Lehi Appeal Authority Meeting
Agenda
December 3, 2024

2:00 PM - 153 N. 100 E., Lehi, Utah 84043

1. Regular Agenda

    1.1. Consideration of an appeal from a Planning Commission decision on September 12, 2024 of a conditional use approval of pylon signs with electronic message displays for EV Auto located at 1060 West State Street
    Petitioner: Alex Lawrence
    09.12.24 PC Minutes.pdf
    EV Auto Appeal Application (personal information redacted).pdf
    Appeal Report- EV Auto Pylon Sign Conditional Use.pdf
    Planning Commission Appeal.pdf
    EV Auto-7x14 light study.pdf

2. Adjournment

- Public is invited to attend all Appeal Authority Meetings
- In compliance with the Americans with Disabilities Act, persons in need of special accommodations should contact the City Recorder at 385-201-2269
- This agenda has been properly posted and a copy provided to the local news media.

Agenda Item No: 1.1

Appeal Authority Agenda Item Report

Meeting Date: December 3, 2024
Submitted By: Kate Morgan
Submitting Department:
Item Type: Action Item
Agenda Section: Regular Agenda

Subject:
Consideration of an appeal from a Planning Commission decision on September 12, 2024 of a conditional use approval of pylon signs with electronic message displays for EV Auto located at 1060 West State Street
Petitioner: Alex Lawrence

Suggested Action:

Attachments:

09.12.24 PC Minutes.pdf

EV Auto Appeal Application (personal information redacted).pdf

Appeal Report- EV Auto Pylon Sign Conditional Use.pdf

Planning Commission Appeal.pdf

EV Auto-7x14 light study.pdf

153 North 100 East
Lehi, UT 84043
(801) 768-7100

Minutes of the **Regular Session** of the **Planning Commission Meeting** held Thursday, **September 12, 2024,** in the **Lehi City Hall** located at **153 North 100 East**.

Members Present: Gregory Jackson, Commission Chair
Brent Everett, Commission Vice Chair
Tyson Eyre, Commissioner
Nicole Kunze, Commissioner
Beau Jones, Commissioner Alternate

Excused: Emily Lockhart, Commissioner
Ken Roberts, Commissioner Alternate

Others Present: Kim Struthers, City Planning Director; Katie Bussell, Planner; Gary Ellis, City Engineer; Craig Chambers, Assistant City Attorney; Sherrie Benson, Deputy Recorder.

The video recording of this meeting can be accessed by clicking HERE. The links to each agenda item will be indexed below the video.

Regular Session, 7:00 p.m.

1. Call to Order

Commission Chair Jackson welcomed everyone to the meeting and excused Commissioner Lockhart.

2. Consent Agenda

2.1) Approval of minutes from the February 1, 2024 meeting.
2.2) Approval of minutes from the May 2, 2024 meeting.
2.3) Approval of minutes from the May 23, 2024 meeting.
2.4) Approval of minutes from the June 6, 2024 meeting.
2.5) Approval of minutes from the August 8, 2024 meeting.

Motion: Commissioner Eyre moved to approve all meeting minutes on the consent agenda. Commissioner Everett seconded the motion.

Vote: Commissioner Jackson, yes; Commissioner Everett, yes; Commissioner Eyre, yes; Commissioner Kunze, yes; Commissioner Jones, yes. The motion passed unanimously.

3. Regular Agenda

3.1) Public hearing and consideration of Lee Adamson's request for approval of a conditional use for the Adamson Flag Lot located at 1251 East 900 North.
Katie Bussell presented information on the agenda item. The flag lot is being proposed with conditional use. DRC has one comment to indicate plans for the existing building.

Lee Adamson, the applicant, was present and stated that he had completed the building labeling plans. One house will remain, and Mr. Adamson intends to construct an additional building at the rear of the property.

Commission Chair Jackson opened and closed the public hearing.

Motion: Commissioner Everett moved to approve **Lee Adamson's request for approval of a conditional use for the Adamson Flag Lot located at 1251 East 900 North;** including all DRC comments and findings stated in the report, noting the item complies with the use. Commissioner Jones seconded the motion.

Vote: Commissioner Jackson, yes; Commissioner Everett, yes; Commissioner Eyre, yes; Commissioner Kunze, yes; Commissioner Jones, yes. The motion passed unanimously.

3.2) Public hearing and recommendation of Brad Tronson's request for review of the Tronson General Plan Amendment on 0.66 acres located at 635 West State Street, changing the designation from Commercial to Heavy Commercial.
Katie Bussell presented information on the agenda item. General Plan Amendment will be consistent of properties. DRC has one comment, which does not recommend commercial designation on this property.

Commissioner Eyre asked when General Plan Amendments can be submitted. Commissioner Kunze asked if this was already being used as commercial, which it is.

The applicant, Brad Tronson, was present. There is no light or heavy commercial designation. He would like to build a building for commercial use with interior office warehouse. He would like to build something like Dennis Schoonover's establishment.

Commission Chair Jackson opened the public hearing.

