

Minutes of the **Regular Session** of the **Planning Commission Meeting** held Thursday, **January 23, 2025**, in the **Lehi City Hall** located at **153 North 100 East**.

Members Present: Gregory Jackson, Commission Chair
Brent Everett, Commission Vice Chair
Emily Lockhart, Commissioner
Tyson Eyre, Commissioner
Nicole Kunze, Commissioner
Ken Roberts, Commission Alternate

Members Absent: Beau Jones, Commission Alternate

Others Present: Kim Struthers, Community Development Director; Brittney Harris, Planner; Gary Ellis, City Engineer; Craig Chambers, Assistant City Attorney; Kate Morgan, Deputy City Recorder.

Regular Session, 7:00 p.m.

1. Call to Order

Commission Chair Jackson welcomed everyone to the meeting.

2. Consent Agenda

2.1) Approval of minutes from the January 2, 2024 meeting.

2.2) Approval of minutes from the January 9, 2024 meeting.

Motion: Commissioner Everett moved to approve both sets of minutes.
Commissioner Lockhart seconded.

Vote: Commissioner Jackson, yes. Commissioner Everett, yes. Commissioner Lockhart. Commissioner Eyre, yes. Commissioner Kunze, yes.

Motion passed unanimously.

3. Regular Agenda

3.1) Public hearing and consideration of Alex Lawrence's request for approval of a modification to an approved conditional use for a pylon sign for EV Auto at 1060 North State Street. (Tabled from the January 9, 2025 meeting).

Brittney Harris presented the item. This issue came before the Commission on September 12, 2024, where restricted hours of operation were placed on the pylon sign. Alex Lawrence has provided a light study that shows no measurable detrimental impact on the nearby neighborhood, and thus wants the restriction removed. Craig Chambers explained to the Commission that imposing conditions wouldn't be advisable, as they wouldn't be justifiably enforceable.

Derek Jones was present on behalf of the applicant. He asked that the light pollution study be taken into serious consideration.

Commissioner Everett asked if the study was done for light pollution at night. Derek confirmed that it was. Commissioner Everett asked if the angle of the sign could be adjusted to further minimize the amount of light hitting concerned citizens. He was concerned about the ambient effect of the light may be different than directly looking at the sign from a house. Craig Chambers recommended making a suggestion in the motion, rather than a requirement.

Commissioner Jackson opened and closed public comment.

Commissioner Lockhart asked if the conditional use was being removed from the sign. Brittney Harris clarified that the applicant is asking for the restriction to be removed, with no other changes. Commissioner Lockhart expressed confusion about what kind of motion the Commission could make in this situation. Craig Chambers explained that the Commission could approve the sign without conditions.

Motion: Commissioner Lockhart moved to modify the approval and remove the restriction with the findings that it will not be detrimental to the property improvements in the vicinity and that it is in compliance with the goals and policies of the general plan and the purposes of the code. She included all DRC comments.

Commissioner Eyre asked that the original date of September 12 be included in the motion. Commissioner Lockhart agreed to the amendment. Commissioner Everett asked to include a recommendation to investigate the ideal orientation of the sign. Commissioner Lockhart felt it was unnecessary given the amount of work the applicant had already done but conceded as it was important to Commissioner Everett.

Amended Motion: Commissioner Lockhart moved to modify the approval and remove the restriction placed on September 12, with the findings that it will not be detrimental to the property improvements in the vicinity and that it is in compliance with the goals and policies of the general plan and the purposes of the code. She included all DRC comments. She also recommended that the orientation of the sign be looked into by the applicant. Commissioner Eyre seconded.

Vote: Commissioner Jackson, yes. Commissioner Everett, yes. Commissioner Lockhart, yes. Commissioner Eyre, yes. Commissioner Kunze, yes.

Motion passed unanimously.

3.2) Public hearing and consideration of Sensapure's request for approval of conditional use for the Sensapure site plan, a flavor product development and manufacturing business located in an existing building at 4170 West 2100 North.

