



HIGHLAND CITY

HIGHLAND CITY PLANNING COMMISSION AGENDA

Tuesday, May 25, 2021

Approved June 22, 2021

Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah 84003

VIRTUAL PARTICIPATION

 YouTube Live: <http://bit.ly/HC-youtube>

 Zoom: Call 1-346-248-7799 Meeting ID: 820 3295 1846

 Email comments prior to meeting: planningcommission@highlandcity.org

7:05 PM REGULAR SESSION

- Call to Order – Mino Morgese, Vice Chair
- Invocation – Commissioner Chris Howden
- Pledge of Allegiance – Commissioner Claude Jones

The meeting was called to order by Planning Commission Chair Jerry Abbott as a regular session at 7:05 PM. The meeting agenda was posted on the *Utah State Public Meeting Website* at least 24 hours prior to the meeting. The prayer was offered by Commissioner Chris Howden and those in attendance were led in the Pledge of Allegiance by Commissioner Claude Jones.

PRESIDING: Commissioner Jerry Abbott

COMMISSIONERS

PRESENT: Jerry Abbott, Seth Barrus, Chis Howden, Claude Jones, Audrey Moore, Mino Morgese, Tyler Standifird

CITY STAFF PRESENT: City Administrator/Community Development Director Nathan Crane, City Attorney Rob Patterson, Public Works Technician JoAnn Scott, Planning Commission Secretary Heather White

OTHERS PRESENT:

1. COMMISSIONER TRAINING

H.B. 409 requires that each member of the Planning Commission complete 4 hours of annual land use training. Rob Patterson will give a training on the powers and duties of Planning Commissioners.

City Attorney Rob Patterson explained that the Utah State legislature recently passed a new requirement that planning commissioners had to receive four hours of training annually. He said they could not take a vote until

one hour of training was complete. An email was sent out with links to videos that the planning commissioners watched prior to the meeting. Mr. Patterson explained that this training would complete the one-hour requirement before votes were taken. Mr. Patterson talked about land use authority and appeals authority and how they related to the Highland planning commission. He said the planning commission was an entity required by the State for the purpose to issue recommendations. He talked about the difference between legislative and administrative matters. The commission discussed the current city code requirements for holding public hearings for administrative processes. Commissioner Abbott thought it was better if administrative processes were not open to the public. He thought it was confusing to the public when comments could not be considered in recommendations. Commissioner Morgese wondered if the commission could make recommendations based on public comments during a meeting. Mr. Patterson said yes and no. He explained differences when they could make recommendations with binding conditions. Commissioner Morgese wondered why public hearings for administrative matters were required. Mayor Mann explained that the council recently discussed the matter. He said he supported not having public hearings on administrative matters, however, when the council reviewed the code, they wanted to keep the public hearings. They thought it was important for residents to have a voice. Mayor Mann suggested that Commissioner Abbott send an email to the councilmembers. Commissioner Howden agreed that the planning commission should not hold public hearings on administrative matters. He mentioned that recently residents were upset about roads, but there was nothing that could be done about it. Commissioner Moore thought there needed to be some kind of public education. Mr. Crane suggested that the commissioners meet with the council to discuss the matter. Commissioner Abbott agreed. Mr. Patterson explained that the planning commission also advised the council on the general plan for the city. He said the planning commissioner was an appointed public body who conducted business of the public in the public. Discussion followed regarding steps taken to make general plan amendments with various work sessions with the council.

2. UNSCHEDULED PUBLIC APPEARANCES

Please limit comments to three minutes per person. Please state your name.

None was offered.

3. CONSENT ITEMS

Items on the consent agenda are of a routine nature or have been previously studied by the Planning Commission. They are intended to be acted upon in one motion. Commissioners may pull items from consent if they would like them considered separately.

- a. **Approval of Meeting Minutes** *Administrative*
Regular Planning Commission Meeting – April 27, 2021

Commissioner Morgese MOVED to approve the minutes for the April 27, 2021 Planning Commission meeting. Commissioner Jones SECONDED the motion. All present were in favor. None were opposed. The motion carried.

4. PUBLIC HEARING: TEXT AMENDMENT: NUISANCES *Administrative*

The Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend several sections of the Development Code related to the nuisance of noise in commercial zones. The Planning Commission will take appropriate action.

Mr. Patterson explained that after reviewing the current code for noise and nuisance, staff found that it was lacking and needed to be updated. He said there was a particular issue with the town center area. He explained

that the council recently amended the noise and nuisance ordinance of the municipal code and set objective standards. He said the development code now needed to be compliant the municipal code. Mr. Patterson said the amendment included three different property types and restrictions and noise levels set for them. Property types were defined as Type A – residential, Type B – other uses (churches, schools, etc.) allowed in residential zones, and Type C – everything else. He reviewed the noise level threshold with each property type. He said there were exceptions for snowblowers, lawnmowers, emergency generators, etc. He explained that according to the proposed amendments, noise would be measured at the property line. If needed, commercial development would put in sound barriers.