Teresa Gonzalez, who is adjacent to the property, expressed her opposition to the GPA zone change. She stated that it went against the adopted general plan, was adjacent to residential areas, and would impact planned residential developments. She mentioned that the barrier and buffer zone should have been addressed years ago but had not yet been resolved, despite previous commitments. Ms. Gonzalez requested that the property remain designated as light industrial and based on the recommendations of the planning committee and the general plan goals and

policies, urged that the item not be approved for a designation change. While she acknowledged the potential for noise, she did not feel the area was appropriate for the new designation.

Katie read one online comment which was also left by Teresa Gonzalez.

Commission Chair Jackson closed the public hearing.

Brad Tronson mentioned that two nearby residents had spoken to him, and neither had an issue with the construction of a building and the enclosure of materials. However, he noted that the building they plan to construct does not meet the light industrial designation. He also stated that there will be multiple tenants.

Commissioner Jones asked Katie to clarify the definitions of heavy commercial, commercial, and light commercial use. Commissioner Jones expressed concerns that the proposed development might not meet the criteria for conforming with the neighboring areas.

The Commissioners inquired whether the property currently meets the buffering requirements. Katie Bussell noted that if the requirements were approved, they would be reviewed during the site plan process. The commissioners questioned why the property had previously been approved as an island. Kim Struthers explained that it originally matched the surrounding properties. While the site plan had been approved for a previous applicant, the property was never developed as planned.

Commissioner Eyre expressed concern that approving this could set a precedent for further exceptions, especially since it does not comply with the current code.

Commissioner Jackson agreed with Commissioners Eyre and Jones. He sympathized with the applicant, noting that the property is a prime piece of real estate.

> **Motion:** Commissioner Jones moved to recommend denial of **Brad Tronson's request for review of the Tronson General Plan Amendment on 0.66 acres located at 635 West State Street, changing the designation from Commercial to Heavy Commercial;** including all DRC comments, noting the development did not meet the findings listed in the report. Commissioner Everett seconded the motion.
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> **Vote:** Commissioner Jackson, yes; Commissioner Everett, yes; Commissioner Eyre, yes; Commissioner Kunze, yes; Commissioner Jones, yes. The motion passed unanimously.

3.3) Consideration of Texas Instruments request for approval of the LFAB 2 Site Plan including exceptions to the design standards located at 4000 North Flash Drive.
Katie Bussell presented information on the agenda item, noting that the DRC had made four redline comments. Kim Struthers stated that if the exceptions were not approved, the applicant would need to revise their site plan for future approval.

Commissioner Everett inquired about the traffic calming survey and whether it was discretionary, based on a recommendation from the City Traffic Engineer.

Commissioner Kunze asked if the proposal was intended to match the existing building. She commented that it seemed like a lot of exceptions were being requested but noted that the proposal matched what was already in place. Kim agreed with her assessment.

Commissioner Eyre asked about the landscaping and whether an appropriate amount was planned for planting. Kim confirmed that the plan still met the code requirements and that it included native trees and bushes.

Commissioner Everett asked about the reduction in bike parking, indicating that it did not seem like an unreasonable request. TI had provided numbers for current pedestrians who were riding bikes and using the parking. Everett also noted that the utility screening appeared to include the planting of trees and a berm and asked if this required an exception. Kim stated that the situation was unusual but that it still met the level of development required.

The applicant, Barry Mccoin from Page Supplement Architectural firm, acknowledged that there were numerous exceptions but stated that they had reviewed the green space and buffering. He noted that they had tried to address all concerns within reason. He explained that the building is large, with varying elevations and facades that are stepped back, while maintaining the required height. The utility boxes, which carry massive voltage, are located behind the building, serving as a natural buffer. The building also functions as a sound barrier, with some of the dock operations positioned on the east side to minimize disruption to nearby residential areas.

Barry mentioned that the glass designation was not feasible for the building's intended use. However, they were following the LEED requirements for bike parking, though the current facility's bike parking is not heavily used. He clarified that the setback had been modified to avoid the need for an additional request, and they were not encroaching on the setback as the zoning lot line had been adjusted. He explained that the building could not be more than 50 feet away, but without the exception, they would not be able to connect to the existing building.

Regarding landscaping, Barry stated that they proposed planting 1,200 trees, though they would prefer to plant fewer. Kim Struthers noted that the code would require approximately 2,200 trees. Commissioner Everett remarked that even 1,200 trees seemed excessive, especially since the project was connected to an existing property. The applicant added that much of the property would remain in its native state. After hearing the rationale behind the exceptions, the Commissioners agreed that the applicant was making a good faith effort to meet and address the code requirements.

Commissioner Eyre reviewed the possible findings on the item, and finding number two allows the exceptions. Kim Stated all the exceptions are acceptable and can be allowed.

Commission Chair asked for further discussion.

> **Motion:** Commissioner Kunze moved to approve **Texas Instruments request for approval of the LFAB 2 Site Plan including exceptions to the design standards located at 4000 North Flash Drive;** including all DRC comments and findings stated in the report, also noting the exceptions for the design standard. Commissioner Eyre seconded the motion.

