:

1. Use, location and design of the proposed multi-use sport court, with a 10-foot tall ball containment fence, shall generally conform with the submitted site plan.
2. A hedgerow of Cherry Laurel shrubs, or equivalent, a minimum of 10-foot tall at the time planting, planted a maximum of 8-foot on center, shall be installed along the western edge of the court.
3. Light fixtures shall be mounted parallel to the ground and additional shielding shall be installed on all sides of the lighting fixtures.
4. The court shall be constructed at a finished floor elevation of 528'.

### **ATTACHMENTS:**

- Locator
- Exhibits
- Correspondence
- DRAFT PZ Minutes from June 14, 2018



**CUP2018-06**  
**1050 Three Oaks Drive**

**PROPERTY DESCRIPTION**

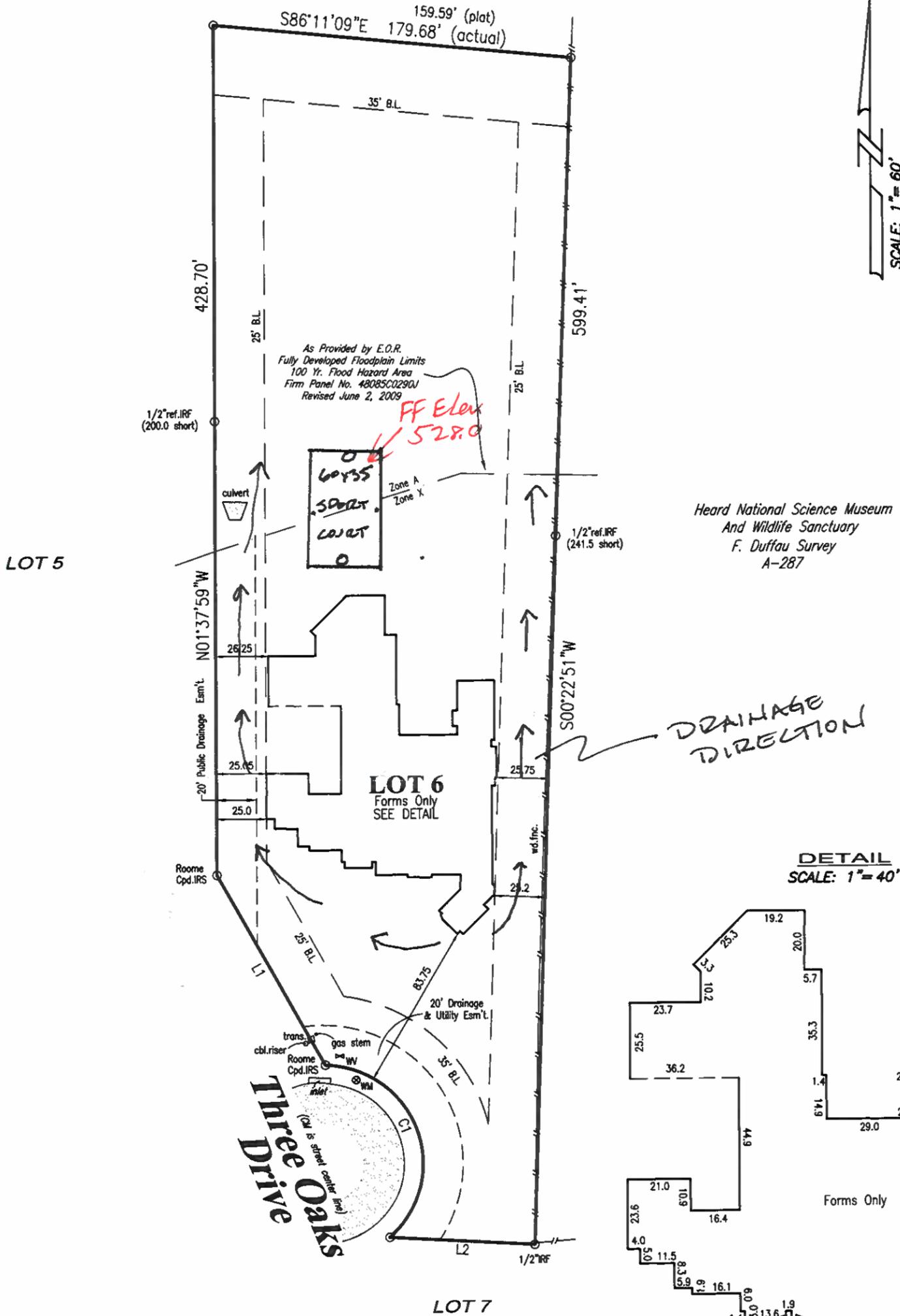
Address: 1050 Three Oaks Drive, Being Lot 6, in Block A, of Three Oaks Addition, an Addition to the Town of Fairview, Collin County, Texas, according to the Map/Plat thereof recorded in Volume 2016, Page 107, of the Map Records, of Collin County, Texas, and Certificate of Correction recorded in Instrument No. 20160620000774770 of the Land Records, of Collin County, Texas



