

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

Tuesday, March 18, 2025

6:00 PM

City Council Chambers

4580 South 2300 East

Holladay, Utah

ATTENDANCE:

Planning Commission Members:

Dennis Roach, Chair

Karianne Prince

Jill Fonte

Angela Gong

Paul Cunningham

Ginger Vilchinsky (arrived for the Regular Meeting)

City Staff:

Carrie Marsh, City Planner

Jonathan Teerlink, Community & Economic

Develop Dir

Justice Tuffour, Planner I

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 Brian Berndt and Commissioner Ginger Vilchinsky. The Regular Meeting items were discussed. There is one Public Hearing and one Action Item.

Community and Economic Development Director, Jonathan Teerlink, shared information about the Public Hearing item related to a Text Amendment to Chapter 13.84. In October 2024, Council Member Emily Gray was approached by some constituents who had concerns about residential lighting. Over the years, the Code Enforcement Officer has addressed compliance issues and outdoor lighting complaints. However, there are no clear rules to regulate how lights are to be directed and used on residential properties. The Planning Commission has the authority to review Site Plans on a commercial level for lighting compliance and dark sky standards. The last Site Plan the Planning Commission reviewed at that level was the hotel on Highland Drive and 6400 South. When single-family homes are built, there is no review of any sort of lighting plans. Over the last few months, the City Council has directed City Staff to create a framework that addresses lighting in residential neighborhoods. There is drafted language included in the Meeting Materials Packet. It is recommended that the discussion be continued to a future meeting so there is time to review it all.

Chair Roach asked if there have been any public comments on the Text Amendment so far. Mr. Teerlink denied this. He expected that some written comments would be submitted, but none have been received so far. Some residents will likely attend the Regular Meeting to share comments. Chair Roach referenced holiday lights and concerns about regulation. Mr. Teerlink reported that there was a PowerPoint presentation created so the City Council could review what cities often regulate. From there, Staff received direction about what to look into further. The items included in that presentation have since been whittled down to what is seen in the draft text.

Commissioner Jill Fonte asked about the recommendation to continue the Text Amendment to a future meeting. She wanted to know if there was a desire to allow more time for public comment. Mr. Teerlink clarified that the reason for the recommendation is to ensure there is time to understand the code and what it means in terms of enforcement. Commissioner Fonte expressed concerns about the ability to enforce. Mr. Teerlink stated that the language has been written objectively. This ensures that measurements can be used. There is a new Code Enforcement Officer, Chad Pedersen. He understands lighting and is comfortable with what has been proposed at this time. These amendments will add another layer to the enforcement that is needed moving forward.

Commissioner Paul Cunningham pointed out that the Text Amendment will create non-conforming uses in the City. He asked if it is the vision of the City Council that this be addressed. Mr. Teerlink reported that there is a section on non-conforming uses in the code. Chair Roach suggested that the Planning Commission discuss the Action Item and then come back to the Public Hearing item.

Planner I, Justice Tuffour, introduced himself to the Planning Commission and shared information about the Eastwind Subdivision application. The applicant is seeking to expand the size of his property. The Eastwind Subdivision originally started as a three-lot subdivision. The applicant lot was originally Lot 1. The Subdivision Plat was amended in 2024 into a two-lot subdivision. The two-lot subdivision happened when the owner of Lot 1 and the owner of Lot 3 bought Lot 2 and split it into two. The owner of Lot 1A has bought the neighboring property that fronts onto Wander Lane. The proposal is to add that neighboring property onto the lot that is owned by the applicant.

Commissioner Cunningham asked what the request will allow the applicant to do that cannot be done currently. Mr. Tuffour explained that as it stands, the property is conforming to the minimum lot size requirements and frontage requirements. However, the lot is somewhat narrow. Adding the neighboring lot to the west would make future improvements possible, such as an addition to the existing house on the lot. The applicant has a permit for an addition to the new property that was purchased. Amending the Subdivision Plat would allow the applicant to move forward with that. Chair Roach asked what zone this is in. Mr. Tuffour reported that it is located in the R-1-8 Zone.