Vote: Commissioner Jackson, yes; Commissioner Everett, yes; Commissioner Eyre, yes; Commissioner Kunze, yes; Commissioner Jones, yes. The motion passed unanimously.

3.4) Public hearing and consideration of Compass Billboards? request for conditional use approval of pylon signs with electronic message displays for EV Auto located at 1060 West State Street.

Katie Bussell presented information on the agenda item. There were 8 redline DRC comments.

Commissioner Everett asked for clarification on the total sign height.

The applicant, Braxton Shank from Compass Billboard, was present. He stated that they were comfortable with a 40-foot height due to the freeway's grade. Commissioner Everett inquired about the electronic features of the sign, and the applicant explained that it was a standard sign with automatic dimming to reduce light pollution. When asked by Commissioner Everett if the sign could be turned off during non-operating hours, the applicant responded that the sign's location made it barely visible. Commissioner Eyre asked whether charging services would be offered, as that could affect the hours of operation. He also mentioned that the hours of operation could influence the conditional use. Commissioner Kunze raised concerns about light pollution affecting nearby residents, but the applicant clarified that there were no homes currently on the property. Kim Struthers noted that the site plan included charging stations, although they were likely intended for inventory purposes. The applicant then inquired whether operational hours were addressed in the code, and the commissioners clarified that they could impose regulations if light pollution became an issue.

Commission Chair Jackson opened the public hearing.

Adam Olsen expressed concern about the automated sign, fearing it would impact his residence. While he had no objection to the sign being installed, he was worried about potential light pollution, particularly from flashing and animated elements, noting that an existing sign already affected their homes.

Commission Chair Jackson then closed the public hearing.

Commissioner Everett suggested that a reasonable condition might be to reduce the sign's operating hours to mitigate the impact on residents. Commissioner Eyre agreed with the idea of turning off the sign but questioned whether it was reasonable to impose such a condition. Commission Chair Jackson pointed out that the Ken Garff sign, though taller, was located farther away.

Mr. Shank acknowledged the concerns about how signs could affect residences and emphasized that he did not want to be a nuisance to the surrounding community. He asked the commissioners to consider either shielding the sign or setting conditions on hours of operation, noting that another option could be to keep the sign static during non-operating hours.

Commissioner Eyre expressed his personal dislike of signs, viewing them as a blight on communities, but also recognized their value for business advertising. He felt that requiring the

sign to be turned off entirely might be excessive but suggested that offering the option of either shielding or turning off the sign could be left to the developer.

Katie Bussell clarified that the code specified 10:00 p.m. as the cutoff time for operating hours.

> **Motion:** Commissioner Eyre moved to approve **Compass Billboards request for conditional use approval of pylon signs with electronic message displays for EV Auto located at 1060 West State Street;** including all DRC comments and findings stated in the report, noting the exception for the height due to the grade of the freeway. Commissioner Kunze seconded the motion.
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> **Vote:** Commissioner Jackson, yes; Commissioner Everett, yes; Commissioner Eyre, yes; Commissioner Kunze, yes; Commissioner Jones, yes. The motion passed unanimously.

3.5) Public hearing and recommendation of Lehi City's request for review of a Development Code Amendment to Chapter 26, Accessory Uses, revising the required side yard setback for accessory buildings on a corner lot.
Katie Bussel presented information on the agenda item.

Commission Chair Jackson opened the public hearing.

Matt Flake stated he was trying to build a shed on a corner lot and is in support of the amended code.

Commission Chair Jackson closed the public hearing.

> **Motion:** Commissioner Jones moved to recommend approval of **Lehi City's request for review of a Development Code Amendment to Chapter 26, Accessory Uses, revising the required side yard setback for accessory buildings on a corner lot;** including all DRC comments and findings stated in the report. Commissioner Eyre seconded the motion.
>
> **Vote:** Commissioner Jackson, yes; Commissioner Everett, yes; Commissioner Eyre, yes; Commissioner Kunze, yes; Commissioner Jones, yes. The motion passed unanimously.

3.6) Public hearing and recommendation of Lehi City's request for review of Development Code Amendments to Table 05.030B, Nonresidential Uses, and Chapter 39, Definitions, adding data centers.
Katie Bussell presented information to the agenda item.

Commission Chair Jackson opened and closed the public hearing.

Commissioner Everett clarified the data was considered small scale.

> **Motion:** Commissioner Eyre moved to recommend approval of **Lehi City's request for review of Development Code Amendments to Table 05.030B,**

Nonresidential Uses, and Chapter 39, Definitions, adding data centers; including all DRC comments and findings stated in the report. Commissioner Jones seconded the motion.

Vote: Commissioner Jackson, yes; Commissioner Everett, yes; Commissioner Eyre, yes; Commissioner Kunze, yes; Commissioner Jones, yes. The motion passed unanimously.

3.7) Public hearing and recommendation of Lehi City's request for review of a Development Code Amendment to Table 05.040A, revising the allowed side yard setback on corner lots from 20 to 15 for remodels. Katie Bussell presented information on the agenda item, explaining that the amendment was necessary due to an oversight.

