Lindon City Planning Commission Staff Report

December 10, 2019
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

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](http://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](http://www.utah.gov/pmn/index.html) and City [www.lindoncity.org](http://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
The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday, November 26, 2019 beginning at 7:00 p.m.** at the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

**REGULAR SESSION – 7:00 P.M.**

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

**PRESENT**  
Sharon Call, Chairperson  
Mike Marchbanks, Commissioner  
Rob Kallas, Commissioner  
Steven Johnson, Commissioner  
Jared Schauers, Commissioner  
Renee Tribe, Commissioner  
Mike Florence, Planning Director  
Anders Bake, Associate Planner  
Kathy Moosman, City Recorder

**EXCUSED**  
Scott Thompson, Commissioner

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

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

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

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

**CURRENT BUSINESS** –

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

Mr. Florence further explained the Anderson Farms development has a maximum 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 council and Ivory Development have been in discussions regarding amending the master development agreement which would increase the overall development density in order 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 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 final number of lots will need to be decided before the city council gives preliminary 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 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 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 A/Plat E are met all but the Pressurized irrigation system, including source, for the 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 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 required as part of this phase.

Mr. Florence then presented an Aerial photo, Parcel A/Plat E subdivision plan, 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 hearing but stated she would take some public comments at this time.

Diane Adams, resident in attendance, stated she lives in the 55+ subdivision 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 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 access.

Mr. Florence stated in 2012 the city signed an agreement with UDOT to identify 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

Planning Commission
November 26, 2019
hand turn to have access going west (the plans have been submitted to UDOT and is in process). 

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 will stay but the fencing plans are not confirmed as yet. 

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 preliminary plat approval and road dedication. 

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

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

CHAIRPERSON CALL AYE
COMMISSIONER KALLAS AYE
COMMISSIONER MARCHBANKS AYE
COMMISSIONER JOHNSON AYE
COMMISSIONER SCHAUERS AYE
COMMISSIONER TRIBE AYE

THE MOTION CARRIED UNANIMOUSLY.

5. New Business: Reports by Commissioners – 
Chairperson Call called for any new business or reports from the Commissioners.

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 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 next meeting. Mr. Bake confirmed it will go to the council at the next meeting.

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

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 going through the engineering phase.

Commissioner Kallas asked if there has been any movement on the Osmond 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.

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

6. **Planning Director Report** –
   - General City Updates

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

**ADJOURN** –

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.

Approved – November 26, 2019

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Sharon Call, Chairperson

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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
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 purposed 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 waist 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/](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. Stone’s 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. Stone’s 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. Stone’s 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 reptile 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 to three 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=20u9TFG7MZ0

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 from the last planning commission meeting and the letters from neighbors that you can see.

Thank you.

Sincerely, Jeremy Stone
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 up hold 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. Jsrinc or www boaconstricitor.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 released.

Stone does take some animals outside to take pictures to market to promote animals are are safely put way. We do not view Stone's as a nuisance and to not have issues with his licence on 106 South 300 East. The building on the property has been in the building specifically 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 opposed to 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

Robert Parker

Mary Beth Milleram

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

**REGULAR SESSION** – 7:00 P.M.

Conducting: Sharon Call, Chairperson

Invocation: Bob Wily, Commissioner

Pledge of Allegiance: Mike Marchbanks, Commissioner

**PRESENT**

Sharon Call, Chairperson

Mike Marchbanks, Commissioner

Ron Anderson, Commissioner

Bob Wily, Commissioner

Hugh Van Wagenen, Planning Director

Jordan Cullimore, Associate Planner

Kathy Moosman, City Recorder

**ABSENT**

Rob Kallas, Commissioner

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1. **CALL TO ORDER** – The meeting was called to order at 7:05 p.m.

2. **APPROVAL OF MINUTES** – The minutes of the regular meeting of June 10, 2014 were reviewed.