Brittney Harris presented the item. Sensapure will be moving into an existing building that is conditional use. A previous restriction has been placed on the property that all semi-truck and delivery traffic must use 2100 North. This restriction will still be in effect during this new use of the building. The business is also a conditional use, so it may not cause unreasonable risk to the surrounding area.

Commissioner Everett asked staff if the code should be updated so that food production and processing would be in their own category, rather than the broader manufacturing designation it's currently under. Brittney explained that food processing is labelled explicitly in the code under Manufacturing, Processing, and Assembly. Commissioner Everett suggested getting more specific with the code or getting rid of conditional uses.

The applicants, Tom Greeting and Derek were present. Additionally, Ben Seastrand, the building owner, was present. He mentioned seeing a lot of questions online and said that the Sensapure team helped to assuage his worries. Commissioner Eyre asked if there would be additional tenants in the building. Seastrand explained that the other tenant is a cabinet maker.

Before opening public comment, Commissioner Jackson reminded everyone present to focus their comments on code and ordinances, as that is what the Commission's decision must be based on. Craig Chambers explained what a conditional use was for the benefit of the public. Commissioner Lockhart also explained that traffic was not being discussed at the meeting, as that had already been decided a few years ago in a previous meeting about the building. Commissioner Jackson also mentioned that property value couldn't be taken into account by the Commission as a factor.

Commissioner Jackson opened public comment.

Brittney Harris summarized the sixty-eight online comments on this item. They included concerns about air quality, proximity to the hospital, and irritants from sweet smells. Property values were also mentioned frequently.

Terran Briggs did some preliminary research on Sensapure and posted his findings to his neighborhood Facebook page, which he suspects drove many of the comments online. He was unclear on the exact chemicals being used, but his research suggested that exposure can cause short-term effects like headaches and dizziness, and long-term effects like increased risk of cancers. He asked for transparency on the chemicals being used, and for the company to keep the public in the loop on how risks are being mitigated.

Lindsay Gordon echoed the concerns shared online and in person.

Commissioner Jackson closed public comment.

Tom Greeting wanted to address concerns about traffic for citizens, even if it was not the focus of the meeting. He stated that there would be 6-7 full size trucks and a few vans coming in daily. Additionally, the location would employ 10-20 employees. He feels this will not be too heavy of a traffic burden on the community, especially since all traffic will be using 2100 North.

Derek wanted to explain the chemicals being used for the sake of the public. He has been working in this field for 27 years and has multiple qualifications that make him an authority on the subject. He explained that the term “VOC” means volatile organic compound, which essentially means that it can be smelled. He explained that while some VOCs can be toxic, the ones used by Sensapure are all derived from natural ingredients. Everything they create at Sensapure is designed to be smelled and eaten and thus are nontoxic.

Commissioner Everett brought up that scents can still be nuisance to a community, even if they are nontoxic. He asked if there are any mitigation systems in place for odor control. Derek explained that the business uses wet charcoal scrubbers to remove scents from the air before it is vented outside.

Commissioner Jackson mentioned the proximity of the building to the children’s hospital, and how there may be smell-sensitive individuals located there. He asks how far scents are likely to travel. The hospital is about 4500 feet away, and the military academy is about 1200 feet away. Derek explained that the military academy is likelier than the hospital to smell something, but that it would take very specific conditions for the smell to reach that far.

Commissioner Lockhart mentioned a carwash near the location that emits smells, and asked how it would compare to Sensapure output. Derek said that they would be producing fewer VOCs than the carwash. He admits that it may be annoying, even though it would not be injurious.

Commissioner Everett asked if hours of operation were intended to be 24/7. Tom Greeting clarified that it would only be running 24/5. Derek said they wouldn’t have much control over how much a scrubber would put out.

Commissioner Lockhart asked if Sensapure would be willing to install wet scrubbers on their own if there were issues, or if there would have to be public outcry first. Derek stated that he wants to stay a good neighbor, and that he would be willing to install new ones if needed.

