



## *Memorandum*

### *June 9, 2016*

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TO: Planning and Zoning Commission  
Julie Couch, Town Manager

FROM: Israel Roberts, AICP  
Planning Manager

SUBJECT: **CONDITIONAL USE PERMIT FOR A SPORT COURT**  
**(CASE #CUP2016-05)**

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**BACKGROUND:** This is a request for approval of a conditional use permit (CUP) for the construction of a multi-use sport court. The 1.35-acre site is located at 870 Quail Rise and is zoned for the (RE-1) One-acre Ranch Estate District.

**STATUS OF ISSUE:** The applicant is proposing to construct an 8,450 square foot multi-use sport court for basketball, tennis and volleyball. The court will have a concrete pad that is enclosed by a 10' tall chain link fence and is offset 30' from the adjacent property line.

**UPDATE:** On May 31, the applicant submitted a request for an additional continuation of this item to the July 14 Planning and Zoning Commission meeting to allow additional time to address drainage concerns.

#### Public Input

The town has notified 33 adjacent property owners within 500 feet of the subject property in accordance with Town and State requirements, Lovejoy ISD and the homeowners association, and to date, have received two (2) letters of support and two (2) letters of opposition.

#### Staff Analysis

- The proposed multi-use sport court is located behind the existing home, towards the rear of a wedge shaped lot at the end of a cul-de-sac. The lot is heavily screened with existing vegetation along the street and southern property line, and will not be visible from the

street. However, based on an aerial view, there appears to be a partially open view to the adjoining lots to the east and the north.

- In the (RE-1) One-acre Ranch Estate District:
  - Setback for an accessory structure is 30.’ *The proposed multi-use sport court is offset from the adjacent property line by 30’ feet, meeting the minimum setback for accessory structures.*
  - Maximum lot coverage is 35%. *Including the proposed multi-use sport court, the lot coverage is 28.7%, meeting the lot coverage requirement.*
- No lighting is proposed for this court.
- Size and use: As shown the proposed multi-use sport court is 65’ x 130 (8,450 square feet). The applicant states that the court will be used for a multitude of activities including basketball, volleyball and tennis. *Typical full size basketball court is 94’ x 50’ (4,700 square feet).*
- Drainage: Due to existing topology of this site, storm water runoff flows to the north. At times, under heavy rainfall, minor flooding has occurred to the properties to the north, due to the runoff from the subject site. Although, including the proposed sport court the lot meets the maximum lot coverage as required by the (RE-1) One-acre Ranch Estate District, adding the sport court nearly doubles the amount of impervious coverage in comparison with the existing conditions, thus increasing the amount of storm water runoff to the adjacent properties to the north.

### History

Since the adoption of the sport court ordinance in 2012, there have been two (2) requests for CUPs for sports court. Both requests were approved.

**STAFF RECOMMENDATION:** Due to the potential adverse effects of additional storm water runoff from this site to the adjoining properties, staff cannot support this request as presented. However, on May 31, the applicant requested an additional continuation of this request to allow for additional time to resolve drainage issues, therefore, staff recommends that the Commission accept the request for a **continuation to the July 14** Planning and Zoning Commission meeting.

