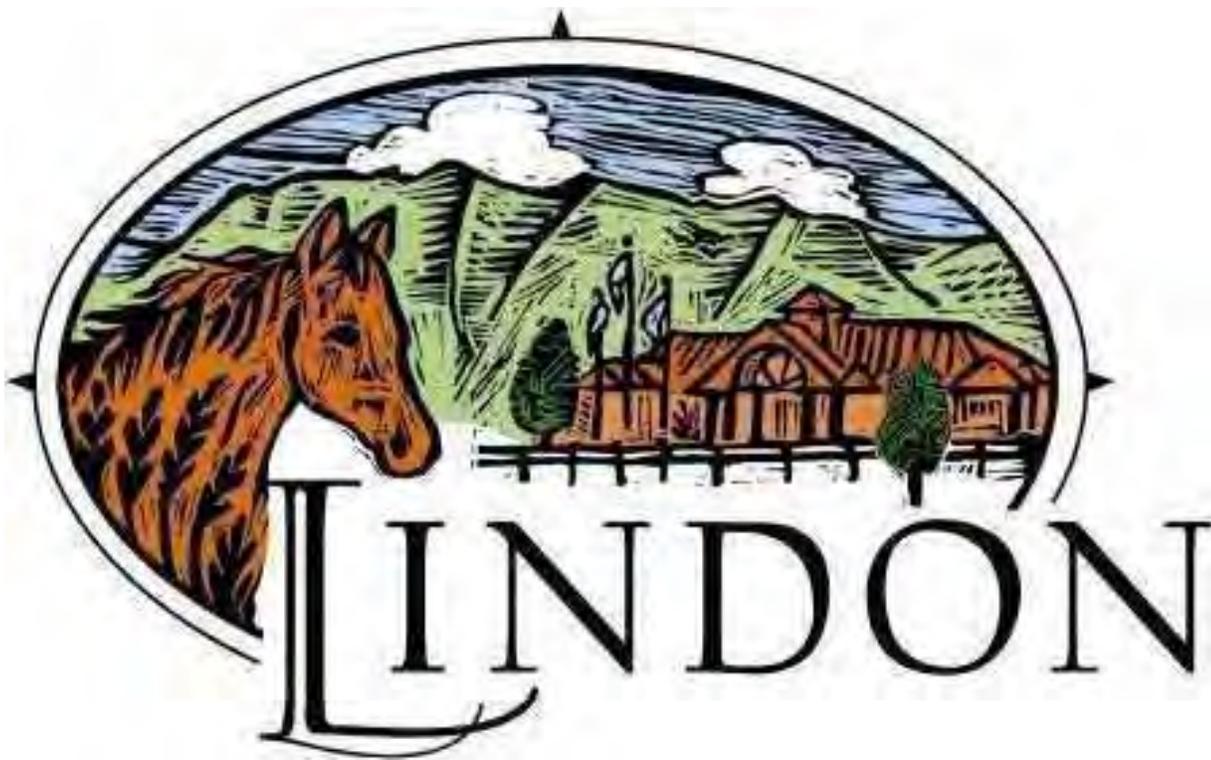


Lindon City Planning Commission Staff Report



December 10, 2019

Notice of Meeting

Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on Tuesday, December 10, 2019, in the Council Room of Lindon City Hall, 100 North State Street, Lindon, Utah. The meeting will begin at 7:00 p.m. This meeting may be held electronically to allow a commissioner to participate by video or teleconference. The agenda will consist of the following items:

Agenda

Invocation: By Invitation

Pledge of Allegiance: By Invitation



Scan or click here for link to download agenda & staff report materials.

1. Call to Order
2. Approval of minutes
Planning Commission 11/26/2019
3. Public Comment
4. Conditional Use Permit approval for MD Automotive – 1274 W. 300 S.
Mike Davis on behalf of MD Automotive is requesting conditional use permit approval to operate an auto repair business. (15 minutes)
5. Conditional Use Permit approval for JSR Inc. – 106 S. 300 E.
Jeremy and Kara Stone are requesting conditional use permit approval to operate a snake raising and breeding business as a home occupation. (15 Minutes)
- 6 - New Business from Commissioners
7. Planning Director Report
- General City updates

Adjourn

Staff Reports and application materials for the agenda items above are available for review at the Lindon City Planning Department, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items our Staff may be contacted directly at (801) 785-7687. City Codes and ordinances are available on the City web site found at www.lindoncity.org. The City of Lindon, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for City-sponsored public meetings, services programs or events should call Kathy Moosman at 785-5043, giving at least 24 hours notice.

The above notice/agenda was posted in three public places within Lindon City limits and on the State <http://www.utah.gov/pmn/index.html> and City www.lindoncity.org websites.

**The duration of each agenda item is approximate only*

Posted By: Kathryn Moosman, City Recorder

Date: 12/06/2019

Time: 5:00 pm

Place: Lindon City Center, Lindon Police Station, Lindon Community Center

Notice of Meeting
Lindon City Planning Commission



Item 1 – Call to Order

Sharon Call
Mike Marchbanks
Rob Kallas
Steve Johnson
Scott Thompson
Jared Schauers
Renee Tribe

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
4 **November 26, 2019 beginning at 7:00 p.m.** at the Lindon City Center, City Council
Chambers, 100 North State Street, Lindon, Utah.

6 **REGULAR SESSION – 7:00 P.M.**

8 Conducting: Sharon Call, Chairperson
Invocation: Mike Marchbanks, Commissioner
10 Pledge of Allegiance: Jared Schauers, Commissioner

12 <u>PRESENT</u>	<u>EXCUSED</u>
Sharon Call, Chairperson	Scott Thompson, Commissioner
14 Mike Marchbanks, Commissioner	
Rob Kallas, Commissioner	
16 Steven Johnson, Commissioner	
Jared Schauers, Commissioner	
18 Renee Tribe, Commissioner	
Mike Florence, Planning Director	
20 Anders Bake, Associate Planner	
Kathy Moosman, City Recorder	

22 1. **CALL TO ORDER** – The meeting was called to order at 7:00 p.m.

24 2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the
26 Planning Commission meeting of November 12, 2019 were reviewed.

28 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE MINUTES
OF THE REGULAR MEETING OF NOVEMBER 12, 2019 AS PRESENTED.
30 COMMISSIONER JOHNSON SECONDED THE MOTION. ALL PRESENT VOTED
IN FAVOR. THE MOTION CARRIED.

32 3. **PUBLIC COMMENT** – Chairperson Call called for comments from any
34 audience member who wished to address any issue not listed as an agenda item.
There were no public comments.

36 **CURRENT BUSINESS** –

38 4. **Anderson Farms Plat E Major Subdivision Approval and Anderson Farms**
40 **Boulevard road dedication – Ivory Development, LLC.** Request for major
subdivision approval of a 60-lot single family residential subdivision located in
42 the Anderson Farms Planned Development (AFPD) zone. The request also
includes the dedication of the north section of Anderson Boulevard from 500 N.
44 to 700 N. The subdivision and road dedication are part of a master development
agreement with Ivory Development.

2 Mike Florence, Planning Director, led this agenda item by stating Ken Watson is
in attendance representing Ivory Development. He explained that Ivory is seeking Parcel
4 A/Plat E preliminary subdivision approval for a 60-lot single family home development.
Ivory is petitioning for preliminary plat approval to dedicate the remaining portion of
6 Anderson Farms Boulevard from 500 North to 700 North Parcel A and will be the 5th
phase of the Anderson Farms development. He noted in 2016, the City Council signed a
8 Master Development Agreement with Ivory Development that addresses items such as
the total number of units, types of units for each phase, setbacks, park space and
10 development infrastructure.

Mr. Florence further explained the Anderson Farms development has a maximum
12 residential count of 500 single family homes (detached single family and townhomes),
and 380 multi-family units. He pointed out as the planning commission is aware, the city
14 council and Ivory Development have been in discussions regarding amending the master
development agreement which would increase the overall development density in order
16 to dedicate units for affordable housing. If negotiations are approved, then the subject
parcel, Parcel A/Plat E, would be reduced from 60 lots to 49 lots and lot sizes increased.

Mr. Florence indicated staff and Ivory are asking the commission to review Plat E
18 at 60 lots but knowing there may be a change to 49 lots before the council gives
preliminary approval for Parcel A/Plat E; the council will meet next week. He noted the
20 final number of lots will need to be decided before the city council gives preliminary
22 approval. If not, then Ivory could request an amendment to the plat in which typically the
planning commission and city council would need to provide approval.

Mr. Florence then referenced the Lot Size Analysis and the Subdivision
26 Requirements noting all requirements are met except the item where the side lot lines
shall be at right angles to street lines unless approved by planning commission and/or city
28 council because not all lot lines are at right angles. Staff has included approval of this
item in the conditions of approval.

Mr. Florence also noted the Development Agreement Requirements for Parcel
30 A/Plat E are met all but the Pressurized irrigation system, including source, for the
32 Project and a connection to the existing City pressurized irrigation system subject to
Section 9.8 due to the fact that Developer is still working on the pressurized irrigation
34 system. Most if not all of the construction is complete but the system was not functioning
when the city turned off the water for winter. He noted a functioning PI system will be
36 required as part of this phase.

Mr. Florence then presented an Aerial photo, Parcel A/Plat E subdivision plan,
38 Anderson Farms road dedication plat, Anderson Farms development layout and the Road
Cross-section followed by discussion. Chairperson Call made note that his is not a public
40 hearing but stated she would take some public comments at this time.