Commissioner Jackson asked if there were any studies about air quality regarding the West Valley facility. The applicants were not aware of any such studies. Commissioner Lockhart asked if the business is being audited by the Utah Department of Environmental Quality for air quality. The applicants stated that they weren’t. They explained that they produce 30 pounds of emissions a year, which is well below the threshold of 5 tons. They don’t think they are on the radar of UDEQ.

Commissioner Everett suggested imposing a condition that the company would have to return and check in with the Commission in a year. He was very concerned about the nuisance factor, and felt that the public would be happier with the decision if they know the issue will be returned to. Craig Chambers expressed concern that the city code does not allow for that kind of condition. If the business turns out to be a nuisance, it will have to be dealt with in a different system than the Commission. Nuisance would have to be determined by the Lehi municipal code

and the Utah state code. Commissioner Jackson asked Chambers what the path would be if three months down the line the business starts being a nuisance. Chambers mentioned the city sending police over, or neighborhoods civilly suing the company for detrimental life conditions.

Craig Chambers mentioned a discussion he was having earlier with Kim Struthers about requirements that could be imposed if the code were changed, such as requiring studies to be brought forth. Commissioner Lockhart asked why studies couldn't be imposed now. Chambers explained that studies can only be imposed in the case of a true and real detrimental effect, not just for nuisance. The Commission collectively expressed a need to go over the code before the next conditional-use issue comes up.

Commissioner Lockhart shared a personal anecdote about how she used to live near an animal food manufacturing plant that would frequently let off terrible smells. The plant didn't respond to citizen complaints and only moved once a shopping center opened and took issue with it. Commissioner Jackson reiterated that there is nothing in the code that allows them to require studies.

Brittney Harris brought up the municipal code and showed where it states that if the business is found to be a nuisance, the conditional use can be modified by the Commission. Commissioner Everett was not satisfied with this solution, as it was reactive rather than proactive. Commissioner Jackson pointed out that at that point the Commission would be justified in requiring studies would be enforceable.

Commissioner Kunze asked if the Commission wanted to approve the request or put conditions on the applicants. Commissioner Jackson explained that they don't currently have legal standing to place conditions on the applicants.

Derek shared a personal anecdote about living near a cement factory and having to deal with dust. He clarifies that nothing noxious is going to be discharged, but he understands that it might be a nuisance. He wants to emphasize that he is sensitive to the community's desires.

Commissioner Kunze mentioned that the smell from the Jordan River is often bad. She worried that the situation was being blown out of proportion.

Motion: Commissioner Kunze moved to approve the conditional use finding that it will not be detrimental or injurious to property or improvements in the vicinity, that it will be located and conducted in a manner in compliance with the goals and policies of the Lehi City general plan and the purposes of the code, and that the property on which the use building or other structure is proposed to be established is of adequate size and dimension to permit construction of the facilities and the conduct of the use in such a manner that it will not be detrimental to adjoining properties and the area. She included all DRC comments.

Commissioner Everett asked that the first finding that the conditional use will not be detrimental or injurious to property or improvements in the vicinity, as it is currently unknown. Kunze approved the amendment.

Amended Motion: Commissioner Kunze moved to approve the conditional use finding that it will be located and conducted in a manner in compliance with the goals and policies of the Lehi City general plan and the purposes of the code, and that the property on which the use building or other structure is proposed to be established is of adequate size and dimension to permit construction of the facilities and the conduct of the use in such a manner that it will not be detrimental to adjoining properties in the area. She included all DRC comments. Commissioner Everett seconded the motion.

Commissioner Eyre asked if the site plan was being approved. Brittney clarified that it was included on accident, and that it isn't being discussed today.

Vote: Commissioner Jackson, yes. Commissioner Everett, yes. Commissioner Lockhart, no. Commissioner Eyre, yes. Commissioner Kunze, yes.

Motion passed four to one.

Commissioner Everett stated that he was grateful for public comment, both in person and online, and appreciated that it helped to drive the discussion and deliberation.

Commissioner Lockhart was upset that the Commission was given a conditional use item and then told that they weren't allowed to impose any changes. She felt it was detrimental to her ability to make the right decision in the situation. Craig Chambers shared her feelings, sharing a passage from the land use items book he uses that verified that conditional-use situations take power away from city councils and commissions.

