



Memorandum

July 3, 2018

TO: Town Council
Julie Couch, Town Manager

FROM: Israel Roberts, AICP
Planning Manager

SUBJECT: **CONDITIONAL USE PERMIT FOR A SPORT COURT (CASE #CUP2018-5)**

BACKGROUND: This is a request or approval of a conditional use permit (CUP) for a sports court. The 2.26-acre site is located at 1041 Three Oaks Drive and is zoned for the (RE-1) One-Acre Ranch Estate District. Applicant: Tim Jackson, Tim Jackson Custom Homes, representing Lam and Michelle Le. (Case #CUP2018-05)

UPDATE: The applicant has requested that consideration of this request be **CONTINUED** until the August 7th Town Council meeting, as neither the applicant, nor the owners will present at the Council meeting (See attached request).

STATUS OF ISSUE: The applicant desires to constructed a 50'x100' square foot concrete pad with the intention of creating multi-purpose sport court in the backyard of an existing homesite. The court will feature a 10' tall containment fence and will be able to provide tennis and basketball 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 25' from the eastern property line. Although this encroaches into the setback for accessory uses by 5' feet, the proposed 25' distance matches that of the required setback for a main structure.*
 - Maximum lot coverage is 35%. *Including the proposed multi-use sport court, the lot coverage is approximately 17.5%, 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 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 32 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.

PZ Recommendation: At the June 14 meeting, the Planning and Zoning Commission recommended **DENIAL** of this request.

STAFF RECOMMENDATION: Staff recommends **CONTINUATION** as requested, however, should the Council choose, below are a set of conditions for consideration:

1. Use, location and design of the proposed multi-use sport court shall generally conform with the submitted site plan.
2. A hedgerow of Cherry Laurel shrubs, or equivalent, a minimum of 10-feet tall at the time planting, planted a maximum of 8-feet on center, shall be installed along the eastern and western edge of the court.
3. Additional shielding shall be installed on all sides of the lighting fixtures.
4. The court shall be constructed at a finished floor elevation of 530’.

ATTACHMENTS:

- Locator
- Request to CONTINUE from the applicant
- Exhibits
- Correspondence
- DRAFT P&Z Minutes from June 14, 2018



CUP2018-05
1041 Three Oaks Drive

From: Tim Jackson
To: [Israel Roberts](#)
Subject: RE: sport courts question
Date: Monday, June 25, 2018 2:46:53 PM

Israel,

I would like to request that as neither I, the Le's, or the Carll's will be in town next week due to the fourth of July holiday.

Tim Jackson
Tim Jackson Custom Homes, LP
O: 972-562-6623
M: 214-796-8691

www.timjacksoncustomhomes.com



From: Israel Roberts [mailto:iroberts@fairviewtexas.org]
Sent: Monday, June 25, 2018 1:02 PM
To: Tim Jackson
Subject: RE: sport courts question

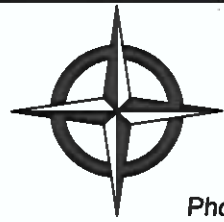
Not at this point. Both hearings have been published. The only way to postpone until August would be to request a continuation from the Council. Note that the Council is under no obligation to honor the request though.

Israel B. Roberts, AICP
Planning Manager
Town of Fairview, TX
372 Town Place
Fairview, TX 75069
PH# 972-562-0522
www.fairviewtexas.org

From: Tim Jackson <tim@timjacksoncustomhomes.com>
Sent: Monday, June 25, 2018 10:38 AM
To: Israel Roberts <iroberts@fairviewtexas.org>
Subject: RE: sport courts question

