



## PLANNING COMMISSION

### WORK SESSION

Minutes of February 6, 2013

Members present: Chair Michael Babbitt, Lorie Griffith, Nancy King, Robert Martin, Holly Miller and Christine Steel  
Members absent: Commissioner Russell Axelrod  
Staff present: John Sonnen, Planning Director

#### CALL TO ORDER / INTRODUCTION OF NEW MEMBERS

Chair Babbitt called the meeting to order in the Council Chambers of City Hall at 6:30 p.m. The Commission welcomed new Commissioners Lorie Griffith and Nancy King.

#### PUBLIC COMMENT

See sports courts discussion below.

#### APPROVAL OF MINUTES

Commissioner Steel **moved** to approve the Minutes of December 5, 2012. Commissioner Martin **seconded** the motion and it **passed 3:0**. Commissioner Miller was not present during the vote. Commissioner Steel **moved** to approve the Minutes of December 19, 2012 as corrected by Commissioner Steel. Commissioner Martin **seconded** the motion and it **passed 3:0:1**. Commissioner Miller abstained. Commissioner Steel **moved** to approve the Minutes of January 2, 2013. Commissioner Miller **seconded** the motion and it **passed 4:0**.

#### ELECTION OF VICE CHAIR

Chair Babbitt **nominated** Commissioner Steel to serve as vice chair. Commissioner Miller **seconded** the nomination and Vice Chair Steel was **elected** by unanimous vote.

#### DISCUSSION REGARDING POTENTIAL AMENDMENTS TO THE CDC RELATED TO SPORTS COURTS

##### Public Comments regarding sports courts

Bruce Swanson, 2071 Fields Dr., commented on the newest version of draft amendments. He explained the proposed projectile language did not address his situation, which was that balls hit the house and windows. He recommended defining 'Recreational Activity Area.' It should include the area where people were dribbling and shooting balls that sometimes hit the fence. It should be subject to setbacks of 20 feet, or at least 10 feet. His neighbors had poured concrete right up to the property line. He asked the Commissioners to replace 'may' with 'shall' in the sentence, 'The approval authority may also require additional fencing.' He explained that the ordinance only needed to be enforced when there was a problem situation. Most people would respect their neighbors. He asked the Commission to change the time limit on active recreation from 10 p.m. to 9 p.m. for the benefit of elderly residents and children.

Mindi McGill, 3020 Remington Dr., asked for clarification whether the provision regarding 'fencing and netting up to 12 feet' meant that a fence that high could be added to a 6-foot high fence. She suggested the code should address how that looked from neighboring properties. She noted a variance was necessary in order to have a fence higher than six feet. She noted the CDC did not define the type of fence. She questioned why backyard court lighting should be allowed at all if the City did not light courts in parks. It encouraged people to play at night. She discussed the proposed facility use time limit: 10 p.m. might be too late; 7 p.m. might be a little

too early; but people should have an opportunity to enjoy family time in their back yard without having to listen to people playing next door.

During the discussion Ms. McGill related her neighbors had a batting cage they could use if they chose to. She clarified they had added netting beside their existing sport court, not to the property line fence. The court fence was now almost 17 feet high. She confirmed she supported the screening requirement because the additional black netting was ugly. She was asked if she had any ideas about how to have a fence that would keep balls out of her yard that was not unsightly. She answered that it came down to being a reasonable neighbor. She explained that the additional fencing helped protect her property, but it was ugly; the neighbors would likely now play longer and later; and the screening could block sunlight from coming into her narrow back yard. She suggested a solution might be to require people to present a plan and application for a sport court. It would be a case-by-case decision. She agreed with Mr. Swanson about requiring setbacks. That might mean that the court would have to be smaller. Commissioner Martin suggested it might make sense to require some kind of proportional relationship between the size of the lot and the size of the court, in addition to setbacks. Ms. McGill submitted an aerial view of the two properties.

Mary Swanson, 2071 Fields Dr., asked the Commissioners to consider cumulative noise when they discussed a 7, 9 or 10 p.m. time limit. The court-owning neighbors had already had six hours to play that day and the impacted neighbor had had to listen to it. She related that her house was set back seven feet; the neighbors had poured cement up to the fence line; they had placed the basketball goal near her bedroom and bonus room windows; and that limited use of those rooms until 10 p.m. Her family could not get police enforcement because it was basketball.

### **Commission Discussion**

The Commissioners examined the latest version of draft amendments which Commissioner Steel had crafted. For discussion purposes, she had inserted a provision that would require facilities in use prior to the effective date to comply. Chair Babbitt recalled they would be considered nonconforming uses. Commissioner Steel had removed language about stormwater runoff from the Overview narrative. Chair Babbitt agreed it was more appropriate to address stormwater runoff elsewhere in the CDC. The Commissioners generally agreed to consistently use the term 'Recreational Facility', which had been defined in the previous version of the draft. They would add tennis courts to the definition.

Commissioner Martin suggested a proportionality requirement that would limit court size to a certain percentage of the lot. Commissioner Steel would apply both setbacks and the proportionality requirement because the owner of a large lot might place the court close to the property line. Chair Babbitt suggested adding the new proportionality provision under Setbacks. Commissioner Miller observed that time restrictions would help if someone converted a patio to a recreational facility. Commissioner King suggested lighting might be the most important factor because it allowed people to use their back yards all the time.

Chair Babbitt would keep the existing language which gave the approval authority the ability to require additional fencing but did not require it to require additional fencing. He suggested there should be a height restriction on net fencing. The Commissioners considered the relationship between setbacks, orientation, type of game, and elevation between neighbors. They talked about measuring the setbacks to the edge of the facility (not to the edge of the equipment). They noted an owner could ask for a variance. They noted the code was complaint driven. They observed court use could change and a new use and orientation of play might not be as acceptable close to the property line.

The Commissioners discussed how to regulate lighting and if it was necessary to talk about technical aspects such as lumens. Chair Babbitt offered to look at what the staff proposed in

the nuisance ordinance the City Council was considering and report back. He suggested the CDC lighting amendments should be consistent with the Municipal Code ordinance.

**ITEMS OF INTEREST FROM THE PLANNING COMMISSION**

An extra Planning Commission meeting was scheduled in March to accommodate a hearing. Mr. Sonnen reported on the status of the water treatment plant appeal and the docketing proposal. He advised regarding Commissioners' use of their personal electronic tablets instead of the ones the City was buying.

**ITEMS OF INTEREST FROM THE COMMISSION FOR CITIZEN INVOLVEMENT**

Mr. Sonnen confirmed that technical difficulties had affected the broadcast of the last City Council meeting.

**ITEMS OF INTEREST FROM STAFF**

Mr. Sonnen advised the City was going to apply for a grant related to the Arch Bridge center project. He described some future agenda items.

**ADJOURNMENT**

There being no other business, Chair Babbitt adjourned the Planning Commission meeting at approximately 8:30 p.m.

APPROVED:

Christie M Steel  
Michael Babbitt, Chair  
Vice chair

3-6-13  
Date