

**MINUTES OF THE CITY OF HOLLADAY
PLANNING COMMISSION MEETING**

**Tuesday, April 1, 2025
6:00 PM**

**City Council Chambers
4580 South 2300 East
Holladay, Utah**

ATTENDANCE:

Planning Commission Members:

Dennis Roach, Chair
Ginger Vilchinsky
Angela Gong
Brian Berndt
Paul Cunningham
Karianne Prince

City Staff:

Jonathan Teerlink, Community and Economic
Development Director
Justice Tuffour, Planner I
Brad Christopherson, City Attorney

WORK SESSION

Chair Dennis Roach called the Work Session to order at 5:30 p.m. He noted that all Commissioners are present with the exception of Commissioner Jill Fonte and Commissioner Karianne Prince. There are four items on the Regular Meeting agenda, including one Public Hearing, one Action Item, one Continued Hearing Item, and the approval of Meeting Minutes. The agenda items were discussed.

Community and Economic Development Director, Jonathan Teerlink, shared information about the Public Hearing item, which is a Conditional Use Permit (“CUP”) for The Treasure Chest Learning Academy. There are set standards that a pre-school has to adhere to and those standards are included in the Staff Report. It is possible to address those individually with the applicant. The Staff Report includes a recommendation with findings and conditions. It is a fairly straightforward CUP request. An email comment was received from a resident yesterday, which should be mentioned on the record.

Commissioner Brian Berndt asked how the noise will be monitored. Mr. Teerlink explained that the ordinance talks about noise generated between the hours of 8:00 a.m. and 7:00 p.m. If there are complaints about noise before or after those times, then the Code Enforcement Officer will monitor the situation with a noise meter and determine whether or not there is a nuisance violation. Pre-schools normally have a later start time, such as 9:30 a.m. Commissioner Berndt asked if noise is a common problem. Mr. Teerlink reported that there are a lot of pre-schools in the City and he has not heard about any associated noise complaints. Chair Roach noted that there are a few discussion points suggested in the Staff Report, which can be mentioned during the Regular Meeting.

It was noted that Commissioner Prince joined the Work Session at 5:34 p.m.

The next item on the Regular Meeting agenda is an Action Item related to Bowthorpe and Wren Hollow Subdivision Amendments. Planner I, Justice Tuffour, explained that the applicant is proposing to amend the subdivision boundaries for the Bowthorpe Subdivision and Wren Hollow Subdivision, primarily because the applicant owns pieces of property located within the two subdivisions. The intention is to move one piece of property within the Wren Hollow Subdivision into the Bowthorpe Subdivision. Chair Roach stated that this is a straightforward application.

Commissioner Paul Cunningham pointed out that the Staff Report refers to an area of land that contains a storm drain easement. Mr. Tuffour explained that the application is to move the area indicated in red into a different subdivision. Chair Roach clarified that this would not come to the Planning Commission if it was a standard lot line adjustment. It would have been handled administratively. Since this application relates to a subdivision, it is before the Commission.

The Continued Hearing Item relates to the Text Amendment to Chapter 13.84 – Outdoor Lighting Standards. This was discussed at the last Planning Commission Meeting. Mr. Teerlink asked whether the Commission is supportive of moving forward with the amendments. Commissioner Cunningham worried that what is proposed is excessive. Chair Roach believes the words “nuisance” and “annoyance” are too subjective. Mr. Teerlink explained that when there is a nuisance situation, it comes down to Code Enforcement making a determination about that situation. There is a desire to have objective standards in the code to ensure that enforcement is straightforward. Commissioner Cunningham pointed out that there would be non-conforming residences created. He is not sure that the draft language will solve the issues that already exist in the community. It was noted that issues will be addressed over time when changes are made to residential properties. City Attorney, Brad Christopherson, explained that these kinds of amendments work well in communities that are not built out. The last item on the agenda is approval of the Meeting Minutes from February 18, 2025.

The Planning Commission took a brief break before starting the Regular Meeting.

CONVENE REGULAR MEETING – Public Welcome and Opening Statement by Commission Chair.