Diane Adams, resident in attendance, stated she lives in the 55+ subdivision
42 located near the Anderson Farms Development. She expressed her concerns they already
have a lot of traffic issues in the area. There is trouble getting in and out of the
44 subdivision now and it is very dangerous. She asked if there are any plans to fix this issue
as it currently a nightmare. She pointed out there is not a stop sign for the east and west
46 access.

Mr. Florence stated in 2012 the city signed an agreement with UDOT to identify
48 where a future light will go on 1700 West but it may be several years out. Mr. Watson
indicated they have an application in to UDOT to connect on to 700 North to make a left

2 hand turn to have access going west (the plans have been submitted to UDOT and is in
process).

4 Jeff Bancroft stated he also lives in the 55+ subdivision and asked if Ivory will
put up a big nice wall there or leave it the way it is. Mr. Watson stated the vinyl fence
6 will stay but the fencing plans are not confirmed as yet.

8 Following some additional discussion, Chairperson Call pointed out what we are
approving tonight is just the major subdivision as it is up to the City Council to review
and change it if they so choose. Mr. Florence stated this action tonight is for giving
10 preliminary plat approval and road dedication.

12 Chairperson Call called for any further comments or discussion from the
Commission. Hearing none she called for a motion.

14 COMMISSIONER MARCHBANKS MOVED TO RECOMMEND APPROVAL
OF THE APPLICANT’S REQUEST FOR PRELIMINARY APPROVAL OF
16 ANDERSON FARMS SUBDIVISION PLAT E. WITH 60 LOTS AND THE
ANDERSON BOULEVARD ROAD DEDICATION PLAT WITH THE FOLLOWING
18 CONDITIONS: 1. THE APPLICANT WILL CONTINUE TO WORK WITH THE CITY
ENGINEER TO MAKE ALL FINAL CORRECTIONS TO THE ENGINEERING
20 DOCUMENTS AND PLAT; 2. DEVELOPER SUBMITTALS SHALL MEET
REQUIREMENTS FOUND IN THE LINDON CITY LAND DEVELOPMENT
22 POLICIES, STANDARDS SPECIFICATIONS AND DRAWINGS UNLESS
OTHERWISE SPECIFIED IN THE MASTER DEVELOPMENT AGREEMENT; 3.
24 THE APPLICANT WILL COMPLY WITH ALL BONDING REQUIREMENTS; 4.
PLAT E BE APPROVED AT 60 LOTS UNLESS OTHERWISE REDUCED BY THE
26 CITY COUNCIL; 5. SIDE YARD LOT LINE CONFIGURATIONS ARE APPROVED
AS PROPOSED IN PLAT E; 6. DETENTION BASIN #2 THAT SERVICES PARCEL
28 A AND THE ROUNDABOUT WILL BE LANDSCAPED WITH THIS PHASE 7. ALL
ITEMS OF THE STAFF REPORT. COMMISSIONER TRIBE SECONDED THE
30 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

32	CHAIRPERSON CALL	AYE
	COMMISSIONER KALLAS	AYE
	COMMISSIONER MARCHBANKS	AYE
34	COMMISSIONER JOHNSON	AYE
	COMMISSIONER SCHAUERS	AYE
36	COMMISSIONER TRIBE	AYE

38 THE MOTION CARRIED UNANIMOUSLY.

40 **5. New Business: Reports by Commissioners –**

Chairperson Call called for any new business or reports from the Commissioners.

42 Chairperson Call asked about the Miller Family request to amend the height in the
PC1 zone and if the council approved it. Anders Bake stated it was continued by the
44 applicant before it went to council but it may come back at some future time.
Commissioner Kallas asked if the Lindon Nursery proposal will go to the city council
46 next meeting. Mr. Bake confirmed it will go to the council at the next meeting.

48 Chairperson Call invited Councilmember Vanchiere to speak on any issues
regarding the city council. Councilmember Vanchiere stated they are working on the

2 Ivory proposal with a little bit of movement there; two councilmembers have come closer
and one is against; hopefully next meeting it will come to a resolution. He noted we are in
4 pretty good shape regarding moderate income housing and that is a promising thing. For
him it is the housing for first responders, teachers, city employees etc. that he likes.
6 Councilmember Vanchiere also confirmed that Tim Clyde's property was approved by
the council to be zoned commercial. Mr. Bake stated Mr. Clyde's application is still
8 going through the engineering phase.

Commissioner Kallas asked if there has been any movement on the Osmond
10 facility. Mr. Bake stated a company is going to remodel the interior in a few weeks and
staff will see what their plans are. He noted it will re-open as a senior center.

12 Chairperson Call called for any further comments or discussion from the
commission, hearing none she moved on to the next agenda item.

14

6. **Planning Director Report** –

16

- General City Updates

18 Chairperson Call called for any further comments or discussion. Hearing none she
called for a motion to adjourn.

20

ADJOURN –

22

24 COMMISSIONER TRIBE MADE A MOTION TO ADJOURN THE MEETING
AT 7:45 PM. COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

26

Approved – November 26, 2019

28

30

Sharon Call, Chairperson

32

34

Michael Florence, Planning Director

Item 4: Conditional Use Permit – Auto Repair Business Mike Davis/MC Automotive

Date: 12/10/2019
Applicant: Mike Davis
Presenting Staff: Anders Bake

General Plan: Light Industrial
Current Zone: Light Industrial

Property Owner: Farnworth
Concrete Inc.
Address: 1274 W. 300 S.
Parcel ID: 45:269:0015
Lot Size: 0.47 acres

Type of Decision: Administrative
Council Action Required: No



SUMMARY OF KEY ISSUES

To review a conditional use permit for an auto repair business and conditions to mitigate the impacts of a proposed use.

MOTION

I move to (*approve, deny, continue*) **the applicant's request for** a conditional use permit to use a portion of the property located at 1274 W. 300 S. for an auto repair business, with the following conditions:

1. All vehicles must be stored within the building or behind a view-obscuring fence;
2. No automobile parts will be stored outside of the building;
3. Vehicles may only be stored outdoors for longer than 72 hours when waiting on delivery of parts;
4. The applicant will comply with the proposed waste management plan;
5. All items of the staff report.

OVERVIEW

1. Mike Davis requests conditional use permit approval to lease a portion of the building located at 1274 W. 300 S. for an auto repair shop to perform general auto repairs. The proposal requires a conditional use permit in the Light Industrial zone.
2. The proposed business, MC Automotive, will be using the south half an existing building on the property. The north half of the building is currently used by D a M Construction.
3. Notices were mailed on November 27th, 2019 to adjoining property owners in accordance with Lindon City Code Section 17.14.50 Third Party Notice. Staff has received no public comment(s) at this time.

SURROUNDING ZONING AND LAND USE

North: LI – Industrial – storage yard

East: LI – Industrial – future office/warehouse (recently approved by the planning commission)

South: LI – Industrial – office/warehouse

West: LI – Industrial – office/warehouse

DEVELOPMENT STANDARDS

Parking

There are 7 dedicated customer parking **stalls available for Mr. Davis's business** plus space for about 10 vehicles on the west side of the building for vehicles waiting to be repaired. This meets the city code parking requirements for auto repair business.

Landscaping Standards

This site currently meets landscaping standards for the LI zone with 20 feet of landscaping along 300 South that includes trees and a well-maintained lawn.

Building Design and Architectural Standards

The business will use an existing cement block building that is on the site. The applicant does not propose any changes to the existing building at this time.

STAFF ANALYSIS

With the proposed conditions, it is expected that this business will have a minimal impact on surrounding properties and is similar to other uses in the Light Industrial Zone.

EXHIBITS

1. Business Description
2. Aerial photo of the site and surrounding area
3. Street View Photos
4. Site Plan
5. Waste Management Plan

MD Automotive business Description

The Business is auto repair. Jobs will be repairing cars in automotive drivability needs, such as but not limited to transmissions, engines, engine diagnostics, electrical repair, suspension, brakes and tires. Hours of operation will be 8 AM to 6 PM Monday through Saturday. No employees at this time but I anticipate no more than five. There is more than adequate parking for the proposed location where there is a large yard space to the west of the property and ample room within the shop for additional parking. My website is MDAutomotiveRepair.com and my business has been in operation for the past year and has outgrown its current facility. All waste oil and fluids are to be kept in waste tanks until the time to have them removed by appropriate recyclers. I do not expect a great deal of more traffic because my business is not a revolving business such as a restaurant. This is an industrial park and I do not expect there will be any increase in noise due to auto repair operations. There will be no need for water processing as all fluids are to be kept in storage containers until proper time for proper disposal as per state and federal law.