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

3. **PUBLIC COMMENT** –

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

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4. **CURRENT BUSINESS** –

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

   Jordan Cullimore, Associate Planner, led the discussion by giving a brief summary of this agenda item stating the applicant Joseph Mugleston, on behalf of Great Basin Serpentarium, LLC (who was in attendance) is requesting approval of a conditional
use permit to operate an online reptile and supply store in which the operator will keep,
breed, and sell reptiles, amphibians, invertebrates, and food items for the animals. This is
an online reptile supply store (3,000 sq. ft.). General public will not be invited to the
location and hours of operation will vary. With a total of 3 employees. Mr. Cullimore
then presented aerial photos of the site, photographs of the exiting site and the business
description/proposal. He noted that the parking requirements are met. Only item that
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.

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

Mr. Cullimore then presented the analysis as follows:
• State Code defines a conditional use as "a land use that, because of its unique
  characteristics or potential impact on the municipality, surrounding neighbors, or
  adjacent land uses, may not be compatible in some areas or may be compatible
  only if certain conditions are required that mitigate or eliminate the detrimental
  impacts."
• Section 10-9a-507 of the State Code requires municipalities to grant a conditional
  use permit "if reasonable conditions are proposed, or can be imposed, to mitigate
  the reasonably anticipated detrimental effects of the proposed use in accordance
  with applicable standards." Once granted, a conditional use permit runs with the
  land.
• State Code further provides that a conditional use permit application may be
  denied only if "the reasonably anticipated detrimental effects of a proposed
  conditional use cannot be substantially mitigated by the proposal or the
  imposition of reasonable conditions to achieve compliance with applicable
  standards." Utah Code § 10-9a-507.
• Additionally, the Lindon City Code provides that a conditional use may be denied
  when
"Under circumstances of the particular case, the proposed use will be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity, and there is no practical means available to the applicant to effectively mitigate such detrimental effects;" or,

"The applicant cannot or does not give the Planning Commission reasonable assurance that conditions imposed incident to issuance of a conditional use permit will be complied with."

Chairperson Call asked the applicant if he had anything to add to Mr. Cullimore’s comments. He stated that Mr. Cullimore covered the basic information.

Chairperson Call asked the applicant the neighbor is. Mr. Mugleston stated that it is a road work repair business and it is not open to public; it is more of a storage facility. He added that the landlord has no concerns and added that the other tenants have no concerns either. He noted that this has been a hobby but has grown to now turn it into a business. He has been working out of his house to this point.

Mr. Mugleston then names the types of reptiles that he will have at the facility and noted they will be kept inside the facility and well contained. He commented that he has all permits and meets all state and federal regulations. He noted that they are very careful on who they sell to. He stated his market is varied and very diverse. Chairperson Call pointed out that with a Conditional Use Permit if there is any complaints he will have to come back before the Commission. There was then some general discussion regarding this agenda item. Chairperson Call commented that because this is a permitted use the Commission cannot deny the Conditional Use Permit but they can add conditions. Mr. Mugleston confirmed that he will not raise rodents. Following the general discussion, Chairperson Call called for a motion.

COMMISSIONER MARCHBANKS MOVED TO APPROVE THE APPLICANT’S CONDITIONAL USE PERMIT TO OPERATE A REPTILE, AMPHIBIAN, AND INVERTEBRATE BREEDING AND ONLINE SALES BUSINESS LOCATED AT 943 WEST CENTER STREET, SUITE B, IN THE LIGHT INDUSTRIAL (LI) ZONE WITH THE FOLLOWING CONDITIONS: 1. THE OPERATOR SHALL NOT RAISE RODENTS (FOOD ITEMS) ON-SITE AND 2. THE USE SHALL NOT PRODUCE ODORS THAT ARE NOTICEABLE TO NEIGHBORS AND 3. THE OPERATOR MUST MAINTAIN CURRENT PERMITS WHERE APPLICABLE AND 4. THE OPERATOR MUST COMPLY WITH LINDON CITY’S WILD AND EXOTIC ANIMALS ORDINANCE CHAPTER 6.16. COMMISSIONER WILY SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL: AYE
COMMISSIONER ANDERSON: AYE
COMMISSIONER MARCHBANKS: AYE
COMMISSIONER WILY: AYE

THE MOTION CARRIED UNANIMOUSLY.