**Roome Land Surveying**

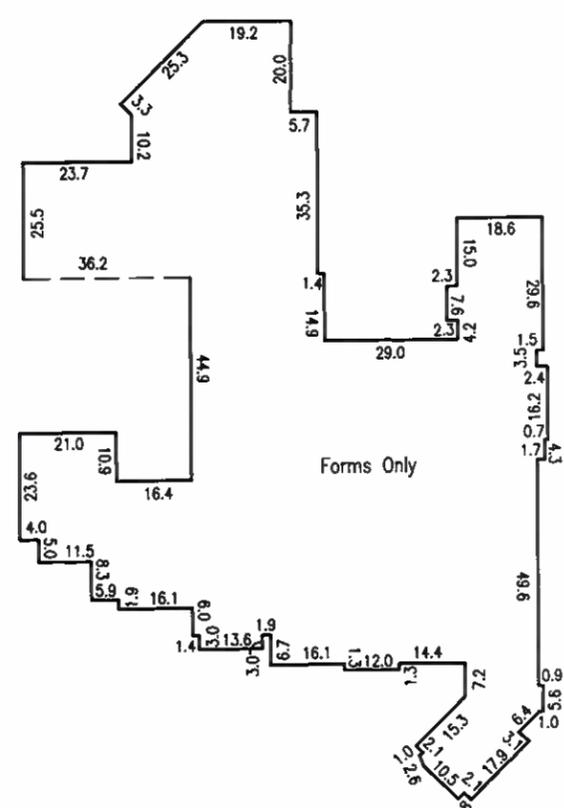
2000 Avenue G, Suite 810  
Plano, Texas 75074  
Phone (972) 423-4372 / Fax (972) 423-7523  
www.roomesurveying.com / Firm No. 10013100

Heard National Science Museum  
And Wildlife Sanctuary  
F. Duffau Survey  
A-287



DRAINAGE DIRECTION

**DETAIL**  
SCALE: 1" = 40'



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00'	119.49'	93.02'	N21°32'10"W	136°55'39"
LINE	BEARING	DISTANCE			
L1	N30°55'01"W	109.60'			
L2	N88°12'47"W	72.66'			

**NOTES:** (1) Source bearing is based on recorded plat unless otherwise noted. (2) (CM) = Controlling monument. (3) Surveyor's signature will appear in red ink on original copies. (4) Drainage arrows, if shown, were determined by elevations shown hereon. (5) Subject property is affected by any & all notes, details, easements & other matters, that are shown on or as part of the recorded plat and/or as part of a title commitment/survey request.

**CERTIFICATION**

On the basis of my knowledge, information & belief, I certify to **Tim Jackson Custom Homes** that as a result of a survey made on the ground to the normal standard of care of Registered Professional Land Surveyors practicing in the State of Texas, I find the plat hereon is true, correct & accurate as to the boundaries of the subject property & if shown, location & type of buildings & visible improvements hereon.