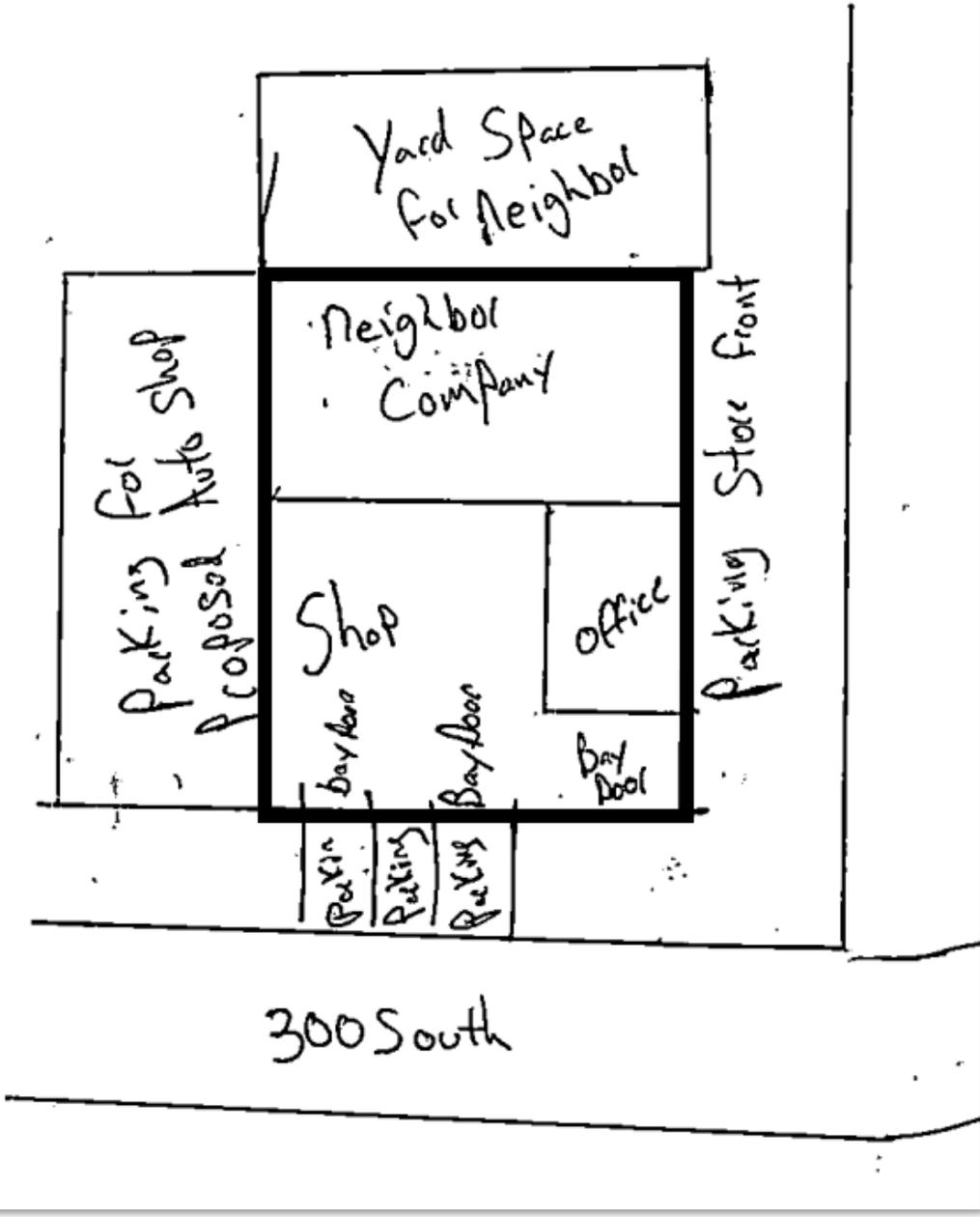
Aerial photo of the site and surrounding area



Street View Photos



Site Plan



MD Automotive liquid waste storage and management plan

MD Automotive Repair uses a variety of petroleum products. For example, engine oil, automatic transmission fluid, brake fluid, gear oil, power steering fluid and engine coolant (antifreeze). Where there is need to replace these fluids the waste fluids are to be stored in a waste oil container owned by MD Automotive and approved for oil waste storage. The use of mobile catch containers will be placed under any vehicle having said mention fluids drained. At which time these containers are full they will be evacuated into proper waste containers. When waste containers reach capacity Rock Canyon Oil will recover fluids for recycling.

In the event of a spill of any of these fluids floor dry is in stock and on hand to absorb the fluids and then be disposed of.

In proposed building applied for permit at 1274 West 300 South, there is a floor drain with a water separator device. As I am informed by the property owner. At all means necessary waste fluids are to be collected by use of floor dry before entering drain.

MD Automotive Repair LLC. Has a great concern and understanding of the environment. MD Automotive will use every possible solution to avoid pollution.

Item 5: Conditional Use Permit — JSR Inc. – Continuation from September 11, 2018

Date: December 10, 2019
Applicant: Jeremy and Kara Stone
Presenting Staff: Mike Florence

General Plan: Residential Low
Zone: Residential Single Family R1-20

Property Owner: Jeremy and Kara Stone
Address: 106 South 300 East
Parcel ID: 39-033-0008
Lot Size: 0.61 acre

Type of Decision: Administrative
Council Action Required: No



Request

Jeremy and Kara Stone, JSR Inc., request conditional use permit (CUP) approval to breed and sell exotic reptiles (boa constrictors and ball pythons) at 106 South 300 in the Residential Single-Family (R1-20) zone. The applicants moved homes from 278 E. 70 S. to 106 S. 300 E. (adjoining properties). The applicant operates the following website: Link: <http://www.boaconstrictor.com/>. Conditional use permits do not transfer from one property to another. The Stones received their original conditional use permit in 2004. The planning commission held a public meeting to consider the new conditional use permit on September 11, 2018. That item was continued by the planning commission in 2018 to give staff time to inspect the property and review any conditions that may be mitigated and allow Mr. Stone the opportunity to provide more information regarding the number of allowed reptiles. The snakes that Mr. Stone raises and breeds are non-venomous.

Staff Analysis

On September 5, 2019 city planning staff and building official conducted an inspection of the property. **The applicant is using an existing 30'x48' metal building to house the reptiles. The building is** approximately 1,400 square feet. The main concern from the inspection is that there were a number of building code violations related to electrical and fire code regulations. The applicant since that time has submitted a building permit application to correct the violations. However, City has not inspected the work associated with the permit. Staff recommends the condition that all building code violations be corrected and final inspections completed within the next six months or the business license and conditional use permit be temporarily suspended until the work receives final approval by the building official. In addition, during the inspection staff did not perceive any noxious smells coming from the facility.

During the inspection Mr. Stone told staff that he had also been using his former accessory building on the adjoining lot for office and storage space. Home Occupations and conditional use permits are only valid for the property where the applicant resides. Staff let the applicant know at that time that this would not be allowed. A condition of approval was added that all business activity be conducted from the current property only.

According to Mr. Stones letter, see attached, his federal license allows him to raise up to 4,000 snakes per year. Mr. Stone also provided that he does not have more than 1,400 at any one time. Staff added this maximum number as a condition of approval. Mr. Stone does have a valid federal license. In order for Mr. Stone to ship any reptiles internationally he has to have a health certificate from a local veterinarian. Dr. Dobson, owner of Riverwoods Pet Hospital, appeared before the city in 2004 to **discuss Mr. Stone's business. See attached meeting minutes. As part of this application staff reached out** to Dr. Dobson to see if she had any recent concerns. Dr. Dobson said that she will visit Mr. Stones business location periodically to recommend improvements to the facility so that it can pass United State Department of Agriculture inspections. Dr. Dobson does not feel that there are any mishandling, mismanagement, health or reptile cleanliness issues with the business. In Mr. Stones attached letter, he states that the facility is cleaned three to four times a week and spot cleaned as needed.

City Regulations

6.16.010 - Wild and exotic animals.

It is unlawful for any person to sell, offer for sale, barter, give away, keep, own, harbor, or purchase any wild or exotic animal, as defined by this Title, except for governmental agencies or otherwise as provided for by state or federal regulations or as permitted by issuance of a conditional use permit as allowed for within this chapter.

6.16.015

Conditional use required.

1. Wild and exotic animals, as defined in this title, shall only be authorized in Lindon City by issuance of a conditional use from the Planning Commission. Conditional uses shall be regulated according to Chapters 17.20 through 17.24 of Lindon City Code.
2. The potential allowance of wild and/or exotic animal species and the quantities of said species are subject to approval on a case-by-case basis. Conditions of approval may be imposed by the Planning Commission as deemed necessary to protect the public health, safety, and welfare including, but not limited to, increased setbacks, fencing, size and type of enclosure or structure, etc.

Motion

I move to (approve, deny, continue) the applicant's request for a conditional use permit to breed and sell exotic reptiles (boa constrictors and ball pythons) at 106 South 300 East, in the Residential Single-Family (R1-20) zone, with the following conditions:

1. An active Lindon City Home Occupation Business License is maintained and all home occupation regulations will be continual met;
2. The continually maintain all applicable federal and state licenses;
3. The applicant will resolve all building code requirements and receive final inspection approval within six months of approval of the conditional use permit or the business license and conditional use permit will be temporarily suspended until final approval;
4. The building will continually meet all applicable Building and Fire codes and regulations;
5. The applicant will maintain a safe and secure facility to prevent animals escaping and to discourage unlawful entry;
6. To reduce odor complaints and to maintain a clean facility the building will be cleaned at a minimum three times per week with spot cleaning as needed. Exhaust and venting systems will be regularly maintained to reduce any odors;
7. No onsite raising, storage or breeding of live rodents, mice, rabbits or other retile food sources;
8. The home occupation business operation will be conducted entirely on the property at 106 S. 300 E. No other residences or residential properties will be used for the business operation;
9. All items of the staff report.