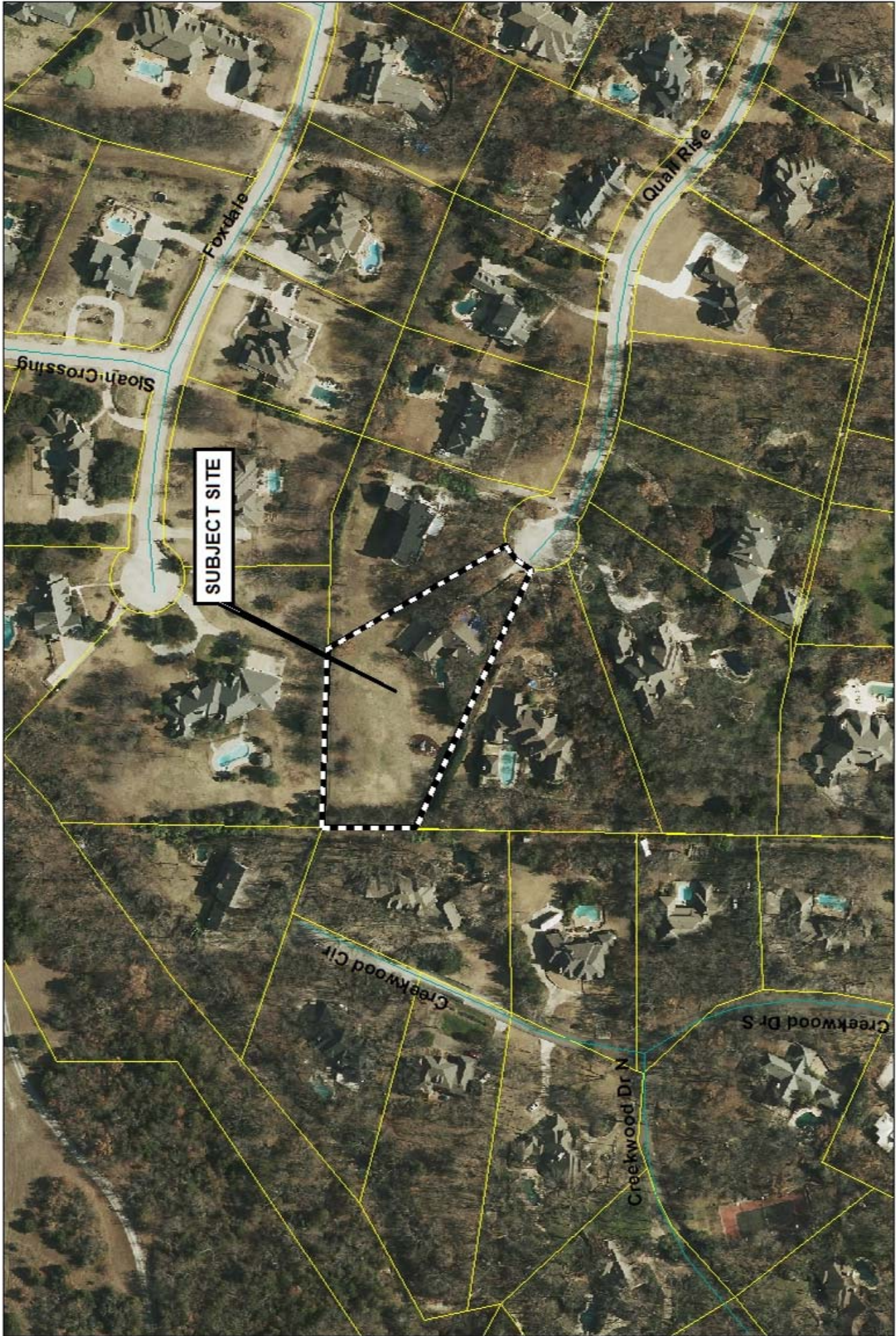
**P&Z ACTION:** At the May 12, 2016 meeting, the Planning and Zoning Commission continued the request to allow the owner time to meet with a civil engineer to address staff’s drainage concerns.