Date: 8/4/2017 Revised: \_\_\_\_\_ Job No. LB137457



IRF=Iron Rod Found | IRS=Iron Rod Set | Cpd.=Capped | OH=Overhead Line | PP=Power Pole | LP=Light Pole | WH=Water Valve | WM=Water Meter  
 CM=Gas Meter | BL.=Building Line | HH=Handhole | AdJ.s.=Adjoiner's | T.O.F.=Top of Form | Mn.F.=Minimum Finished Floor | F.P.=Finished Pad | MH=Manhole  
**LEGEND**







Hoop – 72" tempered glass ; black steel pole







**TECHLIGHT**  
INNOVATION IN ILLUMINATION

Catalog Number	
Project	Type

## FEATURES & SPECIFICATIONS

**APPLICATION** — The high lumen output luminaire is designed to be a replacement for HID fixtures up to 1000W. It is optimal for lighting applications where long life, low maintenance, and consistent color rendering is required. Areas with limited accessibility due to fixture location or where heavy pedestrian or vehicle traffic makes maintenance difficult are ideal applications. The high wattage/lumen output allows the fixture to be used for parking, restaurant, quick service, shopping centers or sports lighting applications.

**CONSTRUCTION** — The heavy duty housing is constructed of cast aluminum with heat dissipating fins. The optical assemblies are sealed in place using a silicone gasket for weather tight protection. Modular LED system for ease of maintenance. ETL listed for wet locations (IP64). Additional IP66 rating available upon request. Each fixture comes standard with preps to accommodate advanced wireless control, management and reporting systems for outdoor lighting.

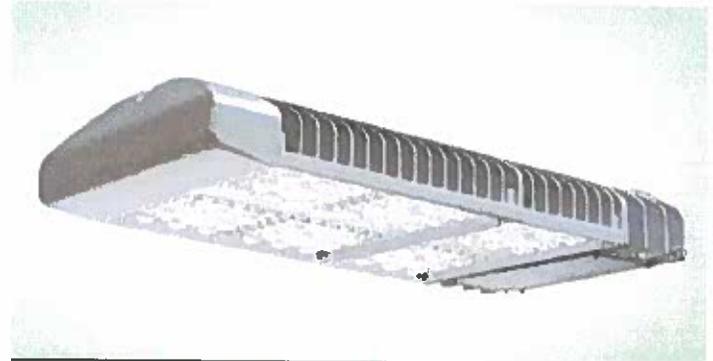
**FINISH** — A corrosion-resistant black E-Coat layer that forms a uniform and all-encompassing protective barrier is applied to the fixtures prior to electrostatically applying a super durable powder coat finish. Standard colors available: Black, Bronze, US Green, White. Custom colors available upon request.

**OPTICAL SYSTEM** — Made with a state of the art UV stabilized acrylic high performance refractive optical assemblies that use high transmissivity materials to achieve precise photometric distributions. Available in Type II, III, IV, IV Automotive, Automotive Frontline Wide, IV Tennis, V Narrow, V Medium and V Wide beam configurations. Optics may be ordered rotated 90 degrees for perimeter lighting or walkway applications (optics are not field rotatable). The full cutoff fixture is Star Light Friendly (meets or exceeds Dark Sky requirements) in the horizontal position.

**ELECTRICAL SYSTEM** — Available in up to a 8 brick LED system in 5000K-70 CRI Cool White (+/- 500K) or 4100K-70 CRI Neutral White color temperatures propagated with Cree® XLamp XHP70 LED's. Consult factory for high CRI (90+) model availability. Available with 100-300V 50/60 Hz Class II power

# LSMT SERIES

## High Lumen Output Scimitar LED Area Light



SERIES	HOUSING HEIGHT	LENGTH & WIDTH	EPA (FT²)
<b>LSMT</b>	5.23"	37.23" x 16.02"	1.4

supply. LED's rated for over 50,000 hours at 25°C ambient temperature. 347V-480V input option available. 0-10V dimming. Built-in surge protection up to 10 kV. Built-in Active PFC Function >95%/Full load. LED Power Supply conforms to UL8750 standards and is IP65 rated for wet locations.