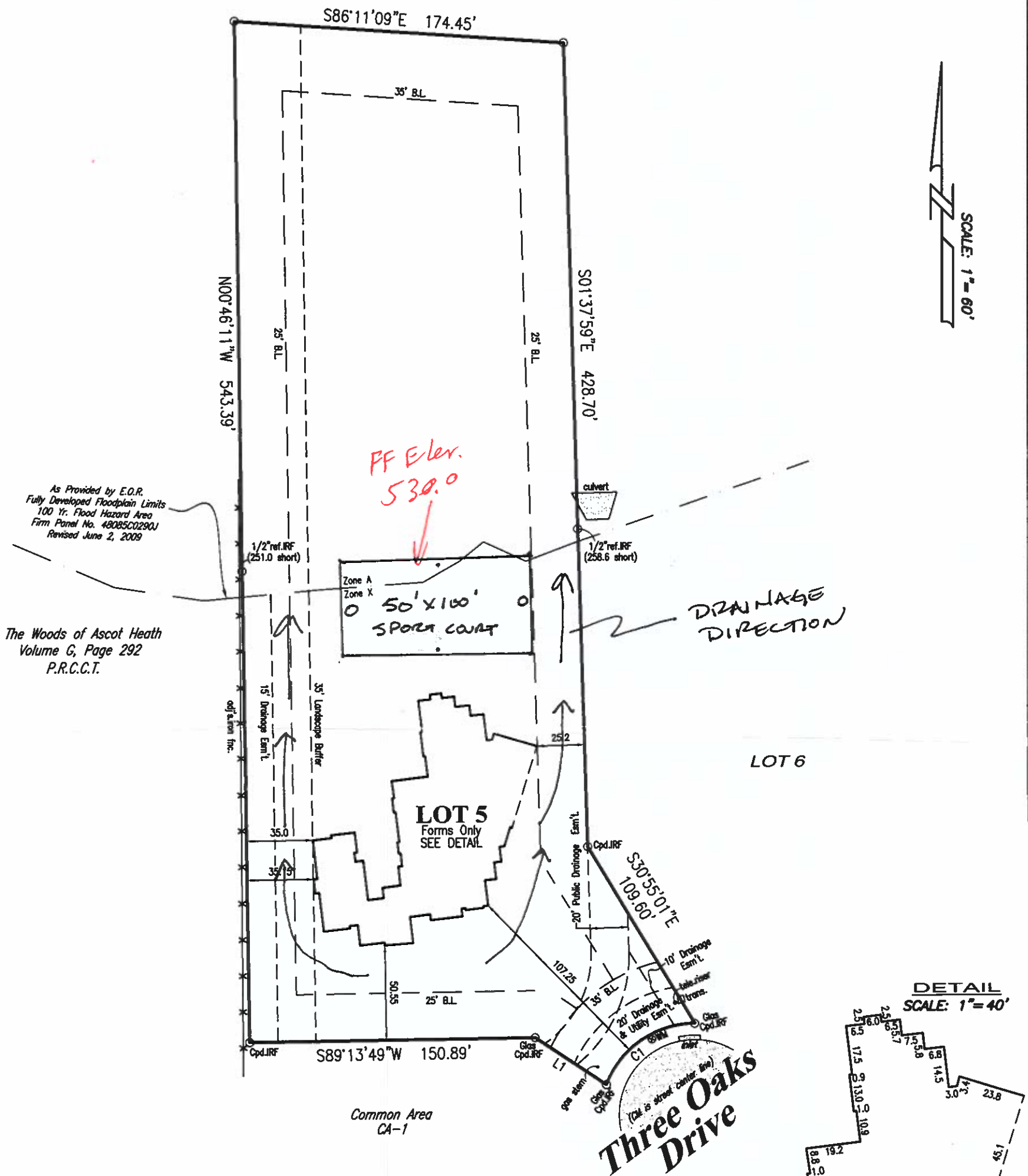
PROPERTY DESCRIPTION

Address: 1041 Three Oaks Drive, Being Lot 5, 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