Commissioner Everett asked for clarification regarding setbacks for new builds and remodels. He noted that a few years ago, the planning department updated the code, but there had been an oversight, and they now wanted to ensure consistency. The original intent was to provide homeowners, who met the setbacks when they initially built their homes, with some flexibility or incentive when remodeling.

Commission Chair Jackson opened the public hearing.

Ben Olsen spoke in support of the amendment, expressing his desire to add on to his home. He felt this amendment provided a great opportunity to remain in the neighborhood they love while also gaining additional square footage.

Commission Chair Jackson then closed the public hearing.

Kim Struthers clarified that this amendment pertained to the side yard setbacks on corner lots.

Motion: Commissioner Kunze moved to recommend approval of **Lehi City's request for review of a Development Code Amendment to Table 05.040A, revising the allowed side yard setback on corner lots from 20 to 15 for remodels;** including all DRC comments and findings stated in the report. Commissioner Eyre seconded the motion.

Vote: Commissioner Jackson, yes; Commissioner Everett, yes; Commissioner Eyre, yes; Commissioner Kunze, yes; Commissioner Jones, yes. The motion passed unanimously.

3.8) Public hearing and recommendation of Lehi City's request for review of a Development Code Amendment to Chapters 12-A and 12-B, adding some additional requirements to grading.
Katie Bussell presented information on the agenda item.

Katie pulled up the map to show some of the occurrences. Commission Chair Jackson asked for clarification on misdemeanor charges and the associated penalties. Craig explained that the code enforcement team worked with residents who had encroached on City property. He outlined the justification for keeping these violations as misdemeanors, noting that it was not feasible for

every code enforcement violation to address all issues. The cases that were brought to prosecution typically involved ongoing problems. Katie added that most complaints were initially sent to the planning staff, who would issue a letter asking the resident to contact the City for compliance. If the resident failed to comply, the case would then be forwarded to prosecution.

Commission Chair Jackson opened the public hearing.

Brandon Rudolph spoke about the seriousness of each misdemeanor, noting that most cases were sent to prosecution and resolved there. He confirmed that his experiences aligned with what Craig had stated.

Commission Chair Jackson then closed the public hearing.

Commissioner Everett emphasized the seriousness of residents developing on City property. Commissioner Eyre asked for clarification regarding the Jordan River Trail. Kim explained that the trail was on Utah County property, so the county would need to take a position on the matter. The Commission Chair inquired about the possibility of charging daily misdemeanors. Craig and the Commission discussed the process of notifying the tenant and allowing them a grace period to respond or contact the City. Commissioner Everett pointed out that while there was discretion in enforcement, compliance often could not be achieved without penalties.

> **Motion:** Commissioner Jones moved to recommend approval of **Lehi City's request for review of a Development Code Amendment to Chapters 12-A and 12-B,** including all DRC comments, with the findings stated in the report. Noting a grace period of 30 days of notice before a misdemeanor Class B charge can be brought to prosecution. Commissioner Everett seconded the motion.
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> **Vote:** Commissioner Jackson, yes; Commissioner Everett, yes; Commissioner Eyre, yes; Commissioner Kunze, yes; Commissioner Jones, yes. The motion passed unanimously.

3.9) Public hearing and recommendation of Lehi City's request for review of a Development Code Amendment to Chapter 20, Home Occupations, adding provisions for micro schools.

Katie Bussell presented information on the agenda item.

Commission Chair Jackson opened and closed the public hearing.

Criag Chambers clarified we can't trump state code unless the state allows.

> **Motion:** Commission Eyre moved to approve **Lehi City's request for review of a Development Code Amendment to Chapter 20, Home Occupations, adding provisions for micro schools;** including all DRC comments and findings stated in the report. Commissioner Everett seconded the motion.

Vote: Commissioner Jackson, yes; Commissioner Everett, yes; Commissioner Eyre, yes; Commissioner Kunze, yes; Commissioner Jones, yes. The motion passed unanimously.

4. City Business

Family Park is now open as of Saturday, September 14, 2024.

During the Planning Commission meeting prep, the focus was on ensuring that the packets were sent out in a timely manner and addressing any critical feedback from the Commissioners. The Commissioners were encouraged to visit each site before the meeting, if possible.

5. Adjournment

With no further business to come before the Planning Commission at this time, Commissioner Kunze moved to adjourn the meeting. Commissioner Everett seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 9:30 p.m.

Approved: October 10, 2024

Attest:

_____
Gregory Jackson, Commission Chair

_____
Sherrie Benson, Deputy Recorder

LEHI CITY

APPLICATION FOR APPEAL

Appealing a decision from the Zoning Administrator, Development Review Committee, or Planning Commission

For Office Use Only

Date Received:_____ Hearing Date: _____

Fee: $0

Name Alex Lawrence Authorized Agent (if applicable) n/a

Phone # [redacted] Fax # (___) n/a Cell # [redacted]

Email: alex@evauto.com

Mailing Address [redacted]

Address of Proposed Appeal: 1100 west State Street

Zoning District _____

TYPE OF APPEAL

Please ***put a check by the provision under which you are making this request.***

☐ Appeal from final an administrative decision of the Zoning Administrator applying the provisions of the Lehi City Development Code;

☐ Appeal from final an administrative decision of the Development Review Committee applying the provisions of the Lehi City Development Code;

☑ Appeal from a Planning Commission decision;

APPLICATION REQUIREMENTS

All appeals must be filed with the appellate body within thirty (30) days of the date of the decision.