Commissioner Karianne Prince reported that she needs to leave the Planning Commission Meeting at 6:55 p.m. She asked if it would be possible to discuss the Action Item ahead of the Public Hearing item since the Public Hearing item is proposed to be continued to a future meeting. Mr. Teerlink confirmed that the switch can be made. There can be a motion made to amend the agenda order.

Commissioner Prince referenced letters from the utility companies to vacate the easement. She asked if the utilities are being removed. Mr. Teerlink explained that when subdivision amendments occur, there are easements in place via the plat. Those can be vacated, but there need to be approvals from each utility provider to prove that there are not any facilities there currently. He believes there is a desire to build in that area. Additional discussions were had about the easements.

Commissioner Fonte asked if the future intent of the property is something the Planning Commission should consider. Mr. Teerlink stated that there cannot be building across the current property line. If the intention is to build across there, that work cannot be approved until the amendment takes place.

City Planner, Carrie Marsh, stated that each of the two lots could have a primary structure and an accessory structure completely detached. What is proposed is to combine the lots into one with one single-family structure. There is one permitted accessory structure that could go with that. Commissioner Prince drove past the property earlier in the day and there is work being done right now. Mr. Teerlink clarified that there is a lot of landscaping work that is being done on the lot. Commissioner Angela Gong asked if it is possible to have a sports court or something similar there. Chair Roach pointed out that the applicant would need to go through the permit process for that.

Additional discussions were had about the Text Amendment. Commissioner Gong believed the original conversation was the result of neighbor conflicts, but it sounds like the principles are used by other cities. Mr. Teerlink confirmed this. There was a large property on the corner of Cottonwood Lane and Walker Lane that had been subdivided several years back. There are two homes there now and there is a dramatic difference now that the homes are finished and the lighting treatments are in. Some of the light choices have created concerns, especially with the lights that are on the gates. When there are lighting concerns, it often has to do with the color of the light that is being used and the intensity. A lot of cities are moving closer to dark sky compliance, but in urban areas, most of the city regulations are focused on the color, use, and intensity of the light to prevent nuisances.

Mr. Teerlink reported that there are usually four to five complaints a year related to residential lighting. For instance, there might be a neighbor who installed a security light that does not turn off. Generally, there has been work done with the Code Enforcement Officer to arrive at a solution and redirect the light fixtures so both neighbors are satisfied with the outcome. Chair Roach asked if the proposed language will address wall washing, where there are lights pointed at the house, and there is reflective glare. It seemed the language was specifically related to the fixture as opposed to the light glare or reflection. Mr. Teerlink explained that the City Council is more interested in having a definition of light trespass. There is a way to calculate reflective light, but that would be too onerous to enforce. The code addresses the issue to an extent. Mr. Teerlink shared some example images with the Commission from the presentation slides to highlight the color differences.

Commissioner Cunningham pointed out that there is a lot of definitional language that has come from somewhere else. He asked if there is a way to adopt that by reference so there do not need to be amendments made every time the source document changes. Mr. Teerlink confirmed this. Commissioner Cunningham asked about the 10:00 p.m. and 11:00 p.m. references that are made in the text. Mr. Teerlink explained that the original proposal was 11:00, but it was determined that there should be consistency between that language and the Noise Ordinance language that already exists.

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 Berndt. There is a Public Hearing item and an Action Item on the agenda. There were discussions about amending the agenda order during the Work Session, but the applicant for the Action Item is not present at this time. As a result, the agenda order will remain as written. No members of the public were present, so the Opening Statement was not read. Chair Roach asked that the Text Amendment discussions last for a half hour.

PUBLIC HEARING

1. **Text Amendment - Chapter 13.84 Outdoor Lighting Standards Review and Recommendation to the City Council on Proposed Amendments to Title 13, of the Holladay City Code, Land Use and Development Regulations. By Order of the Holladay City Council, the Proposal Relocates Current Lighting Standards from Various Sections of Title 13 and Consolidates 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 City Council has directed City Staff to draft an amendment to the existing Lighting Ordinance for commercial and to add in language for residential lighting standards. During the City Council Meetings, some elements were proposed based on concerns that some citizens raised for residential neighborhoods. For example, nuisance lighting and glare. The commercial lighting standards that have been created for the Holladay Village Zone are an example of how well lighting can be handled as far as commercial retail. The lighting there is purposeful, so some of those elements were requested to be brought into the residential.