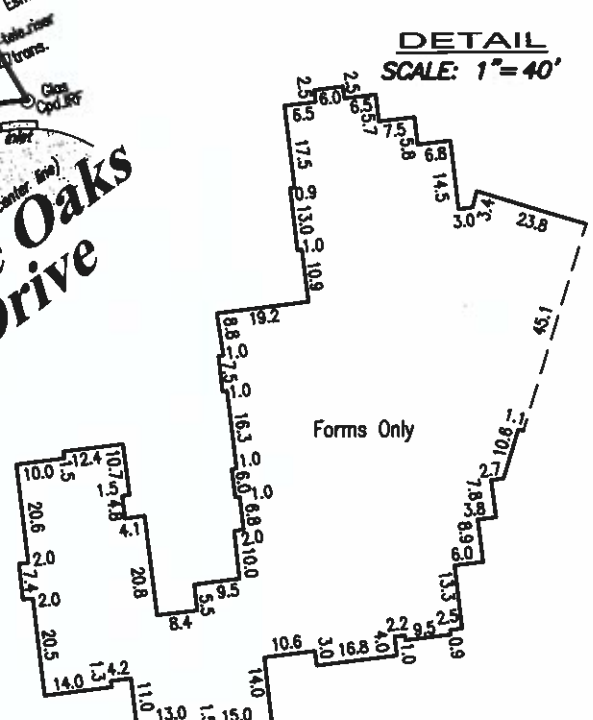
Roome Land Surveying

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



LEGEND

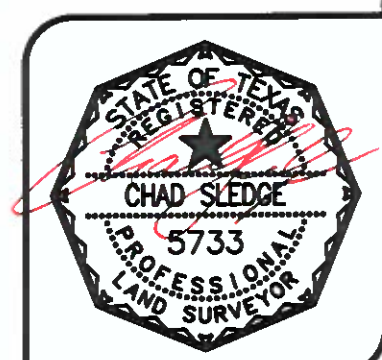
WM=Water Meter
MH=Manhole
FV=Fire Valve
FW=Water Valve
FH=Fire Hydrant
LP=Light Pole
PP=Power Pole
OH=Overhead Line
Cpd.=Capped
IR=Iron Rod Found
B.C.=Building Line
IRF=Iron Rod Found
CM=Controlling Monument
G.M.=Gas Meter
L.P.=Light Pole
P.P.=Power Pole
O.H.=Overhead Line
C.P.D.=Capped
I.R.=Iron Rod Found
B.C.=Building Line
I.R.F.=Iron Rod Found
C.M.=Controlling Monument
G.M.=Gas Meter



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00'	60.78'	57.11'	S55°10'33"W	69°38'55"
LINE	BEARING	DISTANCE			
L1	N55°51'08"W	45.37'			

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.