Provide a written narrative specifying the nature of the appeal.

Provide supporting documentation, maps, pictures, studies or any other information that would allow the appellate body to make a well-informed decision (optional).

APPLICANT(S)/OWNERS(S) CERTIFICATION

I declare that the information set forth herein (or attached) is true and correct to the be3st of my knowledge and belief.

Applicant's Signature _____ Date 10/31/24

EV AUTO PYLON SIGN CONDITIONAL USE APPROVAL
APPEAL REPORT

Applicant	Alex Lawrence- EV Auto		
Meeting Date			
Requested Action/Purpose	Appeal from a Planning Commission Decision		
Location	1060 W State Street		
Existing Zoning	C-H (Heavy Commercial)		
General Plan Land Use Designation	C-H		
Adjacent Zoning and Land Use	*North*	C-H	I-15
	South	R-1-8	Single family residential
	East	MU	I-15/Huerta Subdivision
	West	C	Park n Ride Lot
Date of DRC Review	N/A		
Assigned Planner	Jacob Curtis		

APPLICABLE DEVELOPMENT CODE REGULATIONS

Section 25.020. Standards.
The Hearing Examiner shall not approve a variance unless it shall make findings based upon the evidence presented in each specific case and with a finding that all of the following provisions apply:

A. Literal enforcement of the zoning district provisions of this Code would cause an unreasonable hardship for the applicant not necessary to carry out the general purpose of the zoning district or this Code. The Hearing Examiner shall not render a finding of unreasonable hardship unless the applicant has demonstrated that the hardship is located on or associated with the property for which the variance is sought, and is peculiar to the property rather than conditions general to the neighborhood. No finding of unreasonable hardship shall be made if the alleged hardship is self-imposed or solely economic.

B. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district. No finding of special circumstances shall be made unless they relate to the hardship complained of and deprive the property of privileges available to other properties in the same zoning district.

C. The variance is essential to the enjoyment of a substantial property right possessed by other property in the district.

D. The granting of the variance will not substantially affect the goals, objectives, policies or standards of the General Plan and will not be contrary to the public interest.

E. The spirit of the requirements and provisions of this Code will be observed and substantial justice done.

Section 12.110 Outdoor Lighting Standards
C. General Regulations. All new and replacement outdoor lighting shall be installed in conformance with the provisions of this ordinance, applicable building and development codes, and other City regulations. Where conflicting provisions occur, the more restrictive shall govern

4. Light curfew. All outdoor lighting shall be turned off by 10:00 pm or within one hour after the close of business, whichever is later, except for the following:
(a) Residential uses;
(b) Lighting to illuminate the entrance of the building;
(c) Safety lighting of parking lots and pedestrian areas;
(d) Lighting necessary for after-hours businesses; and
(e) All lighting exempt by Section 12.110 (D) of this code.

Section 23.090. Regulations for Permanent Signs. (Amended 03/31/20)

C. Electronic Display Signs.

6. Each EDS shall be equipped with a sensor or other device that automatically determines the ambient illumination and which is programmed to automatically dim according to ambient light conditions.

7. Each EDS shall have a default mechanism to turn off the sign within 24 hours of a reported malfunction.

8. Illumination levels shall not, at maximum display intensity, exceed 0.3 foot candles over ambient lighting conditions when measured at the distance set forth in Table 23.090.C. Light cutoff devices shall minimize light above the EDS.

Section 23.150. Design.

F. Illumination.

1. Externally illuminated signs and back-lit or front-lit channel letters usually produce less glare and garishness than internally illuminated sign cabinets with acrylic sign faces. Therefore, externally illuminated signs with incandescent light are encouraged and internally illuminated signs are discouraged. Where internally Illuminated signs are used, care shall be taken that the light emitted by the sign face does not produce glare and garishness.

2. All sign illumination and lighting shall be directed downward or away from the sky to the greatest extent possible. External lights shall be shielded so that all of the direct light falls entirely on the sign and that the lights are mounted above the sign and aimed down.

3. Lighting for signs adjacent to residential uses or zones shall be carefully directed so that the light is not obtrusive or a nuisance to adjacent residential properties.

APPLICATION HISTORY

August 22, 2024 The EV Auto Site Plan was approved by the Planning Commission.

September 12, 2024 The EV Auto Pylon Sign Conditional Use was approved by the Planning Commission with conditions. The minutes from that meeting are as follows:

3.4) Public hearing and consideration of Compass Billboards? request for conditional use approval of pylon signs with electronic message displays for EV Auto located at 1060 West State Street.
Katie Bussell presented information on the agenda item. There were 8 redline DRC comments.

Commissioner Everett asked for clarification on the total sign height.