5. **Minor Subdivision** – Lakeside Business Park, approx. 1411 W. 200 S. Leighton Jenson, on behalf of MS Business Properties Group 4, requests 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.
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 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.

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 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 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 concerns and this application is pretty straightforward.

Mr. Van Wagenen then presented the findings of fact as follows:
1. The proposed subdivision lots meet minimum lot size (1 acre) and frontage (100 feet) for the LI zone.
2. 300 South will extend through the property and turn to become 1430 West as it connects to 200 South.

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 the summary given. There was then some general discussion regarding this agenda item. Chairperson Call asked if there were any further comments or discussion. Hearing none she called for a motion.

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

CHAIRPERSON CALL   AYE
COMMISSIONER ANDERSON  AYE
COMMISSIONER MARCHBANKS  AYE
COMMISSIONER WILY  AYE

THE MOTION CARRIED UNANIMOUSLY.

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 industrial building on lot 2 of the Lakeside Business Park subdivision at approximately 1411 West 200 South in the Light Industrial (LI) zone.

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 requesting site plan approval for a 47,000 square foot industrial building on lot 2 of the
Mr. Van Wagenen gave a brief overview of this agenda item stating the proposed building would be located on Lot 2 of Lakeside Business Park. He noted that access to the site would come from 300 south/1430 West as the new road is built as part of the Lakeside Business Park Subdivision. This site is also adjacent to City owned land, Lindon Heritage Trail, and Lindon Hollow Creek. Mr. Van Wagenen commented that due to the proximity of the site to the Lindon Hollow Creek and associated wetlands, the applicant is proposing to discharge storm water from the southerly portion of the site directly into Lindon Hollow Creek. In exchange for that ability, the applicant is offering to sod and maintain the City owned land adjacent to the site and Lindon Heritage Trail.

After review, Lindon City Engineer Mark Christensen noted the following:

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

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

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

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

Commissioner Anderson commented that MS Properties has been in the city for quite a while and they have contributed a lot to the community and they do a good job.

Commissioner Marchbanks agreed that it will be a great improvement on the property. Following discussion Chairperson Call asked if there were any further comments or discussion. Hearing none she called for a motion.

COMMISSIONER ANDERSON MOVED TO APPROVE THE APPLICANT’S REQUEST FOR SITE PLAN APPROVAL OF THE SONIC PLASTICS OFFICE/WAREHOUSE SITE WITH THE FOLLOWING CONDITIONS: 1. SITE PLAN APPROVAL MUST BE CONTINGENT UPON CITY COUNCIL APPROVAL OF A DEVELOPMENT AGREEMENT BETWEEN LINDON CITY AND THE APPLICANT BE ENTERED INTO WITH REGARDS TO LANDSCAPING THE CITY PROPERTY ADJACENT TO THE SITE IN CONSIDERATION OF THE STORM WATER DISCHARGE WITHOUT DETENTIONS AS NOTED ON THE PLANS.

COMMISSIONER MARCHBANKS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL   AYE
COMMISSIONER ANDERSON  AYE
COMMISSIONER MARCHBANKS  AYE
COMMISSIONER WILY   AYE

THE MOTION CARRIED UNANIMOUSLY.


City Staff requests approval of an amendment to modify landscaping and minimum zone size requirements in the Mixed Commercial (MC) zone. Recommendations will be made to the City Council at their next available meeting after Planning Commission review.

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

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

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

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

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

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

CHAIRPERSON CALL AYE
COMMISSIONER ANDERSON AYE
COMMISSIONER MARCHBANKS AYE
COMMISSIONER WILY AYE

THE MOTION CARRIED UNANIMOUSLY.

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

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

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

Mr. Cullimore stated that City Code requires that any zone change must be consistent with the City’s General Plan Designation. Mr. Cullimore explained that the General Plan mirrors the current zoning, so the applicant is requesting that the General
Plan designation be changed to permit the zone change and allow their desired uses. Mr. Cullimore referenced an aerial photo of the proposed area to be re-classified, photographs of the existing site, the conceptual site plan and the conceptual architectural renderings followed by discussion.