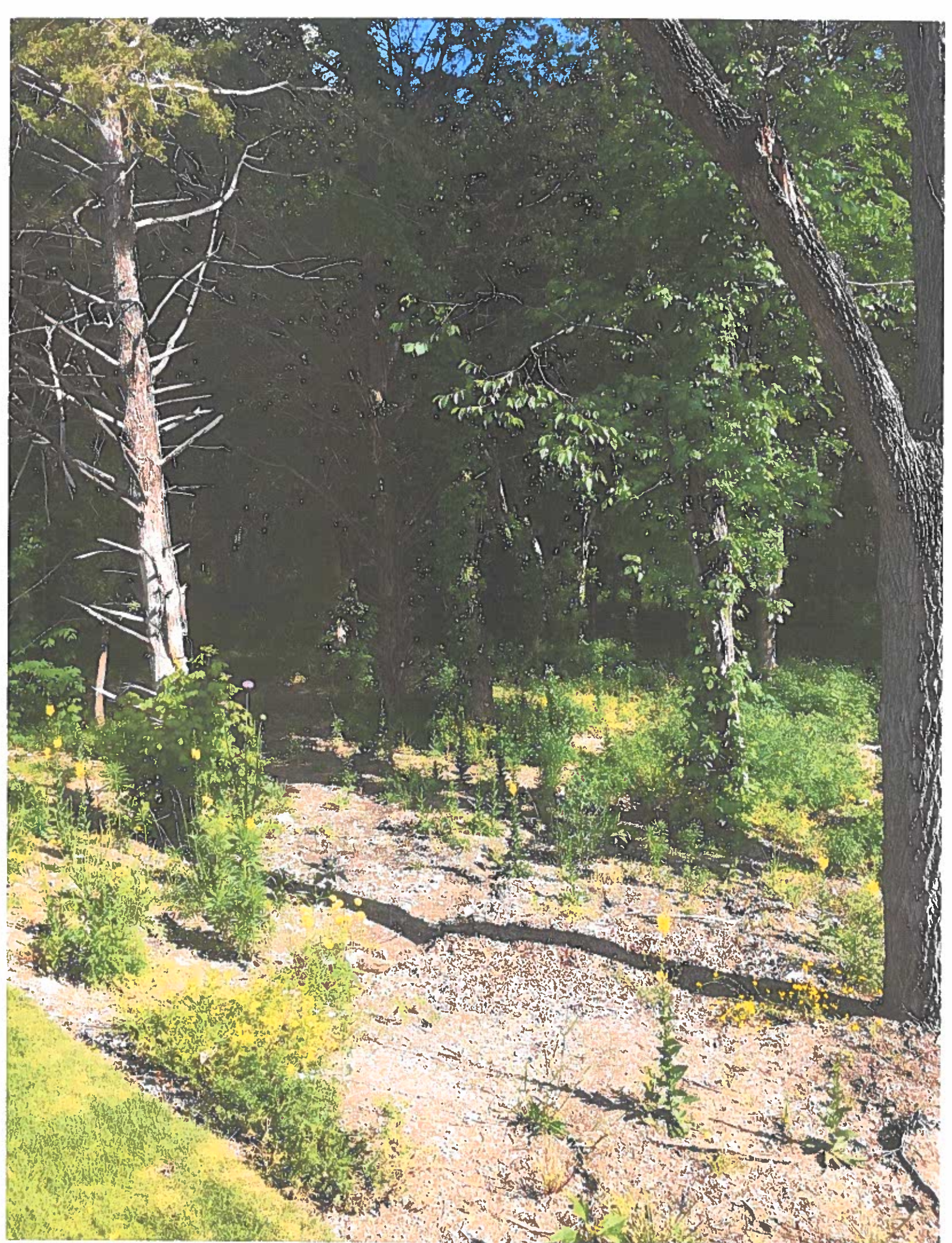
Date: 7/20/2016 Revised: _____ Job No. LB128697



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.

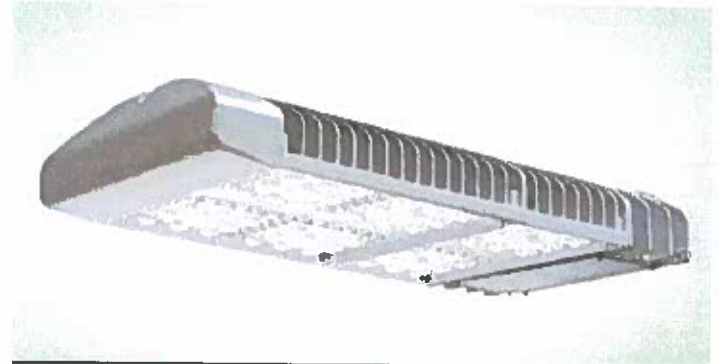
FINISH — A corrosion-resistant black E-Coat layer that forms a uniform and all-encompassing protective barrier is applied to the fixtures prior to electrostatically applying a super durable powder coat finish. Standard colors available: Black, Bronze, US Green, White. Custom colors available upon request.