The applicant, Braxton Shank from Compass Billboard, was present. He stated that they were comfortable with a 40-foot height due to the freeway's grade. Commissioner Everett inquired about the electronic features of the sign, and the applicant explained that it was a standard sign with automatic dimming to reduce light pollution. When asked by Commissioner Everett if the sign could be turned off during non-operating hours, the applicant responded that the sign's location made it barely visible. Commissioner Eyre asked whether charging services would be offered, as that could affect the hours of operation. He also mentioned that the hours of operation could influence the conditional use. Commissioner Kunze raised concerns about light pollution affecting nearby residents, but the applicant clarified that there were no homes currently on the property. Kim Struthers noted that the site plan included charging stations, although they were likely intended for inventory purposes. The applicant then inquired whether operational hours were addressed in the code, and the commissioners clarified that they could impose regulations if light pollution became an issue.

Commission Chair Jackson opened the public hearing.

Adam Olsen expressed concern about the automated sign, fearing it would impact his residence. While he had no objection to the sign being installed, he was worried about potential light pollution, particularly from flashing and

animated elements, noting that an existing sign already affected their homes.

Commission Chair Jackson then closed the public hearing.

Commissioner Everett suggested that a reasonable condition might be to reduce the sign's operating hours to mitigate the impact on residents. Commissioner Eyre agreed with the idea of turning off the sign but questioned whether it was reasonable to impose such a condition. Commission Chair Jackson pointed out that the Ken Garff sign, though taller, was located farther away.

Mr. Shank acknowledged the concerns about how signs could affect residences and emphasized that he did not want to be a nuisance to the surrounding community. He asked the commissioners to consider either shielding the sign or setting conditions on hours of operation, noting that another option could be to keep the sign static during non-operating hours.

Commissioner Eyre expressed his personal dislike of signs, viewing them as a blight on communities, but also recognized their value for business advertising. He felt that requiring the sign to be turned off entirely might be excessive but suggested that offering the option of either shielding or turning off the sign could be left to the developer.

Katie Bussell clarified that the code specified 10:00 p.m. as the cutoff time for operating hours.

Motion: Commissioner Eyre moved to approve **Compass Billboards request for conditional use approval of pylon signs with electronic message displays for EV Auto located at 1060 West State Street;** including all DRC comments and findings stated in the report, noting the exception for the height due to the grade of the freeway. Commissioner Kunze seconded the motion.

Vote: Commissioner Jackson, yes; Commissioner Everett, yes; Commissioner Eyre, yes; Commissioner Kunze, yes; Commissioner Jones, yes. The motion passed unanimously.

REPORT ANALYSIS

The applicant requests an appeal to the Planning Commission decision made at the September 12, 2024 meeting regarding the imposition of restrictions on the signage's operating hours. The pylon sign was approved and included an exception to allow for an increase in height, but a condition was placed to restrict the hours of operation so the sign would be shut off from 10 pm to 6 am.

The applicant's narrative details several of their concerns from the Planning Commission meeting and is included in the packet.

October 31, 2024

Lehi City
3rd Party Hearing Examiner
Sent Via Email

Re: Appeal of Sign Operating Hours at EV Auto

To Whom It May Concern:

I am writing to appeal a decision by the Planning Commission regarding the operating hours of our proposed sign at EV Auto. A few things to note:

1 – The obscure passage from a section of the code written in 1996, nearly 30 years ago, was brought up by a resident that objected to the new sign. The Planning Commission was completely unaware this old, outdated, and unenforced item existed. See attached. The code says, "all outdoor lighting shall be turned off by 10pm." There are signs all up and down I-15 and neighboring roads (including much larger signs) that have been approved for years. There are many current signs under various stages of construction and approval that violate this unknowingly as well.

2 – One of the Planning Commission members stated that signs are a "blight" on the city and wanted to "outlaw all of them". Our location is zoned for a business and is immediately next to I-15. The whole purpose of the location is visibility of the sign from the freeway. The Planning Commission members personal bias against signs should not have played a role here.

3 – We paid for an independent third party to perform a "light pollution" study. See attached. The proposed sign and location will create no additional light that will be seen from the resident and their neighborhood. While they don't like that we are opening a business on this location, it is zoned for this exact type of business. Again, our sign will not create new light. Unless you want to turn off the streetlights, car headlights, the freeway lights, parking lot lights and so on, asking us to turn off the sign from 10pm to 6am will make NO difference to the area. It only hurts our business, which the location is zoned to accommodate.

4 - The code needs to be updated to accommodate your many previous sign approvals, near term considerations and future uses like ours. Our request in the interim is to have the operating hours imposed by the Planning Commission be removed and provide conditional use of the sign at all hours since it will have no impact whatsoever on anyone with additional light.

We look forward to speaking with you further about this matter.

10/24/2024

LIGHTING STUDY

Watchfire Signs has been manufacturing outdoor electric signs since 1932 and LED signs since 1996. Currently, we have more than 60,000 LED signs in operation worldwide.