Kim Struthers mentioned that the planning division might not know what conditions need to be imposed until they hear public comment.

3.3) Public hearing and consideration of Allan Glenn's request for approval of conditional use for The Perfect Wag site plan, a dog boarding, daycare and grooming facility located in an existing building at 50 East Main Street.

Brittney presented the item. The business would be a mix of dog grooming, dog boarding, and some dog retail. It will be going into a preexisting building. Animal control had looked over the plan and stated that it was one of the better proposals they've seen in the last 24 years. They also mentioned that having a legal dog boarding business in the area would be nice, as there were currently several illegal dog boarding places in the area that are a repeated nuisance.

Allan Glenn, the applicant, was present. He stated that he wanted to do better than the majority of kennels he's seen, even on the national level. He intends to use scrubbers and multiple air filtration units to help get rid of the smell. He intends to clean play yards between sessions, which would mean more frequent cleanings than other kennels. He displayed large ceiling fans and evaporative coolers that would be used in the summer. He showed that he is including larger kennels and runs for the dogs than what is normally provided. His kennels will also come with removable walls which will provide an individualized experience for owners. He plans on limiting the number of dogs he takes in based on advice from Animal Control. He pointed out the portion of the building that will be close to housing and mentions that the kennels are going to be

soundproofed solid rooms to avoid letting noise out. Any cleaning products used will be nontoxic and safe for pets. He plans on having a 24/7 cleaning and care staff to help avoid smells. Fecal matter will be picked up with bags and tied before being deposited in the dumpster. He stated that he is open to increasing to a daily pickup schedule and/or moving the dumpster if smell becomes an issue.

Commissioner Everett asked if there were any outdoor play areas. Allan Glenn explained that there would be no outdoor play areas. Commissioner Everett encouraged moving the dumpsters as far away from residential areas as possible. He also asked if the enzyme cleaning solution is going to go to the storm drain or the sewer system. Glenn explained that it would be going to the sewer system. Commissioner Everett asked if the sewer could handle that. He also asked if the walls were soundproofed. Glenn brought up several possible solutions in the event that his current soundproofing plan wasn't enough, including hanging soundproofing from the ceiling and high on the walls.

Glenn mentioned to the Commission that there was nothing in the city code about how many dogs could be in a building. He was able to find an ordinance from North Logan that gave him some guidance and explained to the Commission that he'd be under the limit if held to those guidelines. Commissioner Jackson assured him that the Commission wouldn't hold him to another city's standards.

Commissioner Everett mentioned that multiple trash pickups a week may become a nuisance and advises that moving the dumpsters might preemptively stop noise complaints.

Commissioner Jackson opened public comment.

There was one online comment expressing concern over the large parking lot making Main Street less walkable. They stated that it makes the area retain more heat and creates more storm runoff. They think the lot should be split.

Commissioner Jackson closed public comment.

Commissioner Everett mentioned that it is likely a needed business if there are so many illegal instances of it happening. He also noted that it is the largest kennel he's ever seen. He shared concerns about smell and noise. Allan Glenn mentioned that there is another kennel in Utah that houses 120 dogs. There are a few large kennels, but not a lot of them.

Commissioner Everett asks if there will be 24/7 staff. Allan Glenn explains that he intends to as soon as it is financially viable. He stated that if there were over 20 dogs, there would be at least one person there overnight. Staff will usually be there from 6 am to 10 pm. He also intends to have cameras put in.

Commissioner Eyre asked about sewage capacity. Gary Ellis doesn't anticipate it being an issue for the building or the sewer system. Commissioner Everett asked if the enzyme cleaner needed to be cleared with public works. Ellis said that it would be a good thing to investigate and that it should be sent to sewage.

Motion: Commissioner Eyre moved to approve the proposed use at the proposed location, finding that it will not be detrimental or injurious to property or improvements in the vicinity, the proposed use will be located and conducted in a manner in compliance with the goals and policies of the Lehi City general plan and the purposes of the code, that the property on which the use building or other structure is proposed to be established is of adequate size and dimensions to permit construction of the facilities, and the conduct of the use in such a manner that it will not be detrimental to adjoining properties in the area. He included all DRC comments. He also suggested moving the dumpster north on the property and further consideration of drop-off and pick-up times. Commissioner Lockhart seconded the motion.