**BUDGET:** N/A

### **ATTACHMENTS:**

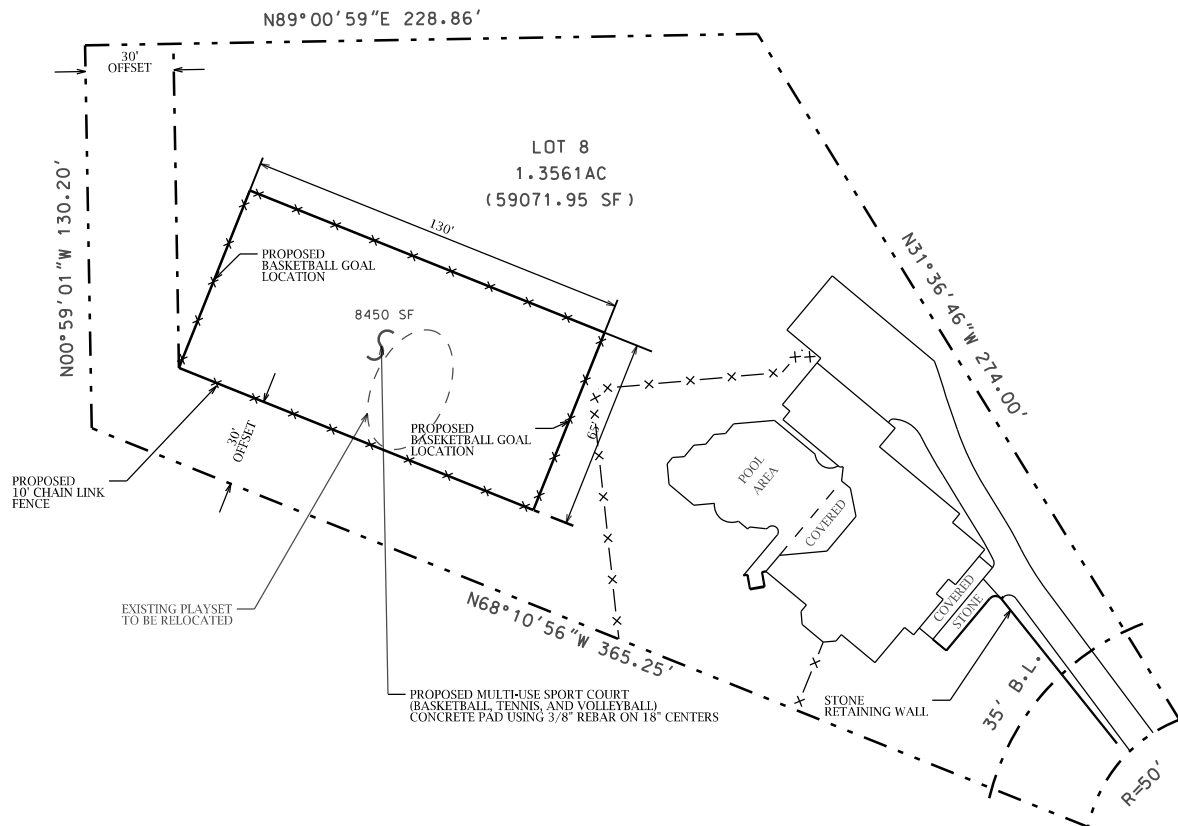
- Locator
- Site Plan
- Email requesting continuance
- Correspondence











EXISTING IMPERVIOUS AREA=8479 SF  
PROPOSED SPORT COURT AREA=8450 SF  
LOT SIZE=59071.95 SF

PRELIMINARY LAYOUT  
FOR PERMITTING PURPOSE ONLY  
SCALE 1"=60'

**CALCULATED PROPOSED IMPERVIOUS AREA=28.7%**

PROPOSED SPORT COURT SITE PLAN  
FOR  
KEVIN AND SHEA JOYNER  
870 QUAIL RISE  
FAIRVIEW, TX 75069

APRIL 29, 2016

SHEET NO.
1



## Israel Roberts

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**From:** kevin joyner <kjoyner@sbcglobal.net>  
**Sent:** Tuesday, May 31, 2016 9:09 PM  
**To:** Israel Roberts  
**Subject:** Fwd: Joyner sport court

We'll need to request a continuance. Thanks

Sent from my iPhone

Begin forwarded message:

**From:** Rusty Ozmer <[r.ozmer@sbcglobal.net](mailto:r.ozmer@sbcglobal.net)>  
**Date:** May 31, 2016 at 8:26:03 PM CDT  
**To:** "[kjoyner@sbcglobal.net](mailto:kjoyner@sbcglobal.net)" <[kjoyner@sbcglobal.net](mailto:kjoyner@sbcglobal.net)>  
**Subject:** Fwd: Joyner sport court

Kevin,

I need more time to study a few options. Would recommend you request a continuance.

Sent from my iPad

Begin forwarded message:

**From:** Israel Roberts <[iroberts@fairviewtexas.org](mailto:iroberts@fairviewtexas.org)>  
**Date:** May 31, 2016 at 4:37:33 PM CDT  
**To:** Rusty Ozmer <[r.ozmer@sbcglobal.net](mailto:r.ozmer@sbcglobal.net)>, James Chancellor  
<[jchancellor@fairviewtexas.org](mailto:jchancellor@fairviewtexas.org)>  
**Cc:** "[kjoyner@sbcglobal.net](mailto:kjoyner@sbcglobal.net)" <[kjoyner@sbcglobal.net](mailto:kjoyner@sbcglobal.net)>  
**Subject:** RE: Joyner sport court

Gentlemen-

Just checking in on the status of this. After speaking is James Chancellor, our Town Engineer, he hasn't received any civil information on how to rectify the run-off issue. Since, the packet information for the June PZ meeting goes out this week, and we don't have an agreed upon resolution; Kevin, at this point, if you want to have more time to consider the drainage work, I need an email from you to request an additional continuation to July 14 Planning and Zoning Commission meeting. If you no longer want to pursue this, you can always withdrawal it.