History of Optical Measurements and Calculations

Outdoor signs using incandescent light bulbs commonly measured illuminance using meters that report brightness in foot-candles. This unit is the standard measurement partly because a light bulb is a source of light that illuminates equally in all directions. LED signs are measured with the same meter even though its light does not illuminate equally in all directions. LED signs are designed to be highly directional, which is an advantage. LEDs allow light to be directed toward an intended audience, rather than dispersed in a wider arc out from the face of the sign.

In the LED industry luminance, or the intensity of visible light, is measured by nits, where one candela per square meter is equal to one nit. However, luminance meters are expensive, difficult to use in the field, and are not ideal for lighting studies commonly used for meeting local permitting requirements. As a result, LED signs are often evaluated using foot-candle measurements.

A foot-candle is the amount of light produced by a single candle when measured from one foot away. For reference, a 100-watt light bulb produces 137 foot-candles from 1 foot away, .0548 foot-candles from 50 feet away, and .0137 foot-candles from 100 feet away.

Watchfire Signs is Compliant with National Lighting Requirements

Watchfire Signs has adopted brightness standards endorsed by both the International Sign Association (ISA) and Outdoor Advertising Association of America (OAAA). Watchfire Signs' products meet the requirements set forth by both associations of no more than 0.3 foot-candles above existing ambient light levels. Total foot-candles are dependent on size and distance and can be adjusted as needed.

Automatic Brightness Adjustment: All Watchfire signs automatically adjust brightness levels using either a 100-step hardware photocell, or what is referred to as a software photocell (hardware photocells are optional on OP Signs). Using the software photocell, the sign will automatically adjust brightness based on the longitude and latitude location of the sign. The sign is appropriately dimmed or brightened based around daily sunrise and sunset. A hardware photocell will automatically adjust a sign's brightness relative to changes in ambient light levels. For both options, a sign operator can manually decrease the brightness from standard settings, but for safety reasons and in conformance to industry codes, Watchfire cannot allow signs to operate brighter than standard settings.

Equipment used by Watchfire Signs to Measure Luminance

Foot-candles/Lux - Minolta Illuminance Meter T-10
Nits/candela/sq. m – Minolta Luminance Meter LS-100
Sign Calibration – Minolta CS-1000 Spectra radiometer

The proceeding study uses actual lab measurements made on modules using an illuminance meter. These measurements and extrapolations were then scaled up to the size of the sign and distance corrections were made using the inverse square law.

SIGN LIGHTING STUDY

Sign Details

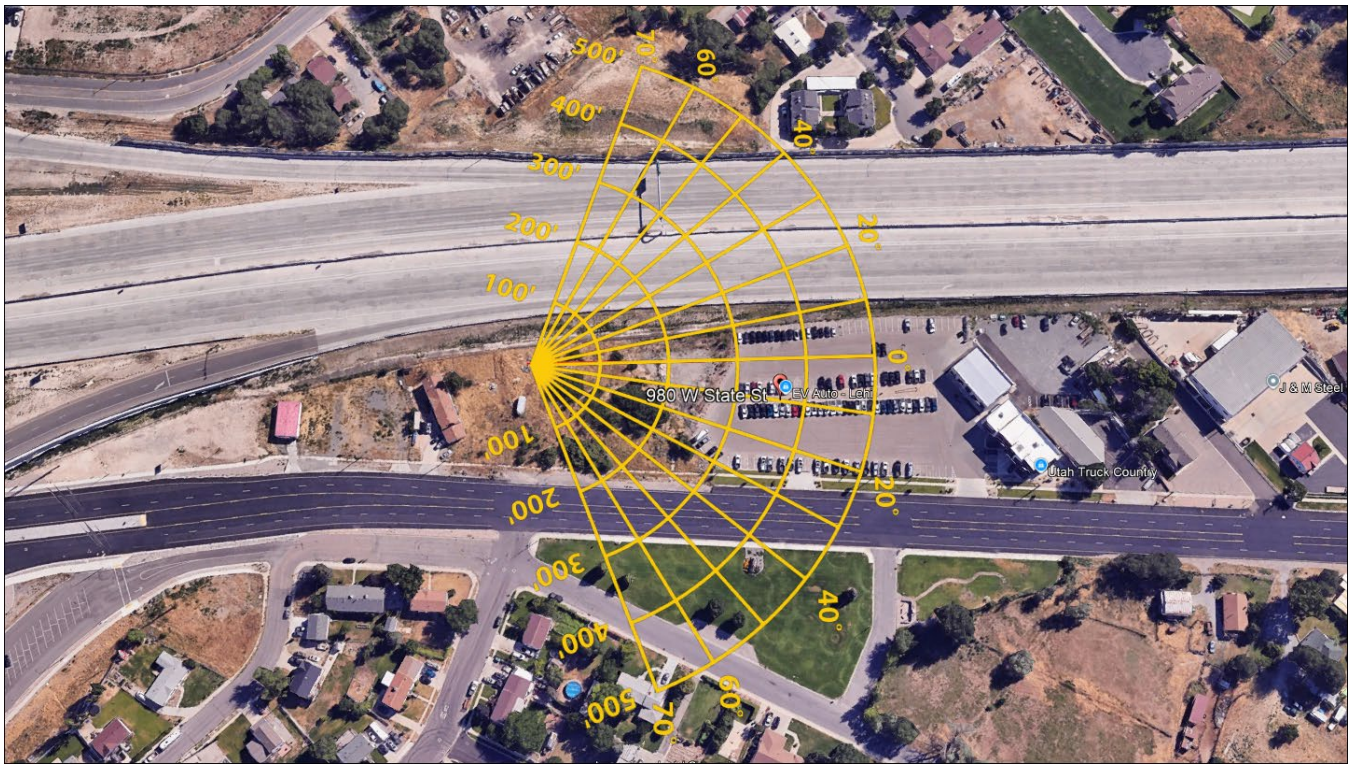
Size: 7’ x 14’

