

FARMINGTON CITY PLANNING COMMISSION
AUGUST 08, 2019

STUDY SESSION

PRESENT: *Planning Commissioners Connie Deianni, Amy Shumway, Greg Wall, Mike Plaizier, Roger Child, Rulon Homer, Russ Workman, Shawn Beus; Community Development Director David Petersen, Associate Planner Meagan Booth, Recording Secretary Carly Rowe*

Item number 3: public hearing for **Scott Adamson**. **Meagan Booth** gives a brief history on this proposed tennis facility. She noted that they started construction and had a stop work order. They started to build without a building permit. **Connie Deianni** asked if we table this. **Dave Petersen** said this is a difficult site, barely met outfall by the creek, and the storm water. This is being brought up for the public hearing. The **Openshaw** residence has a barn and there will now be a huge wall nearby. We need public input. The biggest item too is the flood plain. **Meagan Booth** mentioned that **Scott Adamson** spoke with the **Openshaw's** and they were fine with it. Then the **Openshaw** family came in and said they have no recollection on this. *Item number 4:* public hearing for **Michael Lawson** on behalf of **Preston and Melissa Homer** who proposed a sport court on their "side" yard that acts as a back yard since they have a very narrow yard. It's asked if they could move it back and get rid of, or move the fire pit that is proposed in the back. They inquired to have a retractable fence that will go from 4 feet to 8 feet.

REGULAR SESSION

PRESENT: *Planning Commissioners Connie Deianni, Amy Shumway, Greg Wall, Roger Child, Rulon Homer, Russ Workman, Shawn Beus; Community Development Director David Petersen, Associate Planner Meagan Booth, Recording Secretary Carly Rowe.*

Connie Deianni opened the meeting at 7:07 PM. There was a change in minutes from last meeting due to page 2, **Rulon Homer** was excused and on page 9, the motioned to adjourn was made by **Roger Child**. **Connie Deianni** has approved the minutes and **Greg Wall** has seconded the motion.

CITY COUNCIL REPORT

Dave Petersen said that east of Farmington Pond, they are wanting to propose Farmington Mountain Bike trail from the high school. He said that it is very popular and is going to be well-used, however the grant needed is \$10,000. **Dave Petersen** also noted that it is a public use, and that they will be at the meeting on the 22nd. The city owns all of the property that they are proposing and that the trails are safer since they are not single traffic. The parking near the pond would also be for use of this trail, and parking above the pond also. **Amy Shumway** notes that she has spoken to **John Lowe** on this and he has offered to allow the Planning Commissioners to go walk the site.

The Preserve at Farmington Creek, **Dave Petersen** said that the property is at the foot of the dam and the concept was well-liked. However, City Council was questioned approving 11 homes and the county also would not review it until there was a concept review. Another thing that was revealed at the meeting was that it was Earthquake proofed. City Council approved the schematic and noted if we have the go-ahead from the county and the state engineer, then we can approve the rezone. They tabled the

rezone approval.

PUBLIC HEARINGS

ITEM #3: Conditional Use. Scott Adamson (Public Hearing) – *Applicant is requesting conditional use and site plan approval for Ace Athletics Academy, a 20,400 square foot indoor tennis facility, at 874 S Shirley Rae Drive in an A (Agriculture) Zone. (C-6-19)*

Background information provided by **Meagan Booth, City Planner**. **Scott Adamson** has requested conditional use and site plan approval for Ace Athletics Academy, a 20,400 square foot indoor tennis facility located on property (2.15 acres) at 874 S Shirley Rae Drive in the A Zone. Chapter 11-10-020 indicates Commercial outdoor recreation, minor (i.e., family reunion center, outdoor reception facilities, equestrian facilities, picnic grounds, tennis courts, etc.) are conditional uses in this zone. As part of the conditional use process the applicant is also proposing a private tennis school.

Scott Adamson (940 Windsor Ln. Bountiful, UT.) opened with this is an extension of what they already have on 650 West. There are three tennis courts currently in operation and that they have high demand for tennis lessons, that they are proposing the approval of Ace Athletics. He said that they use Lagoon's facilities in the winter time but there is too much demand in this area that they feel a private facility such as Ace Athletics would be beneficial. The focus is to train young children in fundamentals of tennis. **Scott Adamson** said that they do have a traveling team and represent Farmington well. He also said that they asked if they could move some dirt around, and apologized for any miscommunication on starting work; in regard to the stop work order.

Greg Wall asked about the parking quantity and the rezone. **Scott Adamson** answered that it will be facilitated to park 18 vehicles. **Russ Workman** asked if it is for public use i.e. to rent out for say an event or if it's a member only facility. **Scott Adamson** said that the main focus for the academy as there are only three courts proposed. 50% of the time it can be open to the public and you can schedule time to rent it if needed on an online service at an affordable rate. **Roger Child** asked the height of the building. **Scott Adamson** replied with 27 feet.