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

1. The General Plan currently designates the property under the category of Commercial. This category includes retail and service oriented businesses, and shopping centers that serve community and regional needs.

2. The applicant requests that the General Plan designation of the property be changed to Mixed Commercial, which includes the uses in the General Commercial designation, as well as light industrial and research and business uses.

Mr. Cullimore then presented the analysis as follows:

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

Chairperson Call invited the applicant, Ed Daley forward at this time. Mr. Daley commented that he received some good feedback from the concept review and is now requesting the general plan map amendment. He stated that he really does not have anything further to add from the summary given. Chairperson Call commented that they were favorable with the concept when it was discussed previously.
Following additional discussion Chairperson Call asked if there were any further comments or questions. Hearing none she called for a motion.

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

CHAIRPERSON CALL   AYE
COMMISSIONER ANDERSON  AYE
COMMISSIONER MARCHBANKS  AYE
COMMISSIONER WILY   AYE

THE MOTION CARRIED UNANIMOUSLY.

9. **Public Hearing** – Zone Map Amendment, Approx. 750 N. 2800 W. Ed Daley of National Packaging Innovations requests a Zone Map Amendment to change the zoning designation of Utah County Parcel #13:063:0057 (located at approximately 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. Recommendations will be made to the City Council at their next available meeting after Planning Commission review.

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 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 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 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, 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 site, conceptual site plan and the conceptual architectural renderings followed by some general discussion.

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

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 Council, of Item 8 involving the General Plan designation of the lot.

Mr. Cullimore then presented the analysis as follows:

- 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 “planning commission shall recommend adoption of a proposed amendment only where the following findings are made:
The proposed amendment is in accord with the master plan of Lindon City;

- Changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes of the division.”

- The stated purpose of the General Commercial Zone is to “promote commercial and service uses for general community shopping.”

  Further, the “objective in establishing commercial zones is to provide areas within the City where commercial and service uses may be located.”

- The purpose of the Mixed Commercial Zone is to “provide areas in appropriate locations where low intensity light industrial (contained entirely within a building), research and development, professional and business services, retail and other commercial related uses not producing objectionable effects may be established, maintained, and protected.

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

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

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

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

CHAIRPERSON CALL   AYE
COMMISSIONER ANDERSON  AYE
COMMISSIONER MARCHBANKS  AYE
COMMISSIONER WILY   AYE

THE MOTION CARRIED UNANIMOUSLY.

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

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

11. **PLANNING DIRECTOR’S REPORT**

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

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

**ADJOURN**

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.

Approved – July 8, 2014

_______________________________________
Mike Marchbanks, Vice Chairperson

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

**REGULAR SESSION – 7:00 P.M.**

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

**PRESENT**

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<td>Sharon Call</td>
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<td>Mike Vanchiere</td>
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<td>Rob Kallas</td>
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<td>Mike Marchbanks</td>
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<td>Charlie Keller</td>
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<td>Steven Johnson</td>
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<td>Hugh Van Wagenen</td>
<td>Planning Director</td>
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<td>Brandon Snyder</td>
<td>Associate Planner</td>
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<td>Kathy Moosman</td>
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**EXCUSED**

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

2. **APPROVAL OF MINUTES** – The minutes of the regular meeting of the Planning Commission meeting of August 28, 2018 were reviewed.

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

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

**CURRENT BUSINESS**

4. **Conditional Use Permit — JSR Inc.** 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 East – Lindon in the Residential Single-Family (R1-20) zone.

   Brandon Snyder, Associate Planner, noted the applicant, Jeremy Stone, with JSR Inc., is in attendance to request 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 zone. Mr. Snyder stated the applicant relocated from 278 East 70 South to 106 South 300 East (across the fence from their previous residence) and the applicant is trying to get their business license transferred to the new address. Mr. Snyder noted the previously approved conditional use permit does not automatically transfer. Mr. Snyder
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.

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 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 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 regarding alarms, theft and burglary.

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 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 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. He stated third party public notices were mailed on August 30, 2018 and no public comments have been received at this time.

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 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 number of animals kept and the manner in which the animals are maintained in order to minimize the impact on neighboring property owners.