Israel B. Roberts, AICP  
Planning Manager  
Town of Fairview  
972-562-0522 ext. 5094  
[www.fairviewtexas.org](http://www.fairviewtexas.org)

From: MARIA ARNOLD  
To: Israel Roberts  
Subject: support for proposal  
Date: Tuesday, May 24, 2016 12:37:33 PM  
Attachments: joyner.png

Begin forwarded message:

From: MARIA ARNOLD <arnoldfamily\_10@yahoo.com>  
Subject: support for proposal  
Date: May 24, 2016 at 12:35:34 PM CDT  
To: iroberts@fairviewtexas.org

I am a neighbor of the Joyner's in Oakwood and attaching communication of support for their request. Please forward along to appropriate party if I am sending to you by mistake.

Thank you,  
Maria Arnold



April 29, 2016

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, May 12, 2016 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:

- Conduct a public hearing, consider and take necessary action on a request for approval of a Conditional Use Permit (CUP) for a sports court. The 1.35-acre site is located at 870 Quail Rise Dr. and is zoned for the (RE-1) One-acre Ranch Estate District. Owner/applicant: Kevin Joyner. (CUP2016-05)

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](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. LaCroix via mail, email, fax or hand delivery.

Name: Bill & Maria Arnold Address: 890 Quail Rise  
 Support Signature: Maria Arnold  
 Oppose Date: 5/24/16

Comments:





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Name: Dennis James Address: 840 Quail Rise  
 Support Signature: Dennis James  
 Oppose Date: May 27, 2016

Comments:

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April 29, 2016

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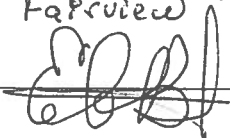
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Name: Edsel GARCIA MENDEZ - BUDAR Address: 850 Creekwood Dr. S.  
Fairview TX 75069

Support Signature: 

Oppose Date: May 7, 2016

Comments:

Please help keep Fairview natural and quiet. Such complex belongs to metropolitan areas in the middle of big cities. Thank you!

## Israel Roberts

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**From:** Richard Connelly <rconnelly980@sbcglobal.net>  
**Sent:** Friday, May 06, 2016 11:57 AM  
**To:** Israel Roberts  
**Subject:** Opposition to the Sports Court at 870 Qual Rise - Adjacent Property at 980 Foxdale.

My wife and I do not support the building of the sport court at 870 Quail Rise.

1. It is too big at 8450 sq ft. It is larger than the foot print of the Joyner's home and pool. It is larger than my home next door at 5500 sq ft. It is larger than a NBA regulation court at about 4700 sq ft. Courts this size belong in a community park.
2. Its stated intent is for use by the Joyner children but it is clearly being built for a team sport, basketball. This will attract children from the neighborhood who will trespass through my east side yard to get to the sport court. This will require me to build a fence closing the property line between my home and the home at 970 Foxdale. But kids will then probably climb the fence. Again, it belongs in a community park.
3. It will create a noise nuisance if teams are playing. More than the Joyner's children will be involved. Added to the noise pollution will be the barking of the neighbors dogs to the south. The dog run overlooks the Joyner's back yard and the proposed sport court.
4. It will increase the storm water run off into my side yard to the east and will increase the flooding in my backyard. It is big flooding threat to the home at 970 Foxdale. No flood study has been performed. I will insist that a study be conducted if P&Z passes this proposal. I will demand that the Town or the Joyner's pay the drainage improvements to my property as well as other properties downstream to the drainage easement on Foxdale .
5. Chain-link fences are not allowed in Oakwood. Fences cannot be more than 6 ft high. In my opinion the sport court violates the Use of Land covenant and a prime reason for the Oakwood covenants, protection of all that invest in the development.
6. There is no plan for screening with bushes immediately around the perimeter of the court. There is no screening along the fence line to the south. Anyone enjoying the tranquility of my back yard will see the ball court.
7. Sport courts do not meet the style, aesthetics or continuity of the Oakwood neighborhood country appeal.
8. The Joyner's and all adjacent homes will like lose sales value of their homes.

Do not approve this CUP application for a sport court.

Regards,

Richard & Cheryl Connelly  
980 Foxdale