**MOUNTING** — The fixture was designed to utilize an innovative die cast decorative arm that allows the fixture to easily mount to almost any existing bolt pattern or new pole. Additional mounting options include a quick mount with 8" straight arm (for use on fixtures with no more than 4 LED bricks) and a 2" adjustable slip filter for tenon mounting (for use as a downlight only). Additional mounting options may be available for custom applications.

**LISTINGS** — LED Power Supply listed for wet locations (IP65). LED bricks ETL listed for wet locations (IP64). Meets US and Canadian safety standards. -40°C to 50°C ambient operation. RoHS Compliant.

## ORDERING INFORMATION

Choose the bold face options for the appropriate luminaire configuration for your application and enter on the line above each fixture attribute. Accessories may be factory installed, depending on the particular accessory chosen, but still be ordered as a separate line item.

### EXAMPLE:

**LSMT6CXT5WF1-BZ**

LSMT								
SERIES	# OF BRICKS	COLOR TEMP	# LED'S PER BRICK	OPTICS	DRIVE CURRENT	VOLTAGE	OPTIONS	FINISH
	<b>1</b> = 1 Brick <b>2</b> = 2 Brick <b>4</b> = 4 Brick <b>6</b> = 6 Brick	<b>C</b> = Cool White (5000K) <b>N</b> = Neutral White (4100K)	<b>X</b> = 8 XHP70 LED'S	<b>T2</b> = Type II <b>T3</b> = Type III <b>T4</b> = Type IV <b>T4A</b> = Type IV Auto <b>FAW</b> = Frontline Auto Wide <b>T4T</b> = Type IV Tennis <b>T5N</b> = Type V Narrow <b>T5M</b> = Type V Medium <b>T5W</b> = Type V Wide	<b>F</b> = 1400 mA	<b>1</b> = Multi-Volt <b>2</b> = 347-480V	<b>L</b> = Left Rotated Optics <b>R</b> = Right Rotated Optics (Leave Blank for standard optics)	<b>BZ</b> = Bronze <b>BK</b> = Black <b>GR</b> = US Green <b>WH</b> = White <b>SP</b> = Special

## ACCESSORIES (Order as separate line items)

- SDARM** Die Cast Decorative Arm Mount (Square Pole, 1.4 EPA)
- SDARM-R** Die Cast Decorative Arm Mount (Round Pole, 1.4 EPA)
- QMSCM** Quick Mount with 8" SSA-M Straight Arm (4 Brick Max)
- S213** Angled Back Light Shield
- PCR7** 7-Pin Twist-Lock Photocell Receptacle ANSI C136.41 and Receptacle Shorting Cap
- PC2** 480V Twist-Lock Photocell
- PC6** Multi-Tap (105-285V) Twist-Lock Photocell
- IP66** Additional IP66 Fixture Rating

## NOTES

- <sup>1</sup> = Multi-Volt is an auto ranging power supply from 100V to 300V input.
- <sup>2</sup> = Custom RAL color matching is available. Contact your sales representative for additional info.
- <sup>3</sup> = QMSCM Quick Mount only available for fixtures with up to 4 bricks.
- <sup>4</sup> = Order one per LED brick. Field installed.
- <sup>5</sup> = Photocell Receptacle must be installed at the factory. No field installation.
- <sup>6</sup> = Additional IP66 rating may not be changed once production has begun on the fixtures.



DesignLights Consortium® Qualified. Please go to [www.designlights.org](http://www.designlights.org) for the current Qualified Products List. Further details about qualified models may be found under Family Models.