Attachments

- Aerial Photo
- Picture of the building
- Applicant Letter
- Resident letters from 2018
- 2004 Meeting Minutes
- 2018 meeting minutes
- Copy of Federal License



Dear Lindon City Planning Commission,

Thank you for your questions. If you want me to clearly define my business, I can do that. I have done the same occupation since I have been in Lindon in 2006 when my CUP was first approved. This letter may help define again what I do, as I am a private business. Not open to the public. I have said this in previous city councils but will be happy to provide you with what you would ask. As to the CUP, the part of the business I work with is at my location applied for in CUP. The maximum numbers of animals that can be housed there according to IATA standards is around 4000. However, I do not keep that many for my private breeding business as you can see from past inspections. The business is also seasonal. The Cleaning schedule and employees I already have provided in my last Planning Commission meeting last year. I spot clean four three to 4 times a week and spot clean as needed. Please see the attachment. I am held to a high standard by my federal license for cleaning and keeping. I have also explained the feeding schedules I give to each animal. Storage requirements are not necessary as I don't need to store much product outside of a storage Shed I have offsite, and also in my Storage Garage onsite. In a season I approximately produce 1400 animals. I feed my animals Rodents that I do not raise on site. Feeding is done weekly or bi weekly. The animals I keep are not a threat or danger to anyone in the community and I have done this in Lindon without any incident. The temperatures do not allow my reptiles to live in the Utah.

Dr Dobson is my Vet. She is at Riverwoods Pet Hospital in Provo. She has been to the City Council meeting many years ago. She is CDC approved federally to inspect. This may help answer your other questions. I have sent a copy of my license to Michael Florence that shows my federal license. When I Ship animals abroad, I have to go through strict federal Standards. I apply for CITES Permits and pay the cost of how many animals I Ship. When they approve it, I have to have each animal inspected by Dr. Dobson, and than she sends them to CDC vet to get Federal Vet inspection, and I ship them to a Broker in either Colorado or California that have ports for FWS to inspect all the animals, make sure all the forms are correct, and approve the shipment with Airlines. I can gladly provide you a list of brokers that I used. We don't have a FWS port for inspectors in Salt Lake City, so my work is quite tedious. When the USFWS sets up an appointment to inspect the package to be shipped, I fill out a Form with My federal License called a 3177. This pays the Taxes, the inspections, Vets, and the CITES. I have to keep detailed records of this for 5 years in detail. This process is all described if you visit. USFWS.gov My business is in the Agriculture. I'm considered a farmer basically.

I use Dr. Dobson for a vet Health Certificate, as I do one third of my business to PetSmart distributors that want captive born high quality pets. I ship in bulk to them usually fifty to one hundred animals a time. Dr. Dobson also inspects these so my Distributors are guaranteed high quality captive born Reptiles. The animals I keep. There is very little traffic to my home as I drop off my shipments to Fedex or Delta Airlines for my shipments. I occasionally get supplies shipped to my address at 106 S 300 E. This has very little impact on the community, as I only have two to three shipments delivered to my door every month.

I own www.Boaconstrictor.com and have for over twenty years. I also own a brokering site called www.reptilering.com that I am involved a portion of each snake with over thirty Sellers, all licensed, in the state or country they live in, to breed pets and sell them all over the USA. This connects sellers to only top quality buyers. I sell hundreds of products I keep offsite through this site. The has no affect on the city of Lindon. Sellers do not ship to me but direct to the customer that purchased a reptile or product. All sellers on that web page follow all strict reptile keeping laws in each area of the country and also oversees, and have licensed to do so.

I am also a paid Author for Reptiles Magazine that is huge around the world. I have done 3 major Articles for them on Reptiles and keeping. I'm also a Gold Member and do a lot of work for

www.USARK.org This organization helps all reptile keepers follow local and federal laws if they decide to keep reptiles. It is very helpful and resourceful site for any person that wants to own or keep a reptile as a Pet. I also sell some merchandise as you can see on my website a DVD. Here is a link
<http://www.boaconstrictor.com/product/video001> These are shipped Postal Service when ordered.

I also am Eagle Reptiles Merit Badge certified to pass the Badge if Boy Scouts do their Reptiles Merit badge correct in Utah County, and have Youtube videos on this as I teach the class. I do keep three snakes that I don't use as breeding or business for educational purposes only. I do not keep any Venomous reptiles ever. You can look at this link where I explain the importance of proper cleaning and why Reptiles have a huge impact on the environment and how they apply to Humans. Here is a free video link to the course. <https://www.youtube.com/watch?v=20u9TFG7MZO>

I please ask you to look back to the Minutes of my planning commission meeting last year, as I know the city went through transitions. Attached is a Copy of the minutes fro the last planning commission meeting and the letters from neighbors that you can see.

Thank you.

Sincerely, Jeremy Stone

September 11, 2018

Lindon City Zoning and Planning Commission,

We have been residents of Lindon for many years, and have been neighbors to Jeremy and Kara Stone, JSR, Inc. The Stone's have operated their private business in this vicinity since 2004, and have Federal Licences that uphold strict standards for the keeping and breeding of Reptiles. This is subject to a random search to make sure all rules are followed by Federal Law. A conditional use permit for Stone's to keep their reptiles on the property bought adjacent is applied for in the city of Lindon. Stone has monthly vet inspections, and is subject to Federal Inspections and any time to make sure the proper husbandry of the animals JSR maintains.

Stone does not keep any illegal animals, nor are any of the exotics JSR breeds have been threat to the community. Jsr.inc or www.boaconstrictor.com is a private business where security is important, and all cameras surrounding the property, are to insure that no theft, or escape, or any animal would be released.

Stone does take some animals outside to take pictures to market to promote animals are safely put away. We do not view Stone's as a nuisance and do not have issues with his licence on 106 South 300 East. The building on the property has been modified to house all the animals required on the location with a safe controlled environment that is not a threat to any residence in Lindon, Utah. It has been inspected by Vets, Federal, and Local authorities.

We do not oppose the Stone family having his CUP (Conditional Use Permit) From Lindon city to run his business that is not open to the public. 106 South 300 East. Lindon Utah

Thank you, Sincerely

Names and Signatures.

Carol Wilson

printed name Carol Wilson

Bob Parker (As far as I know?)

printed name Robert Parker

Mary Beth Millican

printed name Mary Beth Millican

Sandra Jensen

printed name Sandra Jensen

Donald S. Harvie

printed name Donald S. Harvie

J. Harvie

printed name J. Harvie

Cheryl Austin

printed name CHERYL Austin

Linda McBride

printed name Linda McBride

Brad J.

printed name Brad Mortensen

Joni Mortensen

printed name Joni Mortensen

Tammy Frandsen

printed name Tammy Frandsen

Tony Coak

printed name Tony Coak

Pete Wharton

printed name Pete Wharton

Michael Nielson

printed name Michael Nielson

Nicole Nielson

printed name Nicole Nielson

Leroy Jacklin

printed name LEROY JACKLIN



printed name Aaren M. Robinson

Stephanie Chisillie

printed name Stephanie Chisillie



printed name Rachel Robinson

Julian Chisillie

printed name Julian Chisillie



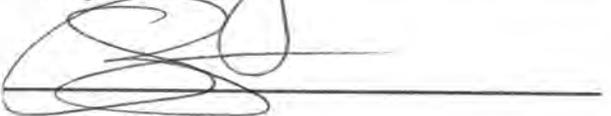
printed name Joshua Hardman

R. J. Williams

printed name R. J. Williams

Karen Jensen

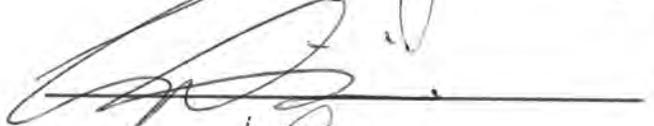
printed name Karen Jensen



printed name Shelly Strong

Wayne B Johnson

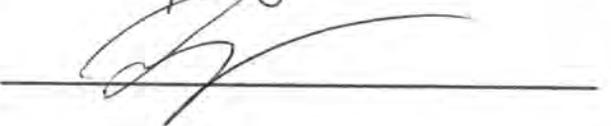
printed name Wayne Johnson



printed name SPENCER KILLIAN

Kyle Bigler

printed name Kyle Bigler



printed name Joel Jensen

~~Jeffery Stobart~~
~~Jennifer R Stobart~~

printed name Jeff Stobart

printed name Jennifer R Stobart

_____ printed name _____

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **June 24, 2014 at 7:00 p.m.** at the Lindon City Center, City Council Chambers, 100
4 North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

7 Conducting: Sharon Call, Chairperson
8 Invocation: Bob Wily, Commissioner
9 Pledge of Allegiance: Mike Marchbanks, Commissioner

10 **PRESENT**

11 Sharon Call, Chairperson
12 Mike Marchbanks, Commissioner
13 Ron Anderson, Commissioner
14 Bob Wily, Commissioner
15 Hugh Van Wagenen, Planning Director
16 Jordan Cullimore, Associate Planner
17 Kathy Moosman, City Recorder

10 **ABSENT**

11 Rob Kallas, Commissioner

20 **Special Attendee:**

21 Councilmember Bean

- 22
- 23 1. **CALL TO ORDER** – The meeting was called to order at 7:05 p.m.
 - 24 2. **APPROVAL OF MINUTES** – The minutes of the regular meeting of June 10, 2014
25 were reviewed.

26

27 COMMISSIONER ANDERSON MOVED TO APPROVE THE MINUTES OF
28 THE REGULAR MEETING OF JUNE 10, 2014 AS AMENDED. COMMISSIONER
29 MARCHBANKS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR.
30 THE MOTION CARRIED.

31 3. **PUBLIC COMMENT** –

32

33 Chairperson Call called for comments from any audience member who wished to
34 address any issue not listed as an agenda item. There were no public comments.