Kelly Nelson (1333 S 2375 W. Syracuse, UT) is the architect. Answered that the building structure is going to be beige steel and is in fact 27 feet. **Connie Deianni** asked for clarification on the roof as it is showing different measurements. **Kelly Nelson** noted that the edge of the roof is 23.6 feet and the midpoint is 27 feet; the ridge would be higher. **Greg Wall** questioned the illumination for parking lot. It's noted that it will be a wall pack and that this is a commercial building. **Dave Petersen** noted that the lights cannot reflect onto neighbors. **Scott Adamson** said that it will be a downward light, and to answer **Greg Wall** on the architecture, **Scott Adamson** notes that it looks industrial but wants to landscape the area and plant some trees to cover the industrial look. **Rulon Homer** questioned about the equestrian park due west, noted that it was purchased by UDOT for the West Davis Corridor, **Kelly Nelson** clarified that there is no horse riding on this property. UDOT will not use the property to the south as they will use that to auction. It's suggested that he move the lot to the south side of the property and **Scott Adamson's** concern is the drainage since it does go southwest. The southwest corner lot is the lowest spot.

Connie Deianni opened up the public hearing for any concerns and to voice opinions.

Jonathan and Susan Openshaw (856 Shirley Rae Dr.) are neighbors to the potential Ace Athletic building. Part of their main concern is the water in the area and the flooding that has occurred. **Jonathan Openshaw** said that he had put metal plates on the flooded areas to prevent any accidents. He also noted he has no problem with the building being nearby but the issue is mainly with the water and wants it somehow in the front of the property, not behind. His second concern is the investment he's put in to have solar panels on his home/shed. Noted that the structure is maybe 16 feet tall and does not want it to be shaded and it won't produce power in the winter months. Also noted that he has no issues with the lighting (wall packs) but does not want the light in their eyes as their bedroom window will be facing Ace Athletics. **Susan Openshaw** is more or less not impressed with the idea of this industrial building potentially being near their home. She too, is also concerned about the water flow and does not want water to hit their property and/or have it back up. It was noted that **Jonathan Openshaw** had found a small terrain and shows that the garden that they have in their yard; and also a pipe that he had found and replaced himself. He goes on to ask if there is any possibility to have it drained through the gutters. **Dave Petersen** said that the applicant will need to provide a cash bond for road improvements since curb and gutter will not be provided right away. **Connie Deianni** clarified that the biggest concern is the water drainage and back up. **Dave Petersen** said that the staff recommendation is to table this.

Connie Deianni suggests that we could walk the property and see what they are proposing and to see the neighboring homes. **Susan Openshaw** states that she loves her area, the peace and quiet, however she's had sleepless nights thinking about the new West Davis Corridor. **Greg Wall** notes that the sun study could be affected if it's closer to the home.

Suzanne Horsley and Phil Rogers (818 Shirley Rae Dr. Farmington) neighbors to the Openshaw residence. **Phil Rogers** stated that he believes this is a commercial venture and there should be low density and agriculture homes only here. It's noted that he believes once this is approved, another large industrial building could also be approved at that time and it becomes the not quiet and quaint town. He notes that traffic is already changing in that area and doesn't want it to become worse and the road is ruined now and wallowed out.

Suzanne Horsley stated that it's pretty known that the building is not wanted and feels as if they have given enough up already due to West Davis Corridor. **Greg Wall** pointed out that Glovers will be their only way out of the neighborhood once West Davis Corridor goes in, as the remainder of Shirley Rae will be turned into a cul-de-sac. The drainage was exhaustively studied and has been approved by the City Engineer. It's known and it should not be a problem.

Patti Adamson came to the United States to play tennis and build a tennis program for families. She brought a letter from a student to present to the Commission (attached), and stated that she has been able to relieve students from drugs, anxiety, stress and society and that they have put all that they have into this building and program and want it for a legacy and for her family. *Connie Deianni closes the Public hearing for Commissioners to convey on this item.*

Shawn Beus suggests the idea to table this item. **Connie Deianni** has thoughts that it would be appropriate to walk the site and is concerned that a stop work order has already been issued, would also like to know about any road damage and storm water. **Russ Workman** would like to add that we take it

back to the attorney for reconsideration. **Connie Deianni** states her fourth requirement would be to make the building compatible with nearby residences.

Both **Russ Workman** and **Greg Wall** inquire about a possibility to make it look less industrial and it could be a barn. **Amy Shumway** notes that it could solve some of the compatibility issues by putting the entrance off Glover's Lane instead of Shirley Rae and it solves many problems. It looks more agriculture, more open space near the neighbors, and the roads aren't too impactful.

Connie Deianni closed the public hearing at 8:26 PM. **Connie Deianni** notes that she will allow one more comment and no more after this.

Dave Petersen suggested that we could include SPARC review the plans. **Roger Child** suggested that we should have another public hearing on this to let the applicant adjust some items and **Russ Workman** includes that this is simple to table and it will give the applicant time to mitigate some compatibility issues as discussed. **Shawn Beus, Greg Wall** and **Dave Petersen** all agreed how wise it would be to have SPARC review this.

MOTION

Greg Wall motioned to table the item to give the applicant time to make adjustments for:

1. Water issues
2. Compatibility issues
3. Drainage issues
4. Moving the building to where the parking lot is proposed and use Glover's Lane as the access point.
5. Design the building to look less industrial, and be more compatible with the neighboring homes.
6. Reviewed with SPARC.