Vote: Commissioner Jackson, yes. Commissioner Everett, yes. Commissioner Lockhart, yes. Commissioner Eyre, yes. Commissioner Kunze, yes.

Motion passed unanimously.

3.4) Public hearing and consideration of Troy Benson's request for approval of conditional use for the Skyridge High School cell tower monopole to be located at 3000 North Center Street.

Brittney Harris presented the item. The proposal is to place the monopole out by the baseball field, which is what the school district prefers. The school district would also like the surrounding fence to be chain link to match the rest of the school.

Commissioner Everett clarified that the conditional use is for the type of pole, not the height.

Commissioner Lockhart asked why the Commission gets a say. Kim Struthers explained that the property is the school's but it's a private facility, so it goes to the Commission.

Commissioner Kunze asked who picked the placement. She also expressed concerns over foul balls causing issues. Brittney Harris explained that the placement was picked for maximum coverage, and that any baseball-related issues had likely been thought about beforehand.

The applicant, Troy Benson, was present on behalf of Verizon Wireless. He stated that the school district doesn't have to go through a local municipality, but they usually have him do it anyway. The school picked this location as the best option out of the ones selected by Verizon. There is no worry about stray baseballs. The location is good for utilities and access. There will be no barbed wire involved, just chain link fencing.

Commissioner Jackson opened and closed public comment.

Motion: Commissioner Eyre moved to approve the conditional use with the findings that the proposed telecommunications tower meets the needs of the telecommunications business and the desires of the landowner, Alpine School District, that the proposed telecommunications tower is not located in close proximity to residential property lines or the public right-of-way, the proposed use at the proposed location will not be detrimental or injurious to property or

improvements in the vicinity, the proposed use will be located and conducted in a manner in compliance with the goals and policies of the Lehi City general plan and the purposes of the code, that the property on which the use building or other structure is proposed to be established of adequate size and dimensions to permit construction of the facility and conduct of the use in such a manner that it will not be detrimental to adjoining properties in the area. He included all DRC comments. Commissioner Kunze seconded the motion.

Vote: Commissioner Jackson, yes. Commissioner Everett, yes. Commissioner Lockhart, yes. Commissioner Eyre, yes. Commissioner Kunze, yes.

Motion passed unanimously.

3.5) Public hearing and consideration of Lehi City's request for approval of the Summer Crest Plat O plat amendment amending lots 101 and 102 of Summer Crest Plat C located at 780 East and 798 East 2200 North.

Brittney Harris presented the item. The proposal would create a neighborhood access to Family Park. It also involves selling some property from the city to Lots 1 and 2 in order to accommodate for the land used for the access.

Commissioner Everett asked if the path hit the minimum of six feet that is required for trails. Kim Struthers explained that the project is short on space, and will not be an official trail, so much as it will be sidewalk access to the park.

Commissioner Everett asked if the houses fronted 2200 North. Kim Struthers confirmed this and showed that the land additions will be in the backyards of the property.

Commissioner Eyre asked if the city would be responsible for damage to fences. Kim Struthers said that the city is not planning on putting any fencing in, which means that the city will not be responsible for any fencing the neighbors choose to put in.

Commissioner Jackson opened public comment.

There was one online comment opposed to the new access. They would prefer that the land just be sold to Lots 1 and 2 and not involved in a land swap. They're worried about property values, and that people will be walking and riding through their yard, ruining their landscaping. They expressed fear of "nefarious acts" happening on the path. They provided two proposals. The first is that the city not install the access at all. The second is for the city to pay for a wrought iron fence that matches Family Park. Additionally, they have some concerns about how the path will need to contort given the grading of the area.