[www.techlightusa.com](http://www.techlightusa.com)





June 1, 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, June 14, 2018 at 7:00 p.m. 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:

1. Conduct a public hearing, consider and take action on a request for approval of a conditional use permit (CUP) for a sports court. The 2.09-acre site is located at 1050 Three Oaks Drive and is zoned for the (RE-1) One-Acre Ranch Estate District. Applicant: Tim Jackson, Tim Jackson Custom Homes, representing Kendall and Brandy Carll. (Case #CUP2018-06)

All interested citizens and property owners are invited to attend and participate in this meeting. For questions and/or comments please contact Israel Roberts, Planning Manager, at 972-562-0522, extension 5094; or via email: [iroberts@fairviewtexas.org](mailto: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 proposed CUP to the Planning and Zoning Commission and town staff, please respond to the queries below and return it to Mr. Roberts via mail, email, or hand delivery.

Name: Nancy & Jack Harvard Address: 941 Circle in the Woods

Support

Signature: Nancy

Oppose (provide comments below)

Date: 6/13/18

Comments:

*We strongly oppose the lighted sports court. The lighting would be a detriment to our neighborhood, and violates the dark sky ordinance in Fairview.*



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Name: TIM JACKSON Address: 1011 THREE OAKS

Support

Signature: 

Oppose (provide comments below)

Date: 6/6/18

Comments:



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Name: WANDA CLARY Address: 950 CIRCLE IN THE WOODS

Support

Signature: Wanda Clary

Oppose (provide comments below)

Date: 6-7-18

Comments: A 'PICK-UP' GAME IN THE YARD IS NICE BUT A REGULATION SPORTS COURT GOES TOO FAR. ISSUES OF NOISE, NUMBERS OF PEOPLE, PARKING, LIGHTING ARE SURE TO FOLLOW.



June 1, 2018

1041/10  
~~1050~~  
1050/10

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Name: Leslie Lurey Address: 1141 Kempton Park Ln Fairview

Support Signature: [Signature]

Oppose (provide comments below) Date: 6/13/18

Comments: I see many issues with both these properties, please consider this for both 1041 & 1050. (I only received one form) Between lighting, noise & flood plain issues I cannot support either property additions



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Name: SCOTT SOSNOWSKI Address: 1040 THREE OAKS DRIVE

Support Signature: Scott A. Sosnowski

Oppose (provide comments below) Date: 6-9-18

Comments:



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Name: Maureen Watson Address: 910 Circle in the Woods

Support

Signature: [Handwritten Signature]

Oppose (provide comments below)

Date: 6/13/18

Comments: Unless 6'-10' tall evergreens planted around perimeter that will continue to grow in the heavily shaded area.



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Name. **Clint and Lisa Wilkins** Addr : **930 Circle in the Woods**