Russ Workman seconded this motion. Unanimously, all were in favor.

Conditions:

1. Grading and construction on the site began prior to receiving conditional use approval from the Planning Commission and a building permit from the Building Department is required before continuing construction. [Note: A stop work order has been issued on the project by the City].
2. The applicant shall obtain a CLOMR and meet all other storm water requirements for adequate drainage on the site.
3. The applicant must obtain a recommendation from the City Engineer for an adjustment to the required offsite improvements. This must also be memorialized in an agreement with the City Attorney.
4. The road has been damaged. The applicant must repair the damaged road per the City Engineer.
5. Site development on agricultural lots shall conform to applicable requirements set forth in 11-7-070.

ITEM #4: Conditional Use. Michael Lawson (Agent) and property owners, **Preston and Melissa Homer (Public Hearing)** – Applicant is requesting conditional use approval to deviate from the setback and fence

standards set forth in 11-28-060 of the zoning ordinance, to construct a sports court, at 564 South Daniel Drive (450 West) in the AE (Agriculture Estates) Zone. (C-10-19)

Background information provided by **Meagan Booth**, City Planner. **Michael Lawson** (Agent) and property owners, **Preston** and **Melissa Homer** have requested conditional use approval to deviate from the City's setback and fence standards to construct/install a sports court, at 564 South Daniel Drive (450 West) in the AE (Agriculture Estates) Zone. The home is a corner lot which faces east. The driveway is slightly graded upwards from the street level which will make the fence appear taller from the street level. The applicant is requesting a front setback of 15 feet verses the required 30 feet from the front property line. The applicant is also requesting to install a retractable 8- foot fence. The fence will include 8-foot black metal poles with 8-foot retractable black netting whereas the ordinance requires 4 feet in the front yard.

Michael Lawson, owner of Lawson Companies on behalf of his client, **Preston** and **Melissa Homer** (applicants) to request the setback pushed forward to 15 feet instead of 30 feet. He gave **Connie Deianni** some copies of letters from neighbors (attached) who are not worried about their sport courts. **Preston Homer** is wanting to make this fun for the children around and asking to have retractable netting of eight feet high. The drain will help distract any water from going into the neighbor's lot. He said that the staircase that will be off of the deck to the lawn area will be illuminated near a proposed fire pit. **Connie Deianni** asked if the fire pit could be moved and then the sports court could be moved back. **Michael Lawson** noted that it was talked about but they would prefer to have the fire pit and planter boxes not by the deck, and he asked if that would be approved if they were to move it. **Michael Lawson** stated there will be the 6-foot fence then there will be sleeves that slip up, and you put a pin in it to create the netting.

Dave Petersen demonstrated how the "side yard" is technically their back yard since their back yard is very narrow. It is adjacent to the neighbor's back yard. **Meagan Booth** clarifies as staff that this is their front yard area and needs to match the neighbors fence. The side yard is going to be treated differently. Side and corner would be okay, **Dave Petersen** says. The reason we could allow this is the way that the house is set and the neighboring home is the back. With that being said, the chain-link fence must align with their side fence that the neighbors have. **Russ Workman** wants to note that we are setting a precedence for future if someone wants to come in the future wanting to put one in their yard. **Connie Deianni** stated that it is unusual circumstance on this item. **Dave Petersen** added that we can include this special exception on the conditional use plan. **Michael Lawson** said they will comply with whatever is requested.

***Connie Deianni** opens and closes the public hearing since there is nobody here, 9:08 PM is the time.*

MOTION

***Greg Wall** made a motion for acceptance. Planning Commission to approve the Conditional Use along with the added conditions 4 through 6.*

- 1. Lighting shall be designed, located and directed so as to eliminate glare and minimize reflection of light to neighboring properties.*
- 2. The netting shall be lowered to 4 feet when not in use to maintain overall streetscape aesthetics.*
- 3. The New 7-foot-high fence may not continue past the front line of the home and must drop to feet.*

4. ***New fence and sport court to comply with HOA and CCNR.***
5. ***Number of provision with motion due to unique circumstance of lot. The lot is adjacent to another corner lot and the side corner fence.***
6. ***New 7-foot-high fence in front of home must be dropped to 4 feet per Dave Petersen who states that it needs to be modified or to match the adjacent lot fence height.***

Findings:

1. ***The sports court will be setback 5 feet from the side property line and is twenty feet (20') from the neighboring dwelling.***
2. ***The court netting will not adversely affect the safety of pedestrians or obstruct vehicular traffic.***
3. ***The sports court will be placed in the side yard of the property which is abutting the rear yard of the neighboring property to the south.***
4. ***The fence netting is retractable and will not be a permanent fencing device.***

Shawn Beus seconded this motion to approve, all unanimously in favor.

Connie Deianni motioned to ADJOURN at 9:13 PM and Roger Child seconds this. All unanimously in favor.

A handwritten signature in black ink, appearing to read "Connie Deianni", written over a horizontal line.

Connie Deianni
Planning Commission Chair