Chair Roach called the Regular Meeting to order at approximately 6:00 p.m. He noted that all Commissioners are present with the exception of Commissioner Fonte. There are four items on the meeting agenda. Commissioner Berndt read the Opening Statement for the benefit of those present.

PUBLIC HEARING

- 1. Conditional Use Permit – “The Treasure Chest Learning Academy” In-Home Preschool – 1895 East Eldorado Drive. (R-1-8 Zone) Review and Consideration of a Request by Applicant, Ashely McIntosh, for a Conditional Permit Allowing for Operation of an In-Home Preschool. Item Reviewed as an Administrative Application as Per Provisions Stated in Holladay Ordinance §13.08.040. File #25-02-01.**

Mr. Teerlink presented the Staff Report and explained that the item is a CUP for The Treasure Chest Learning Academy at 1895 East Eldorado Drive. The property is located in the R-1-8 Zone. In the City Ordinance, there are permitted and conditional uses. Conditional uses are essentially

allowed uses, but those uses do not have standards that can be written to accommodate every type of situation. In the cast of this application, there is a proposal for a preschool that is incidental to the primary use.

There was a review done by the Technical Review Committee (“TRC”) for compliance with §13.76.720. There should be a discussion with the applicant to ensure those elements can be provided. Staff has also provided some Conditions of Approval for Planning Commission consideration. The Staff Report includes aerial images of the driveway to highlight the parking that is available for the use. Mr. Teerlink reported that there was one emailed comment received from a resident. Staff recommends approval of this CUP with certain findings and conditions, as listed in the Staff Report.

The applicant, Ashley McIntosh, introduced herself to the Planning Commission. She has applied for a CUP to have a preschool in her home. This is something that she has wanted to do for some time. She intends to have the preschool in her basement. There was an addition added to her home, so there is a large room in the basement with a separate entrance. As for the traffic, the intention is for traffic to flow west down Eldorado Drive. Parents are intended to remain in their vehicles during drop off and pick up. She will be present to receive the children. At the end of the class, the children will come out together. She will ensure that each child gets into the correct vehicle. Parents will then drive south on Eldorado Drive. There is an L-shaped flow of traffic proposed. Ms. McIntosh noted that she has a lot of support from her neighbors. Several letters of support have been submitted.

Chair Roach noted that parking and pick up and drop off are normally the main concerns when it comes to a CUP application like this. He asked how many children are anticipated to be in the preschool. Ms. McIntosh reported that according to Holladay and the State of Utah, she can have up to 16 children with another employee. If there is no additional employee, then the limit is eight children.

Chair Roach asked if all of the children will be arriving and leaving at the same time each day. Ms. McIntosh explained that there can be up to 16 children per class, and she will potentially have two classes per day, depending on the enrollment numbers. For the first class, the drop-off time would be 9:00 a.m. and the pick-up time would be 11:30 a.m. For the second class, the drop-off time would be 12:00 p.m. and the pickup time would be 2:30 p.m. Commissioner Angela Gong asked about the yearly schedule and if there is a summer break anticipated. Ms. McIntosh stated that she will follow the Granite School District calendar for the most part. However, the exception is that she will start the pre-school in the first week of September and end the pre-school in the last week of May. There could potentially be summer camps held in the future, but those would not last for the entire summer.

Chair Roach opened the public hearing. There were no comments. The public hearing was closed.

Commissioner Prince believes the application is straightforward. She does not have any concerns that have not already been addressed. Chair Roach explained that his concern has to do with the 32 vehicle trips per day. If there are two classes per day, then that means 64 vehicles coming and leaving the home. Commissioner Prince pointed out that the numbers will likely not be that high to start. Mr. Teerlink reported that there is an anti-idling ordinance in the City, which could be

directly tied to the application if there is a concern about the number of vehicles dropping off and picking up at the property. Based on his own experience dropping a child off at a home-based preschool, there is not much idling taking place. Discussions were had about staggered times for drop off and pick up. Mr. Teerlink confirmed that this has been proposed for previous applications that have this kind of use. Commissioner Ginger Vilchinsky recommended staggered times for drop off and pick up, as this will prevent a line of vehicles in the neighborhood. She does not want traffic to become an issue.