There was a presentation previously made to the City Council. The presentation slides are included in the Meeting Materials Packet for Planning Commission review. This provides an overview of the concerns the community has expressed. Some of the considerations that can address those concerns include: fixtures that require full shielding, soffit locations, limiting yard lighting, and considering the lumen level and spectrum color. The City Council is specifically interested in light trespass and glare. Example images were reviewed by the Planning Commission. Mr. Teerlink explained that there were a few Council Members concerned about security through lighting. Images from the previous Code Enforcement Officer were shared to illustrate how unshielded light can create more of a hazard. There is so much perceived glare that it is not possible to see what is happening behind. The intention is to create a distinction between security/safety and decorative/seasonal. There is not an intention to prevent the use of either one, but to create parameters to soften the intensity.

The Council was not interested in eliminating the right to have decorative lighting but wants it to be regulated in a way that there is not an overabundance of the use that would create an issue with the neighborhood. Sports courts are already regulated in the code, but some additional provisions have been added to strengthen those elements. For instance, there is interest in lowering the light pole itself so it is closer to the area of play. An image from a Code Enforcement case file was shared. The use of sports court lighting that is left on all night long is a concern, especially when

it reflects into other homes. Chair Roach asked if there is something in the proposed language that delineates the code being different by zone. Mr. Teerlink explained how the drafted language is organized.

Some examples of code considerations were shared. Mr. Teerlink noted that it was disheartening during the research process to find that certain building supply stores do not have fixtures to meet the standards. Chair Roach asked if it would be permissible for the City to work with local vendors for certain products. Mr. Teerlink confirmed that there can be some outreach. Some fixtures have a Dark Sky Approved logo on the boxes, but he was unable to find examples of those in store when he looked.

Mr. Teerlink shared information about a Lighting Plan. With the code, if there is an addition being added or a new home is being built, there will be a requirement for a Lighting Plan. Most cities require that plan to be prepared by a specialist, but the City Council was uncomfortable with that due to additional costs. As a result, that requirement was withdrawn from the proposed language. However, for a commercial property, the Lighting Plan will need to be prepared by a professional. Some cities have a requirement that holiday lighting can only be on 30 days before and 30 days after the date of the holiday. After speaking to the City Council, there was no interest in that requirement.

Commissioner Fonte asked how the City will make sure the Lighting Plan shows evidence of compliance if there is difficulty finding complying lighting fixtures at nearby stores. Mr. Teerlink acknowledged that there are difficulties for the City as a regulatory body and for property owners. Commissioner Fonte wanted to know what property owners can do to be in compliance. Mr. Teerlink pointed out that owners can look online or custom order appropriate lighting fixtures. Commissioner Gong noted that there are a lot of options out there, even if those are not in local stores at this time. Mr. Teerlink explained that there is language built into the code that acknowledges changes in technology. Property owners can propose a different product that meets the ordinance.

Chair Roach asked if there is anything in the proposed language that considers setbacks as far as the placement of lighting on a property. Mr. Teerlink explained that the focus is for there to be compliance and that there not be light trespassing across the property line. There is language for soffit lighting and sport court lighting heights. Mr. Teerlink asked that the Planning Commission further review the language so it can be discussed at the next Planning Commission Meeting.

Commissioner Prince shared information about the work that she does on an Advisory Committee. In the past, there have been neighbor issues related to lights. It can become contentious, so the City of Holladay is lucky that it has not risen to that level in the past. Mr. Teerlink confirmed that lights can invade private property and shine into a home. The Code Enforcement Officers take this matter seriously because it is a nuisance problem. The language can create standards for new construction.