35 **CURRENT BUSINESS** –

- 36
- 37 4. **Conditional Use Permit** – *Great Basin Serpentarium, 943 W. Center St. Ste. B.*
38 Joseph Mugleston, on behalf of Great Basin Serpentarium, LLC. Requests approval
39 of a conditional use permit to operate an online reptile and supply store in which the
40 operator will keep, breed, and sell reptiles, amphibians, invertebrates, and food items
41 for the animals.

42

43 Jordan Cullimore, Associate Planner, led the discussion by giving a brief
44 summary of this agenda item stating the applicant Joseph Mugleston, on behalf of Great
45 Basin Serpentarium, LLC (who was in attendance) is requesting approval of a conditional
46

2 use permit to operate an online reptile and supply store in which the operator will keep,
3 breed, and sell reptiles, amphibians, invertebrates, and food items for the animals. This is
4 an online reptile supply store (3,000 sq. ft.). General public will not be invited to the
5 location and hours of operation will vary. With a total of 3 employees. Mr. Cullimore
6 then presented aerial photos of the site, photographs of the existing site and the business
7 description/proposal. He noted that the parking requirements are met. Only item that
8 came up is that they do not intend to raise the feed for the reptiles which can cause issues
with odors so that may be a condition. Staff has no other concerns with this application.

10 **Mr. Cullimore then presented the Findings of Fact as follows:**

- 11 1. The business will be located at 943 West Center Street, which is in the Light
12 Industrial (LI) zone.
- 13 2. The business will consist of an online reptile and supply store. The operator will
14 keep, breed, and sell reptiles, amphibians, invertebrates, and food items for the
animals at the business location.
- 15 3. After consulting another municipality with a similar operation, staff classified this
16 use under the land use category "Veterinarian services, animal hospitals – small
17 animals only". This use is conditionally permitted in the LI zone.
- 18 4. The internal area of the unit is 3000 square feet.
- 19 5. Hours of operation will likely vary depending on the needs of the animals. The
20 business will be operated by the owner and his wife. They will hire an additional
21 employee within 1 year.
- 22 6. The business will not be open to the general public, as sales are conducted online
23 and at expos.
- 24 7. The applicant did not provide the exact number of parking stalls available. Traffic
25 will consist of employees coming and going. Supply deliveries and garbage pick-
26 up will occur occasionally during normal daily operating hours.

28 **Mr. Cullimore then presented the analysis as follows:**

- 29 • State Code defines a conditional use as " a land use that, because of its unique
30 characteristics or potential impact on the municipality, surrounding neighbors, or
31 adjacent land uses, may not be compatible in some areas or may be compatible
32 only if certain conditions are required that mitigate or eliminate the detrimental
33 impacts."
- 34 • Section 10-9a-507 of the State Code requires municipalities to grant a conditional
35 use permit "if reasonable conditions are proposed, or can be imposed, to mitigate
36 the reasonably anticipated detrimental effects of the proposed use in accordance
37 with applicable standards." Once granted, a conditional use permit runs with the
38 land.
- 39 • State Code further provides that a conditional use permit application may be
40 denied only if "the reasonably anticipated detrimental effects of a proposed
41 conditional use cannot be substantially mitigated by the proposal or the
42 imposition of reasonable conditions to achieve compliance with applicable
43 standards." Utah Code § 10-9a-507.
- 44 • Additionally, the Lindon City Code provides that a conditional use may be denied
45 when
- 46

2 Hugh Van Wagenen, Planning Director, opened the discussion by explaining this
is a request by Leighton Jenson, on behalf of MS Business Properties Group 4, requests
4 preliminary subdivision approval, including dedication of public streets, of a 2 lot
subdivision in the Light Industrial (LI) zone at approximately 1411 West 200 South.

6
8 Mr. Van Wagenen gave a brief overview of this agenda item stating that the
subdivision of this parcel into two lots necessitates road dedication and construction for
the extension of 300 South and 1430 West. He noted this will also provide a through
10 connection to 200 south. Mr. Van Wagenen stated the road improvements, including
curb and gutter will be constructed by the applicant. He added that Lot 1 is 7.14 acres
12 and Lot 2 is 3.39 acres. Mr. Van Wagenen then presented an aerial photo of the proposed
subdivision, photographs of the existing site and the preliminary plat. Staff has no
14 concerns and this application is pretty straightforward.

16 Mr. Van Wagenen then presented the findings of fact as follows:

- 18 1. The proposed subdivision lots meet minimum lot size (1 acre) and frontage (100
feet) for the LI zone.
- 20 2. 300 South will extend through the property and turn to become 1430 West as it
connects to 200 South.

22 Chairperson Call invited the applicant forward at this time. Leighton Jenson,
representing MS Business Properties Group, stated that he had nothing further to add to
24 the summary given. There was then some general discussion regarding this agenda item.

26 Chairperson Call asked if there were any further comments or discussion. Hearing
none she called for a motion.

28 COMMISSIONER ANDERSON MOVED TO APPROVE THE APPLICANT'S
REQUEST FOR APPROVAL OF THE TWO LOT SUBDIVISION KNOWN AS
30 LAKESIDE BUSINESS PARK PLAT A WITH NO CONDITIONS. COMMISSIONER
MARCHBANKS SECONDED THE MOTION. THE VOTE WAS RECORDED AS
32 FOLLOWS:

34 CHAIRPERSON CALL	AYE
COMMISSIONER ANDERSON	AYE
COMMISSIONER MARCHBANKS	AYE
36 COMMISSIONER WILY	AYE

THE MOTION CARRIED UNANIMOUSLY.

- 38
40 6. **Site Plan** – *Sonic Plastics, approx. 1411 W. 200 S.* Leighton Jenson, on behalf of MS
Business Properties Group 4, requests site plan approval for a 47,000 square foot
42 industrial building on lot 2 of the Lakeside Business Park subdivision at
approximately 1411 West 200 South in the Light Industrial (LI) zone.

44 Mr. Van Wagenen led this discussion by explaining this is also a request by
Leighton Jenson, on behalf of MS Business Properties Group 4, (who is attendance) is
46 requesting site plan approval for a 47,000 square foot industrial building on lot 2 of the

2 Lakeside Business Park subdivision at approximately 1411 West 200 South in the Light
3 Industrial (LI) zone.

4 Mr. Van Wagenen gave a brief overview of this agenda item stating the proposed
5 building would be located on Lot 2 of Lakeside Business Park. He noted that access to
6 the site would come from 300 south/1430 West as the new road is built as part of the
7 Lakeside Business Park Subdivision. This site is also adjacent to City owned land,
8 Lindon Heritage Trail, and Lindon Hollow Creek. Mr. Van Wagenen commented that
9 due to the proximity of the site to the Lindon Hollow Creek and associated wetlands, the
10 applicant is proposing to discharge storm water from the southerly portion of the site
11 directly into Lindon Hollow Creek. In exchange for that ability, the applicant is offering
12 to sod and maintain the City owned land adjacent to the site and Lindon Heritage Trail.
13 After review, Lindon City Engineer Mark Christensen noted the following:

14 *They had noted on their plans, however, that Lindon City would provide the water
15 to irrigate the area. We have noted that the City doesn't have water service to the site,
16 but that perhaps they could either provide irrigation water from their site, or provide a
17 separate water service & meter on the east end of their site for the City to use. We view
18 this as a mutually beneficial arrangement. They are able to make more convenient use of
19 their site, and the public gets a grassed area next to the Lindon Heritage Trail and the
20 large wetland area that is adjacent to it. We do not view the un-detained discharge of
21 water from the southerly portion of the site as detrimental to the public, since water will
22 almost immediately arrive at the wetland area, where the flow will be attenuated in much
23 the same way as it would have been if they had detained it.*

24
25 Mr. Van Wagenen stated this will be a point for the Planning Commission to
26 finalize with the applicant. He explained that the site has parking beyond the 130%
27 threshold allowed by City Code. However, LCC 17.18.078 allows the Planning Director
28 and City Engineer to approve parking beyond that threshold for compelling reasons. He
29 noted the applicant has responded that they are planning on future building expansion
30 that would eliminate current parking while also increasing their parking requirement at
31 that time. Mr. Van Wagenen stated staff is comfortable with over parking the site based
32 on this justification. He also presented aerial photos of the site and surrounding area,
33 photographs of the existing site, and the site and landscaping plan.

34 Mr. Van Wagenen then presented the findings of fact as follows:

- 36 1. The proposed building meets setback requirements (20 feet front, 0 feet rear, 0
37 foot side) for buildings in the LI zone.
- 38 2. The proposed building meets required parking requirements (office 1/250 sq. ft.
39 and warehouse 1/1000 sq. ft.) with 59 spaces required and 84 spaces provided, 4
40 of which are ADA spaces.
- 41 3. The required 20 foot landscape strip along public frontages is shown on the plans.
42 However, trees are not shown as being planted on center. This is due to the
43 landscape area being used as storm water detention. Therefore, the trees are
44 shown as being planted on the sides of the landscape strip. LCC 17.49.060 gives
45 the Planning Commission authority to modify landscape strip requirements.
- 46 4. Interior parking lot landscaping requirements meets minimum requirements
47 (3,520 sq. ft. for this site) by providing 4,369 square feet of landscaping.

2 There was then some general discussion regarding this agenda item.
3 Commissioner Anderson commented that MS Properties has been in the city for quite a
4 while and they have contributed a lot to the community and they do a good job.
5 Commissioner Marchbanks agreed that it will be a great improvement on the property.
6 Following discussion Chairperson Call asked if there were any further comments or
7 discussion. Hearing none she called for a motion.

