

# CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



**File Number:** 8-A-24-UR                      **Related File Number:**  
**Application Filed:** 6/24/2024              **Date of Revision:**  
**Applicant:** STRAWBERRY PLAINS PIKE PICKLEBALL, LLC

## PROPERTY INFORMATION

**General Location:** Northwest side of Strawberry Plains Pike, northeast of Wooddale Church Rd, southwest of S Wooddale Rd

**Other Parcel Info.:**

**Tax ID Number:** 73 014.03                      **Jurisdiction:** County

**Size of Tract:** 6.42 acres

**Accessibility:** Access is via Strawberry Plains Pike, a minor arterial street with a 25-ft pavement width within a 100-ft to 105-ft right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Agriculture/Forestry/Vacant Land

**Surrounding Land Use:**

**Proposed Use:** Indoor pickleball facility landscape plan revision                      **Density:**

**Planning Sector:** East County                      **Plan Designation:** SR (Suburban Residential), HP (Hillside Ridgetop Protectio

**Growth Policy Plan:** Urban Growth Area (Outside City Limits)

**Neighborhood Context:** The property is surrounded by single family residential and agricultural properties among forest. Nearby to the southwest is a commercial node on Strawberry Plains Pike as it intersects with I-40.

## ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

**Street:** 7729 STRAWBERRY PLAINS PIKE

**Location:**

**Proposed Street Name:**

**Department-Utility Report:**

**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** A (Agricultural)

**Former Zoning:**

**Requested Zoning:**

**Previous Requests:**

**Extension of Zone:**

**History of Zoning:** A request to rezone the property from A (Agricultural) to PR (Planned Residential) was withdrawn in 2021 (10-O-21-RZ).

## PLAN INFORMATION (where applicable)

**Current Plan Category:**

Requested Plan Category:

**SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

**OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.:

**PLANNING COMMISSION ACTION AND DISPOSITION**

Planner In Charge:

Jessie Hillman

Staff Recomm. (Abbr.):

Deny the request to revise the landscaping plan because it is inconsistent with adopted plans and policies.

Staff Recomm. (Full):

Comments:

This is a request to revise the landscaping plan for an indoor pickleball facility at 7729 Strawberry Plains Pike, which was previously approved through the Use on Review process last year (case 5-D-23-UR). The original plan provides a landscape screen along the eastern lot line containing two offset rows of 26 American Holly trees and 26 Eastern Red Cedar trees. The applicant is requesting to remove all but 12 of the Eastern Red Cedar trees and cluster them closer to the front lot line. The reason provided is that the slope, created by the development and consistent with the original plan, is too steep for the trees to be viable. The steepness of the constructed slope was known when the landscaping was proposed, and the grade of the slope did not change.

A UT Extension Agent with the Natural Resources Division joined Planning staff for a site visit and determined that the slope is not too steep to plant as originally planned. The Extension Agent is an ISA Certified Arborist and took three soil core samples at varying levels of the slope. He found that there is enough soil depth for newly planted trees to take root, and provided guidance on planting slopes with up to a 50% grade, which is the max steepness of the subject property's slope according to the applicant. This determination and guidance, including a recommendation to plant native grasses that don't require mowing in place of fescue grass on the slope, can be found in Exhibit B.

The applicant has provided an alternative plan to install a 6-ft tall wooden privacy fence along the eastern lot line in place of the vegetation, but would prefer to only install the 12 trees in the revised landscaping plan.

DEVELOPMENT STANDARDS FOR USES PERMITTED ON REVIEW (ARTICLE 4.10 - SECTION 2). The Planning Commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the general plan and the following general standards:

1) THE USE IS CONSISTENT WITH THE ADOPTED PLANS AND POLICIES, INCLUDING THE COMPREHENSIVE PLAN.

A. The native tree buffer serves several functions. It provides a visual screen between the pickleball building/parking lot, which will be illuminated at night, and the single-family dwelling adjacent to it. It also provides modest native reforestation on a wooded lot that was cleared by approximately 40% for the pickleball development. This replanting complies with the adopted East County Community Plan, which lists "forested areas" and "native landscaping" as defining features of the rural character the plan strives to preserve. It would be inconsistent with this plan to remove 40 trees when it has been determined that they are viable on the site.

B. The Comprehensive Plan has several Implementation Policies that are incompatible with the proposed tree removal. They include Policy 2 to ensure that development is sensitive to existing community character and Policy 7 to encourage development practices that conserve and connect natural features and habitat.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING ORDINANCE

A. The subject property is zoned A (Agricultural), and the use of an indoor pickleball facility is uncharacteristic of the activities that would typically occur in this zone. Providing minimal reforestation along the edge of the property better aligns the use with the rural land uses more common with this zone.

3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS

PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.

A. This section of the Strawberry Plains Pike corridor is characterized by significant forest coverage. The original planting plan increased compatibility of the pickleball facility with the area in this context.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY.

A. The applicant has provided a letter from the adjacent property owner to the east at 7737 Strawberry Plains Pike stating that she approves of the revised landscaping plan, and does not desire a buffer between herself and the neighboring property. It is noteworthy that this person sold the property where the pickleball facility is now being developed, and also sold the property east of the 7737 lot in 2020. It is unclear from the letter whether this owner resides at 7737, as it was also advertised as being for sale by the owner not long ago.

B. The construction of the recreational facility is still underway, and the parking lot and subsequent lighting have not been installed. It is not known at this point what the full aesthetic, lighting and noise impacts of this development will be on current or future residents of the neighboring property. The vegetative buffer provides protection from this recreational use which is an outlier among the agricultural and rural residential uses along this section of the corridor.

5) THE USE WILL NOT DRAW ADDITIONAL TRAFFIC THROUGH RESIDENTIAL AREAS.

A. The proposed landscaping revision will not alter the previously approved use with regards to traffic impact.

6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

A. The removal of the trees does not pose a risk to the function of the indoor pickleball facility.

**Action:** Approved **Meeting Date:** 8/8/2024

**Details of Action:** Approve the revised Landscaping Plan including both 12 trees and the 6 foot fence indicated in the plan.

**Summary of Action:** Approve the revised Landscaping Plan including both 12 trees and the 6 foot fence indicated in the plan.

**Date of Approval:** 8/8/2024 **Date of Denial:** **Postponements:**

**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:**

## LEGISLATIVE ACTION AND DISPOSITION

**Legislative Body:**

**Date of Legislative Action:** **Date of Legislative Action, Second Reading:**

**Ordinance Number:** **Other Ordinance Number References:**

**Disposition of Case:** **Disposition of Case, Second Reading:**

**If "Other":** **If "Other":**

**Amendments:** **Amendments:**

**Date of Legislative Appeal:** **Effective Date of Ordinance:**