Commissioner Standifird talked about decibel levels for regular conversation. Mr. Crane further explained the proposed amendment. He said the ambient noise level would be considered in each zone and then a maximum decibel would be established. He said the idea was to work with people to bring the noise level down so it was not impacting surrounding areas.

Commissioner Standifird wondered where the country club mowers would fit with the proposed changes. Mr. Patterson explained that daytime business hours started at 7:00 AM, and mowers were exempt. He mentioned that the proposed levels were higher than what was currently in the code but the planning commission could recommend different levels. The proposed numbers were based on Salt Lake City’s health department.

Commissioner Abbott opened the public hearing at 7:55 PM and asked for public comment. Hearing none, he closed the public hearing at 7:56 PM and called for a motion.

Commissioner Morgese MOVED that the Planning Commission accept the findings and recommend approval of the proposed amendment to several sections of the Development Code relating to the nuisance of noise in commercial zones.

Commissioner Howden SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Yes</i>
<i>Commissioner Seth Barrus</i>	<i>Yes</i>
<i>Commissioner Sherry Carruth</i>	<i>Absent</i>
<i>Commissioner Chris Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Mino Morgese</i>	<i>Yes</i>
<i>Commissioner Tyler Standifird</i>	<i>No</i>

Motion carried 6:1

5. PUBLIC HEARING: TEXT AMENDMENT: SPORTS AND FITNESS *Administrative*

Planning Commission will hold a public hearing to consider a request by Highland City Staff to amend Chapter 10 Definitions in the Development Code to clarify permissible uses in C-1 Zone, CR Zone, and Town Center Overlay relating to sports, fitness, and social dances. The Planning Commission will take appropriate action.

Mr. Patterson said two different uses were defined and what was permitted in each zone. He said there were complaints of a particular commercial use and lack of clarity in the code. Definitions were added for “Social dance facilities” and “Sport and fitness centers”. He said it was never the intent to have a Sports and Fitness Center host a dance that was open to the public. He said the city’s perspective was that social dances were never an allowed use for Sports and fitness centers. He pointed out that Highland’s business hours of operation were 7:00 AM to Midnight with nighttime hours starting at 10:00 PM. He said there were issues with hours of operation as well as the noise ordinance.

Commissioner Standifird asked about the difference between a dance hall and an occasional dance. He wondered if the difference and frequency needed to be distinguished.

Mr. Patterson read the proposed definition for Social dance facilities:

“Buildings or portions thereof kept or used for social or recreational dancing not part of an organized instruction or training program. Does not include dance studios, nor does it include schools or churches if the use of the school or church as a social dance facility is occasional and incidental to the primary use of the building.”

The commission talked about renting a country club for a wedding reception and having part of the reception be a dance. It was established that the country club would not comply with the code. It was pointed out that the current country club was in a different zone and the amendments would not apply to it. Mr. Patterson mentioned that the planning commission could include country clubs as an exception in the proposed amendment. They talked about the different situations that would be excluded with the amendment. Mr. Patterson explained that the amendment applied only to the CR and CR-1 Zones and the Town Center Overlay. It did not apply to residential zones.

Commissioner Standifird pointed out that according to the amendment the Sports and fitness centers could host an indoor soccer, basketball, or volleyball tournament with the same number of people, traffic, and noise levels until midnight. They just could not do a dance. Mr. Crane clarified that their hours of operation were until 10 PM.

Commissioner Abbott opened the public hearing at 8:07 PM and asked for public comment. Hearing none, he closed the public hearing at 8:08 PM and called for a motion.

Commissioner Jones MOVED that the Planning Commission accept the findings and recommend approval of the proposed amendment to Chapter 10 Definitions in the Development Code to clarify the permitted use of sports and fitness centers in the C-1 Zone, CR Zone, and Town Center Overlay.

Commissioner Morgese SECONDED the motion.

The vote was recorded as follows:

<i>Commissioner Jerry Abbott</i>	<i>Yes</i>
<i>Commissioner Seth Barrus</i>	<i>Yes</i>
<i>Commissioner Sherry Carruth</i>	<i>Absent</i>
<i>Commissioner Chris Howden</i>	<i>Yes</i>
<i>Commissioner Claude Jones</i>	<i>Yes</i>
<i>Commissioner Audrey Moore</i>	<i>Yes</i>
<i>Commissioner Mino Morgese</i>	<i>Yes</i>
<i>Commissioner Tyler Standifird</i>	<i>No</i>

6. PLANNING COMMISSION AND STAFF COMMUNICATION ITEMS

The Planning Commission may discuss and receive updates on City events, projects, and issues from the Planning Commissioners and city staff. Topics discussed will be informational only. No final action will be taken on communication items.