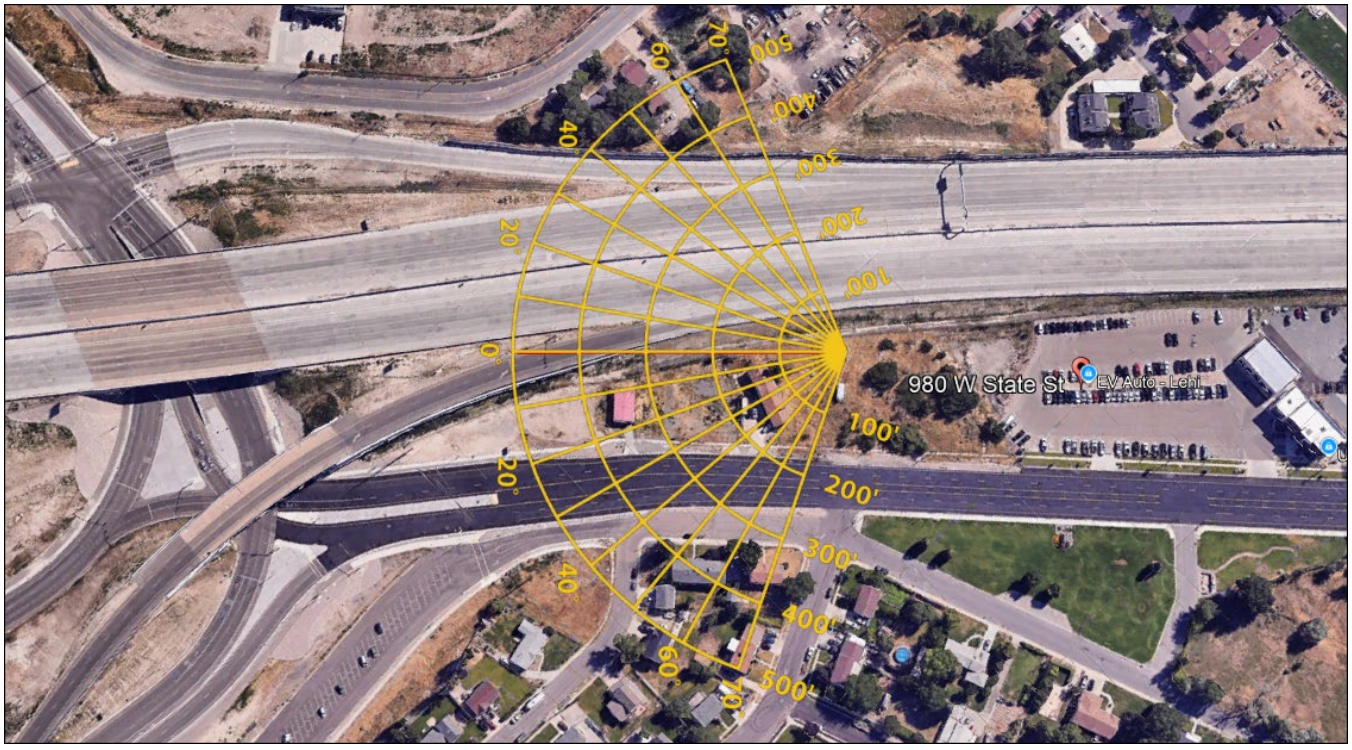
Location: *EV Auto, 980 W. State Street, Lehi, UT*

The table below represents a LED sign, demonstrating the increase in illuminance from the sign during normal night operation. The values are within the standards of both the ISA and OAAA and indicate that the ambient light broadcast into the surrounding area has minimal effect.

Foot-candles at night under normal operation					
	Horizontal Viewing Angle				
Viewing Distance (ft)	**0°**	**20°**	**40°**	**60°**	**70°**
100	0.25	0.24	0.21	0.14	0.09
200	0.06	0.06	0.05	0.04	0.02
300	0.03	0.03	0.02	0.02	0.01
400	0.02	0.01	0.01	0.01	0.01
500	0.01	0.01	0.01	0.01	0.00

Example Broadcast of Light at Distances and Angles





Conclusion

Given the above comparisons and measurements, the area will see an almost undetectable difference in ambient light after installation of the digital LED Sign.

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