Chair Roach mentioned the findings listed in the Staff Report. He asked if there is support for what has been included. There were no applicant concerns about the findings listed or the suggested Conditions of Approval. Commissioner Gong noted that one of the resident comments included a question about noise. She believes that is addressed through the hours of operation. Commissioner Prince commented that there was a mention of a sign in one of the emails. During the neighborhood meeting, the applicant stated that she might put a small sign on the house. However, there is a suggested Condition of Approval to state that there will be no advertising signs. It was clarified that the ordinance states there cannot be a sign, so there is support for the proposed Condition of Approval.

Discussions were had about motion language. Chair Roach suggested that there be an additional Condition of Approval that mentions staggered drop-off and pick-up times. A question was asked about whether it would make sense to mention the hours of operation in the motion language. Chair Roach pointed out that the summer camps might have different hours. Having two different classes would also impact the hours of operation. He feels it makes sense to follow the ordinance language.

Mr. Christopherson reported that the conditional use runs with the land. His recommendation would be to provide the flexibility that the ordinance allows. The Commission discussed the feedback from neighbors. There are several letters included in the Meeting Materials Packet that express support. Chair Roach noted that there was one email submitted that expressed concerns about traffic and noise. Mr. Christopherson reminded the Commission that conditional uses are permitted with conditions. He does not believe there is the ability to impose something more restrictive than the ordinance.

Chair Roach asked about the days of the week that the preschool will be in operation. He wanted to know if the pre-school will operate on Saturday and Sunday. Mr. Christopherson explained that pre-schools are not typically open on the weekends. Mr. Teerlink referenced the language included in 13.05. Mr. Christopherson explained that with a conditional use, in order to impose a condition, there needs to be an objective standard. Staggering the drop-off and pick-up times is enforceable and reasonable, as it will eliminate stacking and difficulties on the street. As for the hours of operation, if the applicant is willing to have a Condition of Approval with narrower hours than the ordinance mentions, then that is acceptable. However, if there is no support from the applicant to do that, then the City is limited to the hours of operation that are referenced in the code.

Commissioner Prince moved to APPROVE the application by Ashley McIntosh for “The Treasure Chest Learning Academy Preschool,” an in-home pre-school, located at 1895 East Eldorado Drive in the R-1-8 Zone, based upon the following findings:

1. *The Treasure Chest Learning Academy Preschool is a low-impact daytime-only use in a residential neighborhood.*
2. *Minimal impact from drop off and pick up in the front of the home due to connected streets, designated traffic flow, and potential for carpooling and walking/biking from neighbors with students enrolled.*
3. *Primary indoor use with minimal periods of outdoor use. Outdoor noises are minimal and associated with children playing outdoors.*
4. *A single employee is proposed if enrollment is over 8 children.*
5. *Parking requirements of two spaces (one for parents, one for an employee) are met.*
6. *The play area is located within the rear yard.*

This is also subject to the following conditions:

1. *Two spaces in the driveway should be unobstructed for use associated with the pre-school operation.*
2. *Limited to a single employee from outside of the home.*
3. *No advertising signs.*
4. *The use shall be subject to passing an initial Fire and Building Code inspection and compliance where required prior to opening.*
5. *Prior to operation, the applicant must obtain a Business License from the City of Holladay.*
6. *The applicant will consider a method to stagger pick up and drop off.*

Commissioner Gong seconded the motion. Vote on Motion: Commissioner Berndt-Aye; Commissioner Gong-Aye; Commissioner Prince-Aye; Commissioner Vilchinsky-Aye; Commissioner Cunningham-Aye; Chair Roach-Aye. The motion passed unanimously.