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)
LSMT	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
	1 = 1 Brick 2 = 2 Brick 4 = 4 Brick 6 = 6 Brick	C = Cool White (5000K) N = Neutral White (4100K)	X = 8 XHP70 LED'S	T2 = Type II T3 = Type III T4 = Type IV T4A = Type IV Auto FAW = Frontline Auto Wide T4T = Type IV Tennis T5N = Type V Narrow T5M = Type V Medium T5W = Type V Wide	F = 1400 mA	1 = Multi-Volt 2 = 347-480V	L = Left Rotated Optics R = Right Rotated Optics (Leave Blank for standard optics)	BZ = Bronze BK = Black GR = US Green WH = White SP = 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

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



DesignLights Consortium® Qualified. Please go to www.designlights.org for the current Qualified Products List. Further details about qualified models may be found under Family Models.



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 2.26-acre site is located at 1041 Three Oaks Drive and is zoned for the (RE-1) One-Acre Ranch Estate District. Applicant: Tim Jackson, Tim Jackson Custom Homes, representing Lam and Michelle Le. (Case #CUP2018-05)

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. 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 Jack Harvard

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.



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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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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. Citizens may also visit Town Hall, Monday-Friday from 8:00-4:30 PM to obtain more information on this matter prior to the public hearing.

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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: Mauricean 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 Address: 930 Circle in the Woods

Support

Signature: Clint Wilkins

Oppose (provide comments below) Date: June 14, 2018

Comments: We are strongly opposed to the lighting of the 5000 sq. ft. sports court, particularly to the 20-foot-tall lights that will displace trees and 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.

Comments from Clint and Lisa Wilkins, 930 Circle in the Woods

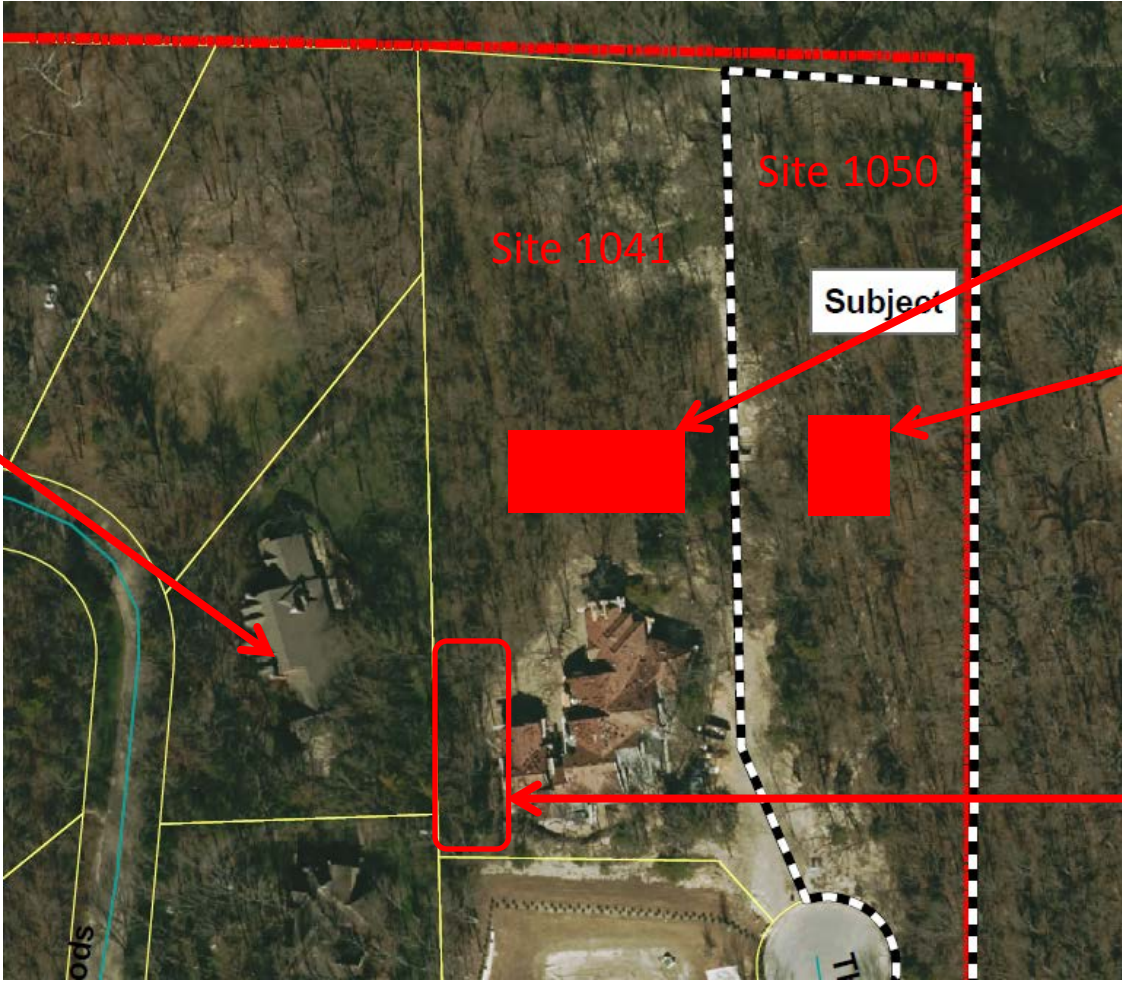
We are the homeowners of the house in the aerial view that borders, and whose backyard faces, the Le's property (annotated pictures are attached).