a. Future Meetings

- June 1, City Council Meeting, 7:00 pm, City Hall
- June 15, City Council Meeting, 7:00 pm, City Hall
- June 22, Planning Commission Meeting, 7:00 pm, City Hall

Commissioner Abbott asked about rehab facilities mentioned in the training videos and how it applied to HOAs (homeowners associations). Mr. Patterson mentioned that there were several provisions in city code related to or regarding group homes, rehab centers, in-patient treatment homes, or residential facilities to provide a general guideline of the process. He said under ADA and other relevant provisions the city worked to provide accommodations where reasonable and necessary. He said they were handled on a case-by-case basis. Mr. Patterson explained that HOAs were private entities and not subject to ADA requirements like cities were. He said it was a tricky issue when trying to be sensitive to individual needs as well as resident needs and legal obligations. He explained that it could be in the code as a carefully worded ordinance. He said there was no quota regarding how many facilities a city had to have, but the city needed to provide for the use. He said the city could not prohibit the use.

Commissioner Abbott encouraged the commissioners to go to the meeting on Thursday with DR Horton. He asked Mayor Mann to ask the council about a joint work session.

ADJOURNMENT

Commissioner Jones MOVED to adjourn the regular meeting. Commissioner Morgese SECONDED the motion. All present were in favor. The motion carried unanimously.

The meeting adjourned at 8:29 PM.

I, Heather White, Planning Commission Secretary, hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on May 25, 2021. The document constitutes the official minutes for the Highland City Planning Commission Meeting.

/s/Heather White
Planning Commission Secretary

Welcome to the Highland
Planning Commission
Meeting
May 25, 2021



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POWERS AND DUTIES

Item #1 - Training
Presented by - Rob Patterson, City Attorney

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PUBLIC APPEARANCES

Time set aside for the public to express their ideas and comments on non agenda items. Please limit comments to (3) three minutes.

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CONSENT ITEMS

- Item 2a - Approval of Meeting Minutes - Regular Planning Commission Meeting April 27, 2021 *Administrative*

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NUISANCES *LEGISLATIVE*

Item #3 - Text Amendment
Presented by - Nathan Crane, AICP
City Administrator

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Background

- May 4th City Council - Approved Municipal Code Amendment
- Section 8.16.100 Nuisance Of Noise And Light
 - Type A Property (Residential):*
Daytime: 10 dBA above ambient sound not to exceed 60 dBA.
Nighttime: 5 dBA above ambient sound not to exceed 50 dBA.
 - Type B Property (Conditional use in Residential):*
Daytime: 10 dBA above ambient sound not to exceed 65 dBA.
Nighttime: 5 dBA above ambient sound not to exceed 55 dBA.
 - Type C Property (Commercial):*
Daytime: 10 dBA above ambient sound not to exceed 70 dBA.
Nighttime: 5 dBA above ambient sound not to exceed 60 dBA.

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Proposed Amendment

- Updating each 'Nuisance' section of each commercial zone article to reference to the section in the Municipal Code

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Citizen Participation

- Public Hearing Notice
 - Daily Herald
 - State and City websites
- No correspondence has been received.

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Recommendation & Proposed Motion

Staff recommends that the Planning Commission accept the findings and recommend **APPROVAL** of the proposed amendment.

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the proposed amendment to several sections of the Development Code relating to the nuisance of noise in commercial zones.

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SPORTS & FITNESS *LEGISLATIVE*

Item #4 - Text Amendment
Presented by - Nathan Crane, AICP
City Administrator

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Background

- Sport & fitness centers are permitted uses in the C-1, CR, and Town Center Overlay zones.
- Resident complaints have created the need to clarify the definition of a sport & fitness center.

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Proposed Amendment

- Change of wording from "Fitness centers" to "Sports and fitness centers" in C-1 Zone
- Social dance facilities listed as a prohibited use in the C-1, CR, and Town Center Overlay zones.

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Proposed Amendment – cont.

- Definitions
 - Social dance facilities:
Buildings or portions thereof kept or used for social or recreational dancing not part of an organized instruction or training program. Does not include dance studios, nor does it include schools or churches if the use of the school or church as a social dance facility is occasional and incidental to the primary use of the building.
 - Sports and fitness centers:
Facilities used for physical instruction, training, conditioning, exercising, and sport activities.

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Citizen Participation

- Public Hearing Notice
 - Daily Herald
 - State and City websites
- No correspondence has been received.

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Recommendation & Proposed Motion

Staff recommends that the Planning Commission accept the findings and recommend **APPROVAL** of the proposed amendment.

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the proposed amendment to Chapter 10 Definitions in the Development Code to clarify the permitted use of sports and fitness centers in the C-1 Zone, CR Zone, and Town Center Overlay.

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