ACTION ITEMS

2. **“Bowthorpe” and “Wren Hollow” Subdivision Amendments – 4794 South Annabow Circle. (R-1-10 Zone) Review and Consideration of an Application by Application/Property Owner, Carolyn Colton to Change the Boundaries of the “Bowthorpe” and “Wren Hollow” Subdivisions. This Amendment Involves Moving a 0.09-acre parcel of Land from the “Wren Hollow” Subdivision into the “Bowthorpe” Subdivision. Item will be Reviewed as an Administrative Action for Amending a Subdivision in Accordance with Zone and Subdivision Standards Required by Holladay Ord §13.10A. File #25-01-05.**

Mr. Tuffour presented the Staff Report and explained that the application is a Subdivision Amendment for the Bowthorpe and Wren Hollow subdivisions. The property is located at 4794 South Annabow Circle. He explained that there is a City and State mandate in place. Whenever there is an amendment to a subdivision that would directly impact the subdivision plat, it must be presented to the Planning Commission. He explained that the applicant owns two pieces of property. The main property is located at 4794 South Annabow Circle, but the applicant also owns the abutting lot to the south. That property is approximately 0.09 acres. That area of land does not meet the definition of a lot and is not buildable, as it has a storm drain easement. The applicant is proposing to move that area of land from the Wren Hollow Subdivision into the Bowthorpe Subdivision. It is essentially an amendment to both subdivision plats to remove the 0.09 acres from the Wren Hollow Subdivision. Some findings are included in the Staff Report and this application has been reviewed by the TRC.

Chair Roach asked if this application will create one parcel, which was denied. Mr. Tuffour explained that this process will simply move the 0.09 acres from one subdivision to another. Commissioner Berndt pointed out that this is not a legal lot based on the size. He asked if it will be brought into compliance through this process. Mr. Teerlink denied this. The area itself was part of the parcel for the storm drain easement. Lots have a determined right to them that parcels do not have. The applicant's request creates a disruption with the subdivision boundaries. Normally, this kind of request could be handled administratively as a property line adjustment. Since the property line itself is in a subdivision boundary, moving from one side to the other constitutes amending both plats.

The applicant, Carolyn Colton, introduced herself to the Commission and explained that the plan is to make it one parcel. This is because the intention is to tear down the existing house and build a new house. The architect told her that the process would be smoother if there was one parcel instead of two. However, it was discovered that this is not an administrative process due to the subdivisions.

Commissioner Cunningham moved to APPROVE the Subdivision Plat Amendment application by Carolyn Colton for “Bowthorpe and Wren Hollow,” an amendment to remove Parcel 22-10-229-077 from the Wren Hollow Subdivision and add Parcel 22-10-229-077 to the Bowthorpe Subdivision, located at 4794 South Annabow Circle in the R-1-10 Zone, based upon the findings:

- 1. Development details required for the subdivision amendment have been submitted and reviewed by the TRC.***
- 2. The proposed amendment to the lot complies with the minimum width and area for single-family home development in the R-1-10 Zone.***
- 3. The required submittals for the subdivision amendment have been provided where applicable and have been found to be complete and acceptable.***
- 4. Fire access is existing and approved by the Unified Fire Authority (“UFA”).***
- 5. Public roads and utility easements are shown on the plat.***

Commissioner Berndt seconded the motion. Vote on Motion: Commissioner Berndt-Aye; Commissioner Gong-Aye; Commissioner Prince-Aye; Commissioner Vilchinsky-Aye; Commissioner Cunningham-Aye; Chair Roach-Aye. The motion passed unanimously.

CONTINUED HEARING ITEMS

3. **Continued - Text Amendment – Chapter 13.84 - Outdoor Lighting Standards Continued Review on Proposed Amendments to Title 13, of the Holladay City Code, Land Use and Development Regulations. By Order of Holladay City Council, the Proposal Relocates Current Lighting Standards from Various Sections of Title 13 and Consolidate them within a New and Expanded City Outdoor Lighting Section proposed as Holladay Ordinance §13.84. Item Reviewed as a Legislative Action, According to Procedures Set Forth in Holladay Ordinance §13.07. File #25-4-02.**

Mr. Teerlink presented the Staff Report and explained that the above item relates to a Text Amendment to Chapter 13.84 – Outdoor Lighting Standards. He explained that the City Council has been reviewing the draft language for a few months. Mr. Teerlink informed the Commission that there have been some issues in District 5. Through a subdivision process, homes were built in an area that had been fairly dark before. The new homes were built with more modern lighting fixtures to accentuate the landscaping and fencing. It is one example of light trespass in a residential neighborhood. There have not been a lot of situations in the past that might warrant a code amendment, but there have been some enforcement measures taken on nuisance issues. Mr. Teerlink reported that there are approximately three to five cases per year where the Code Enforcement Officer will reach out to a resident about a complaint and work to reach a solution. This is how Holladay has addressed residential lighting concerns in the past. He noted that commercial lighting is different.