We are **strongly** opposed to lighting the sports court. The plan calls for six 20-foot-high LED lights (per the picture in Tim Jackson's submission), in place of 18-20 mature trees cleared for a 5000 sq. ft. sports court. The lighted sports court violates the dark sky ordinance in letter and in spirit. The dark sky ordinance does not provide for a lighted sports court, particularly one that is 5000 sq. ft. with 20-foot tall lights in a densely wooded area bordering the Heard Nature Preserve.

Fairview does not have privacy fences, so our nighttime view on our back porch and patio would be as if we backed up to a commercial recreational facility. Also, although it does not come through in the site plan, the Le's lot is on a downhill slope, so homes up and down the hill from the Le's would see the lights of the sports court. The beauty of the natural surroundings would be greatly diminished.

We also oppose a sports court unless the perimeter is surrounded with evergreen trees, such as cherry laurels (because they flourish in shade, unlike Nelly R Stevens), that are at least 8 ft tall when planted and will grow to over 10 feet (and spaced appropriately when planted) to eventually cover the 10-foot tall fence planned around the court. The trees in the wooded area around the court lose their leaves in winter, so evergreens surrounding the court are essential.

We also oppose any design that displaces water runoff onto our property. The sports court runs a significant part of the width of the Le's property (per site plans), so it is unclear how the drainage would be handled.



Wilkins

Site 1041

Site 1050

Subject

Sports court #1
(5000 sq. ft.)

Sports court #2

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

Property line/fence



Wilkins



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.



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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: Lori Wimlish Address: 940 Circle in the Woods

Support

Signature: Lori Wimlish

Oppose (provide comments below)

Date: 6/12/18

Comments:

- 1) Lighting: Violation of Town of Fairview's Dark Sky Ordinance
- 2) Town of Fairview's website Floodplain Policy states "No new structures should be built or installed within the 100yr. floodplain. Both courts, lighting + fencing would be in 100yr. floodplain"
- 3) All structures built in the floodplain would reroute & affect water flow & drainage into adjacent lots.

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 2.26-acre site is located at 1041 Three Oaks Drive and is zoned for the (RE-1) One-Acre Ranch Estate District. Applicant: Tim Jackson, Tim Jackson Custom Homes, representing Lam and Michelle Le. (Case #CUP2018-05).

Chairman Israeloff stated the public hearings will 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 could 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'x35' 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 museums 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.

Michelle Le, 1041 Three Oaks, applicant, stated the family's position on the desire to install the sports court.

Carl Hoemke, 960 Circe 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.

Commissioner Custer made a motion to recommend denial the request for a conditional use permit (CUP) for a sports court located at 1041 Three Oaks Drive. Commissioner Cox seconded the motion and the motion was denied 5-2. Commissioners Doi and Friend in opposition.