8 COMMISSIONER ANDERSON MOVED TO APPROVE THE APPLICANT'S
9 REQUEST FOR SITE PLAN APPROVAL OF THE SONIC PLASTICS
10 OFFICE/WAREHOUSE SITE WITH THE FOLLOWING CONDITIONS: 1. SITE
11 PLAN APPROVAL MUST BE CONTIGENT UPON CITY COUNCIL APPROVAL OF
12 A DEVELOPMENT AGREEMENT BETWEEN LINDON CITY AND THE
13 APPLICANT BE ENTERED INTO WITH REGARDS TO LANDSCAPING THE CITY
14 PROPERTY ADJACENT TO THE SITE IN CONSIDERATION OF THE STORM
15 WATER DISCHARGE WITHOUT DETENTIONS AS NOTED ON THE PLANS.
16 COMMISSIONER MARCHBANKS SECONDED THE MOTION. THE VOTE WAS
17 RECORDED AS FOLLOWS:

18 CHAIRPERSON CALL AYE
19 COMMISSIONER ANDERSON AYE
20 COMMISSIONER MARCHBANKS AYE
21 COMMISSIONER WILY AYE
22 THE MOTION CARRIED UNANIMOUSLY.

24 7. **Public Hearing** – *Ordinance Amendment, MC Landscaping and Size Requirements.*
25 City Staff requests approval of an amendment to modify landscaping and minimum
26 zone size requirements in the Mixed Commercial (MC) zone. Recommendations will
27 be made to the City Council at their next available meeting after Planning
28 Commission review.

30 COMMISSIONER ANDERSON MOVED TO OPEN THE PUBLIC HEARING.
31 COMMISSIONER WILY SECONDED THE MOTION. ALL PRESENT VOTED IN
32 FAVOR. THE MOTION CARRIED.

34 Mr. Van Wagenen opened the discussion by explaining this is a request by City
35 Staff for approval of an amendment to modify landscaping and minimum zone size
36 requirements in the Mixed Commercial (MC) zone. He noted that recommendations will
37 be made to the City Council at their next available meeting after review by the
38 Commission tonight.

39 Mr. Van Wagenen then gave a brief overview of this agenda item stating the
40 Landscaping requirements along frontage roads in the MC zone refer to required
41 landscape strips but do not give specifications regarding the strip itself. He noted this
42 update provides clarification and specifics regarding the size and potential landscaping
43 options within the required landscape strip. He explained the amendment also brings the
44 MC zone requirements into conformance with the CG and LI zone landscape strip
45 requirements.

46 Mr. Van Wagenen explained that amending the minimum MC zone size from 30
to 15 acres will give the City greater flexibility in rezoning property that may be suitable

2 for the flex office/warehousing space that is high demand within the City. The MC zone
3 provides transition opportunities between commercial and other uses that may enhance
4 areas that buffer commercial corridors. He then referenced the proposed changes to LCC
5 17.50.060 and LCC 17.50.080, the landscaping in a commercial zone and the minimum
6 zone area followed by discussion. There was then some discussion of the acreage
7 minimums. Chairperson Call asked for any public comments. There were no public
8 comments.

9 Following additional discussion Chairperson Call asked if there were any further
10 comments or questions. Hearing none she called for a motion.

11 COMMISSIONER MARCHBANKS MOVED TO RECOMMEND TO THE
12 CITY COUNCIL THE AMENDMENTS TO LCC 17.50.060 AND LCC 17.50.080
13 WITH THE MINIMUM ACREAGE CHANGE TO GO FROM 30 ACRES TO 10
14 ACRES FOR MIXED COMMERCIAL. COMMISSIONER WILY SECONDED THE
15 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

16 CHAIRPERSON CALL AYE
17 COMMISSIONER ANDERSON AYE
18 COMMISSIONER MARCHBANKS AYE
19 COMMISSIONER WILY AYE

20 THE MOTION CARRIED UNANIMOUSLY.

21 8. **Public Hearing** – *General Plan Map Amendment, Approx. 750 N. 2800 W.* Ed Daley
22 of National Packaging Innovations requests a General Plan Map Amendment to
23 change the General Plan designation of Utah County Parcel #13:063:0057 (located at
24 approximately 750 North 2800 West) from Commercial to Mixed Commercial. The
25 applicant intends to establish office/warehousing uses on the site. Recommendations
26 will be made to the City Council at their next available meeting after Planning
27 Commission review.
28

29 Jordan Cullimore, Associate Planner, opened the discussion by explaining this is a
30 request by Ed Daley of National Packaging Innovations requests a General Plan Map
31 Amendment to change the General Plan designation of Utah County Parcel #13:063:0057
32 (located at approximately 750 North 2800 West) from Commercial to Mixed
33 Commercial. The applicant intends to establish office/warehousing uses on the site.
34 Recommendations will be made to the City Council at their next available meeting after
35 Planning Commission review.

36 Mr. Cullimore explained that the applicant proposes to develop the parcel with a
37 site configuration similar to the site plan concept in attachment 3 (included in the report).
38 The structures' architectural design will be similar to the structures portrayed in
39 attachment 4 (included in the report). He noted the complex will likely serve businesses
40 that require office/warehousing space in which light assembly, packaging, and shipping
41 activities will occur. Mr. Cullimore stated the applicant's proposed use is not allowed in
42 the CG zone, but it is in the MC zone. He stated that consequently, the applicant requests
43 that the lot be rezoned to the MC zone.
44

45 Mr. Cullimore stated that City Code requires that any zone change must be
46 consistent with the City's General Plan Designation. Mr. Cullimore explained that the
47 General Plan mirrors the current zoning, so the applicant is requesting that the General

2 Plan designation be changed to permit the zone change and allow their desired uses. Mr.
3 Cullimore referenced an aerial photo of the proposed area to be re-classified, photographs
4 of the existing site, the conceptual site plan and the conceptual architectural renderings
5 followed by discussion.

6 Mr. Cullimore then presented the findings of fact as follows:

- 7 1. The General Plan currently designates the property under the category of
8 Commercial. This category includes retail and service oriented businesses, and
9 shopping centers that serve community and regional needs.
- 10 2. The applicant requests that the General Plan designation of the property be
11 changed to Mixed Commercial, which includes the uses in the General
12 Commercial designation, as well as light industrial and research and business
13 uses.

14 Mr. Cullimore then presented the analysis as follows:

- 15 1. Relevant General Plan policies to consider in determining whether the requested
16 change will be in the public interest:
 - 17 a) It is the purpose of the commercial area to provide areas in appropriate
18 locations where a combination of business, commercial, entertainment,
19 and related activities may be established, maintained, and protected.
 - 20 b) Commercial use areas should be located along major arterial streets for
21 high visibility and traffic volumes.
 - 22 c) c. The goal of commercial development is to encourage the
23 establishment and development of basic retail and commercial stores
24 which will satisfy the ordinary and special shopping needs of Lindon
25 citizens, enhance the City's sales and property tax revenues, and
26 provide the highest quality goods and services for area residents.
- 27 i. Objectives of this goal are to:
 - 28 1. Expand the range of retail and commercial goods and services available
29 within the community.
 - 30 2. Promote new office, retail, and commercial development along State
31 Street and 700 North.
- 32 d. Applicable city-wide land use guidelines:
 - 33 i. The relationship of planned land uses should reflect consideration of existing
34 development, environmental conditions, service and transportation needs, and
35 fiscal impacts.
 - 36 ii. Transitions between different land uses and intensities should be made
37 gradually with compatible uses, particularly where natural or man-made buffers
38 are not available.
 - 39 iii. Commercial and industrial uses should be highly accessible, and developed
40 compatibly with the uses and character of surrounding districts.
 - 41
 - 42

43 Chairperson Call invited the applicant, Ed Daley forward at this time. Mr. Daley
44 commented that he received some good feedback from the concept review and is now
45 requesting the general plan map amendment. He stated that he really does not have
46 anything further to add from the summary given. Chairperson Call commented that they
were favorable with the concept when it was discussed previously.

2 Following additional discussion Chairperson Call asked if there were any further
comments or questions. Hearing none she called for a motion.

4 COMMISSIONER ANDERSON MOVED TO RECOMMEND TO THE CITY
6 COUNCIL APPROVAL OF THE APPLICANT’S REQUEST TO CHANGE THE
GENERAL PLAN DESIGNATION OF THE LOTS IDENTIFIED BY UTAH COUNTY
8 PARCEL #14:057:0052 AND #14:057:0061 FROM COMMERCIAL TO MIXED
COMMERCIAL. COMMISSIONER WILY SECONDED THE MOTION. THE VOTE
WAS RECORDED AS FOLLOWS:

10 CHAIRPERSON CALL AYE
COMMISSIONER ANDERSON AYE
12 COMMISSIONER MARCHBANKS AYE
COMMISSIONER WILY AYE
14 THE MOTION CARRIED UNANIMOUSLY.

16 9. **Public Hearing** – *Zone Map Amendment, Approx. 750 N. 2800 W.* Ed Daley of
18 National Packaging Innovations requests a Zone Map Amendment to change the
zoning designation of Utah County Parcel #13:063:0057 (located at approximately
20 750 North 2800 West) from General Commercial A8 (CG-A8) to Mixed Commercial
(MC). The applicant intends to establish office/warehousing uses on the site.
22 Recommendations will be made to the City Council at their next available meeting
after Planning Commission review.