During a commercial Site Plan approval, the Planning Commission has complete authority over the review of that plan. There are lighting requirements included. Some Site Plans come with a lumens study to show what the fixture itself will project light on. In those cases, there is a maximum number of lumens that can cross the property line. During commercial reviews, it is possible for the Planning Commission to determine whether there will be a light trespass problem or a nuisance created. Modifications can then be made accordingly. There has never been anything like that for residential properties, but that is what is now proposed. There are elements in the draft language that can also be used during future deliberations on commercial Site Plans. Some terminology has been updated and some additional guidance has been provided for light pole heights. This includes how far a light pole should be from the property line of a residential neighborhood. He referenced 13.84.050, which outlines regulations that apply to properties in R-1 and R-2 Zones. Before any specific language is reviewed, Mr. Teerlink asked that there be a discussion to determine whether there is general support.

Chair Roach appreciates what is intended with the language and shared an example scenario with the Commission. While the language will not necessarily address existing non-conformities, it can lead to future changes. His concern relates to the mitigation of light trespass onto other properties. In the middle of the graphic shown, it seems to show a wall that has been built to prevent light from spilling outside of the property. Mr. Teerlink clarified that it assumes a fence on the property line. Chair Roach does not want the ordinance to result in more fences and walls to trap light onto

the property so that residents can conform with the ordinance. He likes the idea of enclosed lights and trying to reduce glare, but he does not want every property to be walled off and closed in.

Commissioner Prince likes the idea of pursuing some kind of lighting ordinance. As older homes are torn down and new homes are built, there could be potential issues without lighting guidelines from the City. She likes that there will be a tool for the City and neighbors to use. Commissioner Prince expressed support for continuing to discuss the proposed language. Commissioner Cunningham lives in a Homeowners Association (“HOA”) and wondered whether a Lighting Plan would need to be submitted for that. Mr. Teerlink denied this unless there was a rebuild. Commissioner Cunningham asked for an example of a rebuild that would require a Lighting Plan to be submitted. Mr. Teerlink referenced 13.84.020. The language ties it to new construction or expansion of the land uses.

Commissioner Gong asked what happens if there is a neighbor dispute where the neighbor is found to be out of compliance, but the non-compliance was already existing. She wanted to know if the new standards would apply. Mr. Teerlink denied this but noted that the Code Enforcement Officer would be involved. In the past, the Code Enforcement Officer has been effective and residents have generally been understanding. The language that is proposed would not resolve disputes that exist currently but could prevent disputes in the future. There have been two lighting disputes this year and there were five last year. Commissioner Gong believes the proposed language will be useful.

Discussions were had about the Building Code. Mr. Teerlink explained that there is nothing similar to this in the Building Code. While the Building Code will address energy efficiency and likely recommend LED lighting technology, it does not mention lumens. Commissioner Cunningham is not opposed to the idea of the language but worries that a Lighting Engineer would need to be hired to come into compliance. It was noted that the City Council had a similar concern and directed Staff to ensure that a lighting professional will not need to submit the Lighting Plan for residential properties. A multi-family project in a commercial property would require a Lighting Engineer.

It was noted that lumens are the amount of light and kelvin is the color of the light. Commissioner Cunningham pointed out that there are no Kelvin ratings on the lighting options sold at local stores. Mr. Teerlink reported that a color scale can be included in the code as a graphic. This could be useful for residents, but depending on the monitor the code is viewed on, the color might look slightly different. As for the requirements, there could be a range from 3,500 to 4,500 so there is flexibility provided to the homeowner. Chair Roach asked if it makes sense to focus on the fixtures and limiting light trespass. The color of the bulbs could be more of a future concern. Mr. Teerlink confirmed that a version of the draft can be written that only addresses the light trespass problem and glare issue.