Chair Roach asked if the City has a plan for all of the legal non-conforming street lamps that are not fully enclosed. Mr. Teerlink stated that approximately 10 years ago, there was a grant from the County to upgrade the street lights to LED. At the time, there was not an understanding of the color that the LED light gives off. That white-blue light reflects quite a bit. There would need to

be compliance with the standards. Mr. Teerlink suggested that additional Commissioner comments be emailed to City Staff so those comments can be addressed in the next Meeting Materials Packet.

Chair Roach asked City Staff to generate a few examples of what applicants would be asked to do for a Lighting Plan. He wants to better understand what would be required from residents in the future. Mr. Teerlink reviewed the information that outlines what is required in the plan. It includes the location of all light fixtures proposed and existing as well as a description of each fixture with manufacturer details. This is similar to a Tree Planting Plan where the City wants to know the details.

Chair Roach wanted to know if the language takes into account the movement of the sun and daylight saving time. It does not make sense to restrict lights at a certain time if the sun is still shining. Mr. Teerlink denied this and explained that what is proposed will follow the Noise Ordinance.

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

Commissioner Prince moved to CONTINUE the proposed Outdoor Lighting Standards amendment and the public hearing to the Planning Commission Meeting on April 1, 2025. Commissioner Gong seconded the motion. Vote on Motion: Commissioner Cunningham-Aye; Commissioner Vilchinsky-Aye; Commissioner Fonte-Aye; Commissioner Prince-Aye; Commissioner Gong-Aye; Chair Roach-Aye. The motion passed unanimously.

ACTION ITEMS

- 2. 'Eastwind' Subdivision - Amendment - 2648 East 4510 South (R-1-8 ZONE) Review and Final Consideration of an Application by Applicant/Property Owner, LACE LEAF LLC, to Expand the Boundaries of the 'Eastwind' Subdivision. This Amendment will add 0.36 acres of Land to Lot 1 of the Subdivision. Item Reviewed as an Administrative Action for Permitted Uses in Accordance with Subdivision Standards Required by Holladay Ord §13.10a. File #01-1-08-3.**

Mr. Tuffour presented the Staff Report and explained that the application is for the Eastwind Subdivision amendment. The property is located at 2648 East 4510 South and it is in the R-1-8 Zone. The applicant is seeking to expand the size of the property. As mentioned in the Work Session, this used to be a three-lot subdivision and was created in 2003. The subdivision was amended in 2024 into a two-lot subdivision, where the owners of Lot 1 and Lot 3 purchased Lot 2 and split it. The applicant is proposing to amend the size of the lot, which is currently designated as Lot 1A. The owner of Lot 1A has bought the neighboring property that fronts onto Wander Lane. The proposal is to add that neighboring property onto the lot that is owned by the applicant. The TRC reviewed this application for compliance and what is proposed complies with the zoning regulations.

Commissioner Gong asked about double frontage. Mr. Teerlink explained that there is a definition for double lot frontage, which is essentially a lot that has frontage on two public streets. Chair Roach wanted to know if easements need to be maintained on both of those. Mr. Teerlink shared the plat and stated that there will be new easements to go around the outside of the amended lot.

Chair Roach asked if the driveway has to remain on Wander Lane. Mr. Teerlink reported that it is possible to have one driveway per street frontage. There were no additional Commissioner comments.

Commissioner Cunningham moved to APPROVE the Subdivision Plat Amendment application by Mike Spainhower for "Eastwind," an amendment to the existing Lot 1A within the Eastwind Subdivision, located at 2648 East 4510 South in the R-1-8 Zone, based upon the following findings:

- 1. Development details required for Subdivision Amendments 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-1-8 Zone.***
- 3. The required submittals for Subdivision Amendments 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 Prince seconded the motion. Vote on Motion: Commissioner Cunningham-Aye; Commissioner Vilchinsky-Aye; Commissioner Fonte-Aye; Commissioner Prince-Aye; Commissioner Gong-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 6:37 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, March 18, 2025.

Teri Forbes

Teri Forbes, Minutes Secretary
T Forbes Group

Minutes Approved: April 15, 2025