24 Mr. Cullimore led the discussion by explaining the applicant Ed Daley (who is in
attendance) proposes to develop the parcels with a site configuration similar to the site
26 plan concept in attachment 3 (included in the packet). He noted the structures’
architectural design will be similar to the structures portrayed in attachment 4 (included
28 in the packet). He further explained the complex will likely serve businesses that require
office/warehousing space in which light assembly, packaging, and shipping activities will
30 occur. He noted the applicant’s proposed use is not allowed in the CG-A8, but it is in the
MC zone. Consequently, the applicant requests that the lot be rezoned to the MC zone,
32 subject to approval of a supporting General Plan Map Amendment. Mr. Cullimore then
presented an aerial photo of the proposed area to be rezoned, photographs of the exiting
34 site, conceptual site plan and the conceptual architectural renderings followed by some
general discussion.

36 Mr. Cullimore then presented the findings of fact as follows:

- 38 1. The current general plan designation does not permit the subject lots to be
rezoned from CG to MC. This item is contingent upon the approval, by the City
40 Council, of Item 8 involving the General Plan designation of the lot.

Mr. Cullimore then presented the analysis as follows:

- 42 • Subsection 17.04.090(2) of the Lindon City Code establishes the factors to review
when considering a request for a zone change. The subsection states that the
44 “planning commission shall recommend adoption of a proposed amendment only
where the following findings are made:

- 2 ○ The proposed amendment is in accord with the master plan of
Lindon City;
- 4 ○ Changed or changing conditions make the proposed amendment
reasonably necessary to carry out the purposes of the division.”
- 6 ○ The stated purpose of the General Commercial Zone is to “promote
commercial and service uses for general community shopping.”
8 Further, the “objective in establishing commercial zones is to
provide areas within the City where commercial and service uses
may be located.”
- 10 • The purpose of the Mixed Commercial Zone is to “provide areas in appropriate
12 locations where low intensity light industrial (contained entirely within a
building), research and development, professional and business services, retail
14 and other commercial related uses not producing objectionable effects may be
established, maintained, and protected.

16 Chairperson Call asked if there were any public comments. Hearing none she
called for a motion to close the public hearing.

18 COMMISSIONER ANDERSON MOVED TO CLOSE THE PUBLIC
20 HEARING. COMMISSIONER WILY SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

22 Following some additional discussion Chairperson Call asked if there were any
24 further comments or questions. Hearing none she called for a motion.

26 COMMISSIONER WILY MOVED TO RECOMMEND TO THE CITY
COUNCIL APPROVAL OF THE APPLICANT’S REQUEST TO CHANGE THE
28 ZONING DESIGNATION OF THE LOTS IDENTIFIED BY UTAH COUNTY
PARCEL #13:063:0057 FROM GENERAL COMMERCIAL A8 (CG-A8) TO MIXED
30 COMMERCIAL (MC). COMMISSIONER MARCHBANKS SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

32 CHAIRPERSON CALL AYE
COMMISSIONER ANDERSON AYE
34 COMMISSIONER MARCHBANKS AYE
COMMISSIONER WILY AYE
36 THE MOTION CARRIED UNANIMOUSLY.

38 10. **NEW BUSINESS** – Reports by Commissioners.

40 Chairperson Call called for any new business or reports from the Commissioners.
Chairperson Call mentioned the last discussion on the flag pole and asked for an update
42 as she was not in attendance for the discussion. She stated that she understood there was
some concern about the height and the engineering and technical issues. Mr. Cullimore
44 commented that the commission agreed that the concept was positive. He noted they
asked the applicant if they wanted to proceed forward to the City Council. They stated
46 they may scale it back a little and now go for a 200 ft. flagpole which would be the third
tallest. Mr. Cullimore noted the general consensus had issues regarding safety.

2 Chairperson Call asked if there were any other comments or discussion from the
Commissioners. Hearing none he moved on to the next agenda item.

4
6 **11. PLANNING DIRECTOR'S REPORT**–

8 Mr. Van Wagenen reported on the following items followed by some general
discussion by the Commission.

- UTOPIA
- Lindon Pool Party
- Page Subdivision Storm Drain
- Flag pole concept
- Vacancies
- Budget. No more cookies

10
12
14
16 Chairperson Call called for any further comments or discussion. Hearing none he
called for a motion to adjourn.

18 **ADJOURN** –

20
22 COMMISSIONER WILY MADE A MOTION TO ADJOURN THE MEETING
AT 9:10 P.M. COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

24
26 Approved – July 8, 2014

28
30

Mike Marchbanks, Vice Chairperson

32
34

Hugh Van Wagenen, Planning Director

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **September 11, 2018 beginning at 7:00 p.m.** at the Lindon City Center, City Council
4 Chambers, 100 North State Street, Lindon, Utah.

6 **REGULAR SESSION – 7:00 P.M.**

8 Conducting: Sharon Call, Chairperson
9 Invocation: Steven Johnson, Commissioner
10 Pledge of Allegiance: Porter Bruce, Scout Troop1215

12 <u>PRESENT</u>	12 <u>EXCUSED</u>
13 Sharon Call, Chairperson	13 Mike Vanchiere, Commissioner
14 Rob Kallas, Commissioner	14 Charlie Keller, Commissioner
15 Mike Marchbanks, Commissioner	
16 Steven Johnson, Commissioner	
17 Hugh Van Wagenen, Planning Director	
18 Brandon Snyder, Associate Planner	
19 Kathy Moosman, Recorder	

- 20
- 21 1. **CALL TO ORDER** – The meeting was called to order at 7:00 p.m.
 - 22
 - 23 2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the
24 Planning Commission meeting of August 28, 2018 were reviewed.

26 COMMISSIONER JOHNSON MOVED TO APPROVE THE MINUTES OF
27 THE REGULAR MEETING OF AUGUST 28, 2018 AS PRESENTED.
28 COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT VOTED
29 IN FAVOR. THE MOTION CARRIED.

- 30
- 31 3. **PUBLIC COMMENT** – Chairperson Call called for comments from any
32 audience member who wished to address any issue not listed as an agenda item.
33 There were no public comments.

34 **CURRENT BUSINESS** –

- 35
- 36 4. **Conditional Use Permit — JSR Inc.** Jeremy and Kara Stone, JSR Inc., request
37 conditional use permit (CUP) approval to breed and sell exotic reptiles (boa
38 constrictors and ball pythons) at 106 South 300 East – Lindon in the Residential
39 Single-Family (R1-20) zone.

40

41 Brandon Snyder, Associate Planner, noted the applicant, Jeremy Stone, with JSR
42 Inc., is in attendance to request a conditional use permit to breed and sell exotic reptiles
43 (boa constrictors and ball pythons) at 106 South 300 East in the Residential Single-
44 Family zone. Mr. Snyder stated the applicant relocated from 278 East 70 South to 106
45 South 300 East (across the fence from their previous residence) and the applicant is trying
46 to get their business license transferred to the new address. Mr. Snyder noted the
47 previously approved conditional use permit does not automatically transfer. Mr. Snyder
48

2 then presented information provided by the applicant that indicates the accessory building
they are using is a metal detached garage located in the back corner of the property.

4 Mr. Snyder stated the existing residence was built in 1979 and the existing
accessory building was built in 2000 by way of building permit #3592; the building is
6 1,440 square feet in area (30'X48"). Mr. Snyder indicated that Lindon City records (Code
Enforcement and Police) do not show any regular or ongoing nuisance complaints related
8 to smells or loose animals. He noted when they first started operating there were a few
concerns with smells but those were resolved. He noted the police have been called out
10 regarding alarms, theft and burglary.

12 Mr. Snyder explained that wild and exotic animals are regulated by Lindon City
Code, which indicates that wild and exotic animals, as defined in this title, shall only be
authorized in Lindon City by issuance of a conditional use from the Planning
14 Commission. The potential allowance of wild and/or exotic animal species and the
quantities of said species are subject to approval on a case-by-case basis. Conditions of
16 approval may be imposed by the Planning Commission as deemed necessary to protect
the public health, safety, and welfare including, but not limited to, increased setbacks,
18 fencing, size and type of enclosure or structure, etc. He stated third party public notices
were mailed on August 30, 2018 and no public comments have been received at this time.

20 Mr. Snyder further explained the purpose and intent of the animal control
ordinance is to provide a reasonable opportunity for the residents of Lindon to maintain
22 animals on their property within the constraints and limits of this provision. It shall also
be the purpose of this ordinance to provide regulations, constraints, and limits on the
24 number of animals kept and the manner in which the animals are maintained in order to
minimize the impact on neighboring property owners.

26 Mr. Snyder noted Lindon City also recognizes that the keeping of animals and
livestock is inherently associated with odors, animal excrete, flies, and some noises.
28 Unless otherwise stated within this Title, a reasonable level of tolerance will be permitted
for these inherent characteristics such as odors, flies, and animal noises that are common
30 to the keeping of animals and livestock in order to protect, preserve, and maintain the
rights of land owners to raise animals on their properties. He then turned the time over to
32 the applicant for comment.

34 Mr. Stone addressed the Commission at this time. He explained the current
building was constructed by the previous owner, and they have modified the building by
insulating the walls and ceiling to accommodate the temperature control they need to
36 maintain their business. They also permanently disabled the use of the two overhead
garage doors and insulated all around them as well to maintain adequate temperature
38 control. He indicated that all business is conducted in this structure and not in the main
family dwelling and the accessory building was existing on the property at the time of
40 purchase. He stressed the fact that this is not a new business, as they moved into their
previous home and accessory building in November 2005, and completed construction of
42 their home in March 2006. He noted they do volunteer work with scouts with merit
badges etc. He also has security cameras for fear of theft issues and monitors his
44 operation every step of the way. He also has signatures from all of his neighbors. Mr.
Stone stated they also keep all federal and state licenses up to date and consistent and pay
46 all state and federal taxes.