Matt Gines is a resident who lives on 2200 North. He wants to know the city's future plans to complete the park. He is concerned that the path is not a direct connection to the park. He also has concerns about people parking near the entrance, where there isn't space. Kim Struthers clarified that there is intent to finish the rest of the park, but that currently there is not funding to do so. He explained that the sidewalk is going to connect to a trail that leads to the park. He also mentioned that there will be additional parking for the park provided when that portion of the

park is completed. The access is for the benefit of the neighborhood, so they don't have to drive all the way around to the other access point. He assured Gines that there are not issues with parking near pedestrian park access in other instances. Gines expressed frustration that there is currently only one access point to the park. He proposes putting of the path until the rest of the park is finished.

Ken Roberts asked if the city was planning on putting fencing in around the whole park. Kim Struthers explained that fencing is up to homeowners. He thinks that walking access to the park would be great and wishes it could have happened earlier. He also mentioned that street parking would be detrimental to the neighborhood, as there is a lack of space.

Commissioner Jackson closed public comment.

Commissioner Everett stated that he doesn't see the need to improve the access until the rest of the park is finished. Kim Struthers mentioned that there was discussion of creating a trail now, and that it would allow walking access to the playground. He also stated that the parks department would like to do it sooner rather than later, as they currently have a willing seller. Additionally, one of the property owners is waiting to fence their yard until the boundaries are set. Kim Struthers clarifies that the trail is cause, but not the focus of the plat.

Motion: Commissioner Kunze moved to approve the request finding that the plat amendment will provide greater community access to Family Park and that the proposed subdivision meets the requirements of the development code. She included all DRC comments. Commissioner Eyre seconded the motion.

Vote: Commissioner Jackson, yes. Commissioner Everett, yes. Commissioner Lockhart, yes. Commissioner Eyre, yes. Commissioner Kunze, yes.

Motion passed unanimously.

3.6) Public hearing and recommendation of Lehi City's request for review of a comprehensive Development Code Amendment to Table 05.030.A, the residential table of uses.

Brittney Harris presented the item. Several changes have been made, including: getting rid of the municipal parking lot category; combining fields and greenways in the same category as playgrounds and sports fields; moving accessory building to the 'other' category and including new structures under the umbrella; and pulling the animal rights category altogether.

Commissioner Eyre asked if golf courses should be put in the parks category as they are paid businesses. He clarified that he had no strong opinions, but it would be worth considering. Brittney Harris agreed that there was a strange overlap with the commercial recreation facility category and the parks category. She suggested removing golf courses from the parks category and leaving them solely in the commercial recreation facility category. Commissioner Eyre agreed.

Commissioner Lockhart asked why public schools are automatically allowed, but private schools are conditional. Brittney Harris explained that public schools can't be legislated by cities.

Commissioner Lockhart said that she would prefer to get rid of all conditional-use categories and make them all permitted and move the decision-making to the city council.

Motion: Commissioner Eyre moved to positively recommendation to the city council with the findings that the proposed development code amendment is in conformance with the purposes, intent, and provisions of the general plan and its various elements. He included all DRC comments. He requested that golf courses be removed from the list of permitted facilities, as it is a duplicate.

Commissioner Lockhart requested that Commissioner Eyre include a recommendation for the city council to go over all conditional uses in the code. Eyre included the recommendation.

Amended Motion: Commissioner Eyre moved to positively recommendation to the city council with the findings that the proposed development code amendment is in conformance with the purposes, intent, and provisions of the general plan and its various elements. He included all DRC comments He requested that golf courses be removed from the list of permitted facilities, as it is a duplicate. He also requested that the city council go over all conditional uses in the code.

Vote: Commissioner Jackson, yes. Commissioner Everett, yes. Commissioner Lockhart, yes. Commissioner Eyre, yes. Commissioner Kunze, yes.

Motion passed unanimously.

4. City Business

The next Planning Commission meeting will be a work session held on February 6, 2025.

5. Adjournment

With no further business to come before the Planning Commission at this time, Commissioner Kunze moved to adjourn the meeting. Commissioner Lockhart seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 9:20 p.m.

Approved: February 27, 2025

Attest:

Gregory Jackson, Commission Chair

Kate Morgan, Deputy City Recorder