Support

Signature: *Clint Wilkins*

Oppose provide comment

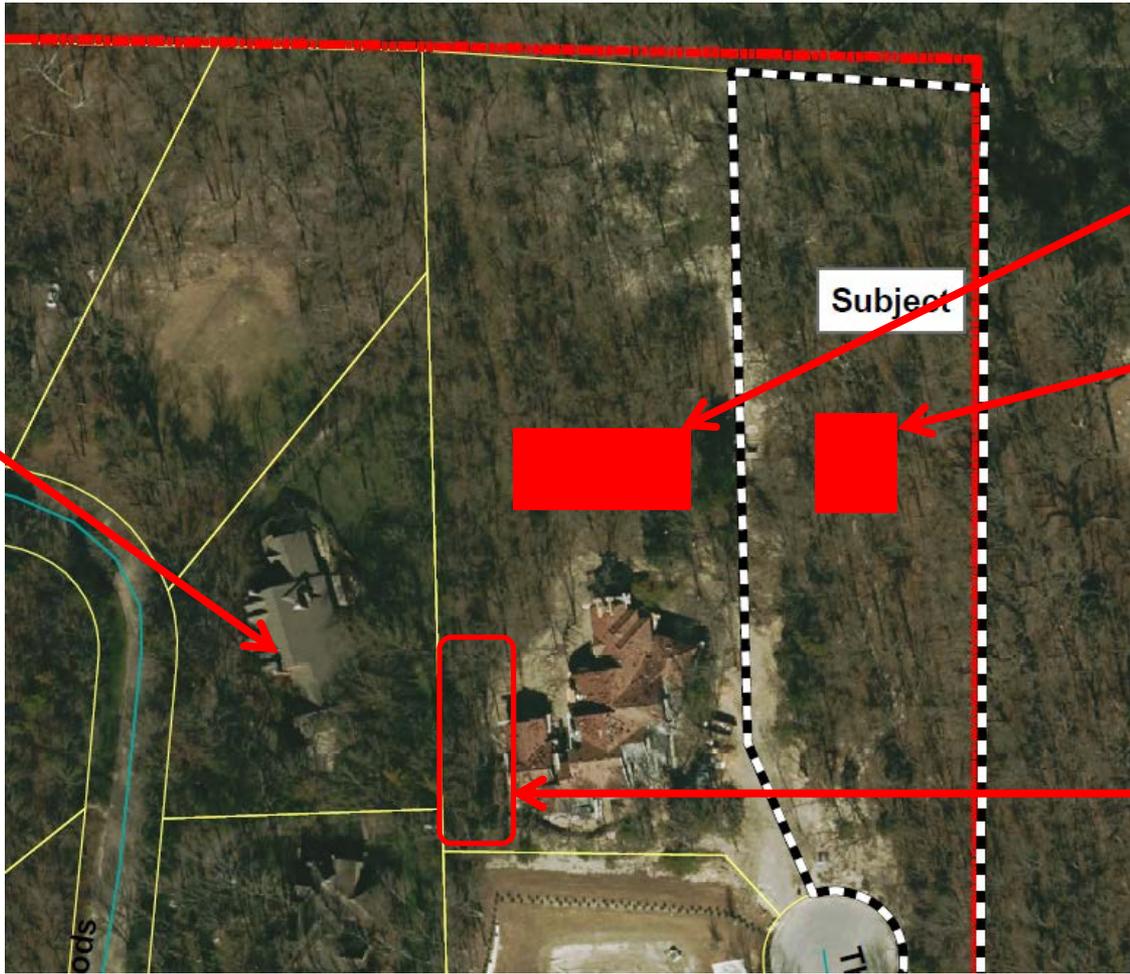
Date: June 14, 2018

Comments:

We are strongly opposed to the lighting of the sports court, particularly to the 20-foot-tall lights that will surround the court. The lighted sports court violates the dark sky ordinance in letter and in spirit.

We also oppose any design that displaces water runoff onto our property.

More details attached.



Wilkins

Sports court #1  
(5000 sq. ft.)

Sports court #2

Subject

Nearly all of these  
trees removed  
when house was  
completed, per  
picture on next  
page

# Dangerous Precedent

## Heard Nature Preserve

Wilkins



What would it look like with lighted sport courts throughout Three Oaks?  
Answer: it would decimate dark sky ordinance.

From: LORI WIMBISH  
To: [Israel Roberts](#)  
Subject: Permit form  
Date: Wednesday, June 13, 2018 2:02:15 PM

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Name: Lori Wimbish Address: 760 Circle in the Woods  
 Support Signature: [Signature]  
 Oppose (provide comments below) Date: 6/13/2018

Comments: I oppose the re-zoning of this area, changing the natural landscape of this property would result in loss of trees/foilage that helps preserve natural beauty, erosion from the increased water run-off, and change natural wildlife behavior (deer)

**DRAFT** PZ minutes from June 14, 2018:

Conduct a public hearing, consider and take action on a request for approval of a conditional use permit (CUP) for a sports court. The 2.09-acre site is located at 1050 Three Oaks Drive and is zoned for the (RE-1) One-Acre Ranch Estate District. Applicant: Tim Jackson, Tim Jackson Custom Homes, representing Kendall and Brandy Carll. (Case #CUP2018-06).