48 Mr. Stone stated they have maintained business licenses in Orem prior moving to
Lindon, and also in Lindon since they moved in 2006. The new location is located on the

2 back corner of their property, with a large empty lot surrounding the structure. They have
4 always been closed to the public and they employ two contractors who live in their
6 neighborhood so they walk to work. They have deliveries made from time to time, but
8 nothing unusual or that would impact the neighborhood in any way. He explained they
10 breed and sell exotic reptiles, boa constrictors and ball pythons, through their website.
12 They do not have a store front, and never intend to have a store front.

8 Mr. Stone stated the lot next to their building is sufficient to accommodate the
10 type of parking that would be required to handle the demand that causes no disruption to
12 the neighborhood. He noted their website is www.boaconstrictor.com. They are not
14 keeping any other animals off site and all are contained in their building. They have a tap
16 in the building for irrigation water, and a French drain was installed to dispose of any
18 waste water they may have to deal with. They are not impacting the sewer capacity or
disposing of any hazardous or dangerous liquids. They have been operating out of Lindon
for the past twelve years and just want to continue with their quiet online presence. They
love it here in Lindon and just want to continue to run their business in a legal and
approved way. He also stated, for the record, the comments (letter) received by the
Commission is absolutely false and defamatory.

20 Commissioner Kallas asked staff if there is any way to get the designation pulled
22 from the previous house as it is such a specific and narrow conditional use. Mr. Snyder
stated generally a conditional use can be revoked if it is not being in compliance.

22 Chairperson Call commented that she understands they have been operating since
24 2017 and they are just now getting a request for a Conditional Use Permit. Mrs. Stone
26 explained they had a problem with their server so they did not get notification from the
28 city and when received it in the mail they immediately paid the application fees and filled
30 out the paperwork. When they became aware they could not just transfer the business
license they immediately contacted the city and they came out to inspect the property and
set this meeting up; their business license is now current and up to date. Mr. Stone stated
he is only using a small storage shed with the permission of the new owner but does not
keep animals at that location; he has three part time employees.

32 Chairperson Call questioned city permits and state and federal regulations. Mr.
34 Stone stated he has all federal and state licenses noting inspections can be done randomly
36 but are generally done once a year. Commissioner Kallas commented the Commission
38 needs to think about what is in the best interest of citizens and the community. He
40 pointed out the use is not a problem unless there are issues with the neighbors. He does
have an issue of both locations having conditional use permits. Chairperson Call stated
she does not want to see several locations created and because of the conditional use
permit another snake operator could locate on the other property that would create an
impact. Chairperson Call stated this is not a public hearing but called for any comments
at this time.

42 Lori Peters, resident in attendance, addressed the Commission at this time. She
44 stated her property borders the property in question and they see everything that happens
46 there. Ms. Peters expressed her opposition to approve a new Conditional Use Permit at
48 this location. She stated this operation has been unappealing for several years as they are
venting towards their property that causes an odor nuisance. She noted other neighbors
have concerns but they don't feel comfortable coming to the meeting to address the
applicant and the issues. She pointed out the applicant does not have all the proper
building permits.

2 Ms. Peters stated there are the nuisances of smells and burning fires at night and
4 dead rats on the side of their shed; these things have been ongoing since 2004. She
6 respects Mr. Stone's business but feels it should be placed in a more appropriate area and
not in a residential area. It should be more isolated because it is a unique business that
comes with unique situations around it and should be located in a more industrial or
business area because over the past 14 years it has not been a good experience.

8 Chairperson Call asked Ms. Peters what conditions she would suggest the
Commission put on this use to mitigate her issues or concerns. Mr. Peters stated she
10 would ask the following:

1. How to police and monitor the business
- 12 2. What is housed in the building and if the building is appropriate for the use
3. How to manage the unpleasantities with venting and the odors.
- 14 4. Fires at night

16 Mr. Snyder reminded the Commission to focus on what a conditional use permit
identifies with the impacts on property or a neighborhood. He noted any valid concerns
18 are followed up by complaints and pointed out at the last location the city did not receive
a lot of complaints on this business. He suggested that potential odor sources could be
20 clarified. He indicated the main thing to consider is what the impacts are related to the
public safety, health and welfare of the community. He noted the code does not
22 distinguish a number of animals that can be housed.

24 Mr. Don Harvie addressed the Commission at this time. Mr. Harvey stated he is
the next-door neighbor of Mr. Stone and he has not been aware of any odors or smells in
the past 13 years. He added this operation has not been a problem and expressed he sees
26 nothing negative about it.

28 Commissioner Marchbanks asked staff if there have been any reports to the city as
there is another snake facility that was previously approved in Lindon in a commercial
zone that backs up to residential. Mr. Snyder stated there has only been one complaint.
30 Commissioner Marchbanks suggested to Mr. Stone to keep the rats in a fenced area.
Commissioner Johnson stated it appears there are things that can be mitigated like the
32 storage of the rats, the odors/smells and noise.

34 Blake Campbell, resident in attendance stated the general thing about odor
mitigation may be to address the scrubbers or reroute the venting.

36 Chairperson Call pointed out the Commission cannot issue a Conditional Use
Permit until City inspections are completed. Her concerns are as follows:

1. City inspections performed
- 38 2. Venting inspected by the Building Official
3. Potential odors mitigated
- 40 4. Business is operated from one location including rodent storage

42 Mr. Stone stated he would be happy to have all inspections performed and to
comply with all requests listed above.

44 Ms. Peters re-iterated that she would like to know, for her peace of mind, how
46 many and what type of snakes are held there and who is going to control and monitor it.
She re-iterated that she strongly opposes this CUP because it's in a residential area and

2 this operation is on a much larger scale. She feels it is not prudent to approve another
CUP on this business in a residential area.

4 Mr. Snyder pointed out the Commission has the right to continue this item for
further discussion. Commissioner Johnson also suggested that Mr. Stone provide
6 information on a standard to help put a number on the animals allowed. Mr. Stone
indicated there are federal guidelines. Mr. Stone also pointed out there has not been one
8 problem from his business with nuisances and he has followed all regulations and
requirements. He would be happy to pull federal records if the Commission would like to
10 review them to see if they are in compliance.

Chairperson Call asked if there were any further comments or discussion.
12 Hearing none she called for a motion.

14 COMMISSIONER KALLAS MOVED TO CONTINUE THE APPLICANT'S
REQUEST FOR A CONDITIONAL USE PERMIT TO BREED AND SELL EXOTIC
16 REPTILES (BOA CONSTRICTORS AND BALL PYTHONS) OUT OF THE
ACCESSORY BUILDING ONLY, LOCATED AT 106 SOUTH 300 EAST, IN THE
18 RESIDENTIAL SINGLE-FAMILY (R1-20) ZONE TO GIVE STAFF TIME TO
INSPECT THE PROPERTY AND REVIEW ANY CONDITONS THAT MAY BE
20 MITIGATED AND ALLOW MR. STONE THE OPPORTUNITY TO PROVIDE
MORE INFORMATION REGARDING NUMBERS ALLOWED. COMMISSIONER
22 MARCHBANKS SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

24 CHAIRPERSON CALL	AYE
COMMISSIONER MARCHBANKS	AYE
26 COMMISSIONER KALLAS	AYE
COMMISSIONER JOHNSON	AYE
28 THE MOTION CARRIED UNANIMOUSLY.	

30 5. **Public Hearing — Zoning Map Amendment, 150 S. Geneva Rd.** Adam Pulver,
BMC, requests approval of a Zoning Map Amendment to reclassify a parcel from
32 Residential Single Family (R1-20) to the Light Industrial (LI) zone. Parcel ID
#14:065:0131 Anderson Lumber Company (BMC Stock Holdings, Inc.). Total
34 land area of 1.25 acres. Recommendation(s) will be forwarded to the City
Council. (Pending Ordinance 2018-17-O).

36 COMMISSIONER JOHNSON MOVED TO OPEN THE PUBLIC HEARING.
38 COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR. THE MOTION CARRIED.

40 Hugh Van Wagenen, Planning Director, stated the applicant, Adam Pulver, with
42 BMC Stock Holdings, is in attendance to request approval to rezone the parcel from
Residential (R1-20) to the Light Industrial (LI) zone. The applicant is requesting the
44 rezone so that the zoning would match with the two adjacent parcels (West and
Southwest). The applicant also proposes to combine the parcels and will be replacing
46 some of the existing structures in the near future. A new structure will be placed partially
into the current area of the subject parcel. The parcel was created and purchased by



Permit Number: 74321B

Date Effective: ~~03/23/2014~~ → Date Expires: 08/31/2020

Issuing Office:

Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
Office of Law Enforcement
2800 Cottage Way, RM W2928
Sacramento, CA 95825
Tel: 916-414-6660
Email: permitsWestLE@fws.gov

**REBECCA
PENNELL**

Digitally signed by
REBECCA PENNELL
Date: 2019.09.23 13:32:29
-07'00'

Legal Instruments Examiner

Permittee:

**JSR, INC.
106 SOUTH 300 EAST
LONDON, UT 84042 US**

Principal Officer: KARA L STONE , OWNER