Commissioner Cunningham referenced sport court lighting and asked if it is applicable to any kind of activity. Mr. Teerlink explained that it is for anything with a hard surface court. There is sports court lighting in the code already, which is limited to an 18-foot light pole, but that might be too tall. Commissioner Cunningham likes the 15-foot suggestion in the draft language and the 10:00 p.m. cutoff. He would like there to be a better definition of light trespass. When dealing with noise, the focus is not on where the noise comes from or what is causing the noise. The focus is

on whether that noise can be heard past the property line. That simplifies enforcement considerably. Commissioner Cunningham reiterated the need to further define light trespass in the language. Mr. Christopherson agreed that it would be beneficial to have an objective standard in place. He added that regulations need to be easily understood, have a clear purpose, and be enforceable.

Mr. Teerlink read some of the language from 13.84.040 – General Outdoor Lighting Standards:

- Light Trespass:
 - All light fixtures and their intended use, including security lighting, shall be aimed to confine lighting to the area within the property boundaries. Exposed light sources shall be shielded to prevent glare onto or across any public or private street or road. Refer to Figure 13.84.

Commissioner Cunningham asked if the language excludes private property because it only mentions streets and roads. It was noted that there is a reference to property boundaries. Commissioner Cunningham thought there should be a reference made to private property. Commissioner Prince asked if Millcreek has a lighting-related ordinance in place. Mr. Teerlink confirmed this. Commissioner Prince stated that she is on a committee related to the Skyline High School rebuild and there have been some issues with neighbors to the north of the school due to light pollution from the tennis courts. She wondered what the language might look like in Millcreek. Mr. Teerlink explained that the State Code does not require compliance with municipal codes when a school district is involved. Additional discussions were had about lighting and the school district requirements.

Chair Roach suggested that Staff come back to the Commission with an update that does not involve the kelvin light scale and focuses more on the light fixture itself. There could also be references to neighboring properties rather than streets and sidewalks. It was noted that there is a numbering issue that needs to be addressed in the draft. Commissioner Cunningham read the following language:

- D. Nothing in these regulations shall prevent filing an action for relief from light trespass or glare as a nuisance, or from other relief under any laws which may currently exist;
- E. Suspension, Revocation, or Modifications to the Lighting Plan. The Community and Economic Development Director may suspend, revoke, or require modification of any Lighting Plan that is found to be not in compliance with this chapter or that is causing nuisance conditions.

Commissioner Cunningham asked what the intent of that language is. Mr. Teerlink explained that once there is enforcement action taken, there is always an ability to appeal to a higher authority. Additional discussions were had about the language that has been drafted. Commissioner Gong is not certain that the kelvin light scale should be removed because it makes a difference in how the light appears. How bright light is and where it falls is important, but the Kelvin light scale also impacts how bright the light appears to be. Staff will work on the draft language and bring something back.

Chair Roach moved to CONTINUE the proposed Outdoor Lighting Standards amendment to the next regularly scheduled meeting so Staff can work on continued revisions to the language. Commissioner Prince seconded the motion. Vote on Motion: Commissioner Berndt-Aye; Commissioner Gong-Aye; Commissioner Prince-Aye; Commissioner Vilchinsky-Aye; Commissioner Cunningham-Aye; Chair Roach-Aye. The motion passed unanimously.

ACTION ITEMS

4. Approval of Minutes – 2/18/25.

Commissioner Cunningham moved to APPROVE the Meeting Minutes from February 18, 2025. Commissioner Berndt seconded the motion. Vote on Motion: Commissioner Berndt-Aye; Commissioner Gong-Aye; Commissioner Prince-Aye; Commissioner Vilchinsky-Aye; Commissioner Cunningham-Aye; Chair Roach-Aye. The motion passed unanimously.

ADJOURN

Chair Roach moved to ADJOURN. There was no second. The motion passed with the unanimous consent of the Commission.

The Planning Commission Meeting adjourned at approximately 7:17 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the City of Holladay Planning Commission Meeting held on Tuesday, April 1, 2025.

Teri Forbes

Teri Forbes, Minutes Secretary
T Forbes Group

Minutes Approved: April 15, 2025