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. 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 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 the applicant for comment.

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 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 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 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 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 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 all state and federal taxes.

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

Planning Commission
September 11, 2018
back corner of their property, with a large empty lot surrounding the structure. They have always been closed to the public and they employ two contractors who live in their neighborhood so they walk to work. They have deliveries made from time to time, but nothing unusual or that would impact the neighborhood in any way. He explained they breed and sell exotic reptiles, boa constrictors and ball pythons, through their website. They do not have a store front, and never intend to have a store front.

Mr. Stone stated the lot next to their building is sufficient to accommodate the type of parking that would be required to handle the demand that causes no disruption to the neighborhood. He noted their website is www boaconstrictor.com. They are not keeping any other animals off site and all are contained in their building. They have a tap in the building for irrigation water, and a French drain was installed to dispose of any 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.

Commissioner Kallas asked staff if there is any way to get the designation pulled 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.

Chairperson Call commented that she understands they have been operating since 2017 and they are just now getting a request for a Conditional Use Permit. Mrs. Stone explained they had a problem with their server so they did not get notification from the city and when received it in the mail they immediately paid the application fees and filled 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.

Chairperson Call questioned city permits and state and federal regulations. Mr. Stone stated he has all federal and state licenses noting inspections can be done randomly but are generally done once a year. Commissioner Kallas commented the Commission needs to think about what is in the best interest of citizens and the community. He 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.

Lori Peters, resident in attendance, addressed the Commission at this time. She stated her property borders the property in question and they see everything that happens there. Ms. Peters expressed her opposition to approve a new Conditional Use Permit at 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.

Planning Commission
September 11, 2018
Ms. Peters stated there are the nuisances of smells and burning fires at night and dead rats on the side of their shed; these things have been ongoing since 2004. She 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.

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 he would ask the following:

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

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 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 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 distinguish a number of animals that can be housed.

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 nothing negative about it.

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. 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 storage of the rats, the odors/smells and noise.

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

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
2. Venting inspected by the Building Official
3. Potential odors mitigated
4. Business is operated from one location including rodent storage

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

Ms. Peters re-iterated that she would like to know, for her peace of mind, how 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
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.

Mr. Snyder pointed out the Commission has the right to continue this item for further discussion. Commissioner Johnson also suggested that Mr. Stone provide 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 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 review them to see if they are in compliance.

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

COMMISSIONER KALLAS MOVED TO CONTINUE THE APPLICANT’S REQUEST FOR A CONDITIONAL USE PERMIT TO BREED AND SELL EXOTIC REPTILES (BOA CONSTRUCTORS AND BALL PYTHON) OUT OF THE ACCESSORY BUILDING ONLY, LOCATED AT 106 SOUTH 300 EAST, IN THE RESIDENTIAL SINGLE-FAMILY (R1-20) ZONE 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 NUMBERS ALLOWED. COMMISSIONER MARCHBANKS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL AYE
COMMISSIONER MARCHBANKS AYE
COMMISSIONER KALLAS AYE
COMMISSIONER JOHNSON AYE

THE MOTION CARRIED UNANIMOUSLY.

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 Residential Single Family (R1-20) to the Light Industrial (LI) zone. Parcel ID #14:065:0131 Anderson Lumber Company (BMC Stock Holdings, Inc.). Total land area of 1.25 acres. Recommendation(s) will be forwarded to the City Council. (Pending Ordinance 2018-17-O).

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

Hugh Van Wagenen, Planning Director, stated the applicant, Adam Pulver, with 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 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 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

Planning Commission
September 11, 2018
Issuing Office:
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U.S. FISH AND WILDLIFE SERVICE
Office of Law Enforcement
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Sacramento, CA 95825
Tel: 916-414-6660
Email: permitsWestLE@fws.gov

Permittee:
JSR, INC.
106 SOUTH 300 EAST
LINDON, UT 84042 US

Principal Officer: KARA L STONE, OWNER

Permit Number: 74321B
Date Effective: 08/23/2019
Date Expires: 08/31/2020

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

Legal Instruments Examiner