Chairman Israeloff stated the public hearings will be presented jointly however the votes will be taken individually. He opened the public hearing for both items.

Mr. Roberts gave a staff report on the request for a conditional use permit for a sports court at 1041 Three Oaks Drive. He stated the sport court would be a 50' x 100' multi-use sport court which would include tennis and basketball. He stated the court would be surrounded by a 10 ft. ball containment fence and it would have lights on 20 foot light poles. He stated the lighting fixtures are in compliance with the Town's dark skies ordinance after being reviewed by the Town Engineer. He indicated approximately 18 – 20 trees would need to be removed for the construction of the court.

Mr. Roberts stated 24 notices to adjacent property owners were sent out. He stated he has received 3 letters of support, noting two of those are properties owned by the home builder, and 7 letters of opposition. He stated should the commission recommend approval Staff has provided conditions for approval such as additional shielding and screening. He stated the Town Engineer advised that the finish floor elevation needs to be at 530 feet due to a drainage encroachment.

Mr. Roberts gave a staff report on the request for a conditional use permit for a sports court at 1050 Three Oaks Drive. He stated the sport court would be a 60' x 35' multi-use sport court that would require approximately 10 trees to be removed. He stated the court would have lights on 20 foot light poles.

Mr. Roberts stated 24 notices to adjacent property owners were sent out. He stated he has received 3 letters of support, noting two of those are properties owned by the home builder, and 7 letters of opposition. He stated should the commission recommend approval Staff has provided conditions for approval such as additional shielding and screening. He stated the Town Engineer advised that the finish floor elevation needs to be at 528 feet.

Chairman Israeloff opened the public hearing.

Sy Shahid, Heard Museum Executive Director, expressed the museum's opposition to both sports courts.

Clint Wilkins, 930 Circle In The Woods, expressed opposition to both sport courts.

Lisa Wilkins, 930 Circle In The Woods, expressed opposition to both sport courts.

Carl Hoemke, 960 Circle In The Woods, expressed his opposition to both sport courts.

Lauri Winbush, 940 Circe In The Woods, expressed her opposition to both sport courts.

Deborah Schneider, 900 Circle In The Woods, expressed her opposition to both sport courts.

Chairman Israeloff closed the public hearing and offered Commission an opportunity to give their feedback on the request at 1041 Three Oaks Dr.

Commissioner Carlin stated his concerns about the flood plain. Mr. Roberts explained flood plain elevations in relation to constructing a pad structure.

Commissioner Doi explained flood plains further.

Commissioner Cox expressed his concern about the removal of the trees and if they would be replaced based on the ordinance. Mr. Roberts stated homeowners have a 2 acre exemption, around the home, for tree removal.

Commissioner Friend inquired about height of lighting on sports courts. Mr. Roberts stated the most recent request presented on Creekwood had 20 feet lights with additional shielding. Commissioner Friend stated he did not oppose this request but does objects to the lights.

Chairman Israeloff stated his opposition to the lighting and the loss of trees. He stated he would recommend adding a condition to disapprove the lighting.

Commissioner Cox stated his opposition to lighting on elevated lots.

Commissioner Doi inquired about the screening and stated the row of screening should extend further south.

Commissioner Custer stated his uncertainty of understanding the wildlife impact. He stated his opposition based on the neighborhood opposition.

Chairman Israeloff offered Commission an opportunity to give their feedback on the request at 1050 Three Oaks Dr.

Commissioner Friend stated his opposition of the backboard utilized for basketball.

Commissioner Cox stated his abstention due to conflict of interest.

Commissioner Custer made a motion to disapprove the request for a conditional use permit (CUP) for a sports court located at 1050 Three Oaks Drive. Commissioner Almy seconded the motion and the motion was denied 5-1 with one abstention. Commissioner Doi in opposition.