

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
4 **December 10, 2019 beginning at 7:00 p.m.** at the Lindon City Center, City Council
Chambers, 100 North State Street, Lindon, Utah.

6 **REGULAR SESSION – 7:05 P.M.**

8 Conducting: Sharon Call, Chairperson
Invocation: Rob Kallas, Commissioner
10 Pledge of Allegiance: Carter Walker

12 <u>PRESENT</u>	<u>EXCUSED</u>
Sharon Call, Chairperson	Scott Thompson, Commissioner
14 Mike Marchbanks, Commissioner	Renee Tribe, Commissioner
Rob Kallas, Commissioner	
16 Steven Johnson, Commissioner	
Jared Schauers, Commissioner	
18 Mike Florence, Planning Director	
Anders Bake, Associate Planner	
20 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 26, 2019 were reviewed.

28 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE MINUTES
OF THE REGULAR MEETING OF NOVEMBER 26, 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. **Conditional Use Permit – MD Automotive, 1274 West 300 South.** Mike Davis
40 on behalf of MD Automotive is requesting conditional use permit approval to
operate an auto repair business.

42 Anders Bake, Associate Planner, led this agenda item by stating the applicant,
44 Mike Davis is requesting a conditional use permit to lease a portion of a building located
at 1274 West 300 South for an auto repair shop to perform general auto repairs. The
46 proposal requires a conditional use permit in the Light Industrial zone. He noted 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 & M Construction.

2 Notices were mailed on November 27, 2019 to adjoining property owners in accordance
with city code and Staff has received no public comments at this time.

4 Mr. Bake stated there are seven dedicated customer parking stalls available for
Mr. Davis's business plus space for about 10 vehicles on the west side of the building for
6 vehicles waiting to be repaired; this meets the city code parking requirements for auto
repair business. This site currently meets landscaping standards for the LI zone with 20
8 feet of landscaping along 300 South that includes trees and a well-maintained lawn. The
business will use an existing cement block building that is on the site. He noted that Mr.
10 Davis does not propose any changes to the existing building at this time. Mr. Bake
indicated with the proposed conditions, it is expected that this business will have a
12 minimal impact on surrounding properties and is similar to other uses in the Light
Industrial Zone.

14 Mr. Bake then presented the business description, aerial photo of the site and
surrounding area, street view photos, site plan and waste management plan followed by
16 discussion. He then turned the time over to the applicant for comment.

18 Mr. Davis stated Mr. Bake presented the information very well and this is pretty
straightforward. He noted he does not have a problem complying with all required
20 conditions. Mr. Davis then explained his business stating he will be repairing cars in
automotive drivability needs, like transmissions, engines, engine diagnostics, electrical
22 repair, suspension, brakes and tires etc. The hours of operation will be 8 am to 6 pm
Monday through Saturday. He explained his business has been in operation for the past
24 year and he has just outgrown his current facility. He noted all waste oil and fluids are to
be kept in waste tanks until the time to have them removed by appropriate recyclers. He
26 does not expect a great deal of additional traffic because his business is not a revolving
business such as a restaurant.

28 Mr. Davis indicated this is an industrial park and he does not expect there will be
any increase in noise due to his operations. There will be no need for water processing as
30 all fluids are to be kept in storage containers until the time for proper disposal as per state
and federal law. There was then some general discussion regarding this application.
32 Chairperson Call agreed it appears all requirements have been met and is a pretty
straightforward request.

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

36

COMMISSIONER MARCHBANKS MOVED TO APPROVE THE
38 APPLICANT'S REQUEST FOR A CONDITIONAL USE PERMIT TO USE A
PORTION OF THE PROPERTY LOCATED AT 1274 WEST 300 SOUTH FOR AN
40 AUTO REPAIR BUSINESS, WITH THE FOLLOWING CONDITIONS: 1. ALL
VEHICLES MUST BE STORED WITHIN THE BUILDING OR BEHIND A VIEW-
42 OBSCURING FENCE; 2. NO AUTOMOBILE PARTS WILL BE STORED OUTSIDE
OF THE BUILDING; 3. VEHICLES MAY ONLY BE STORED OUTDOORS FOR
44 LONGER THAN 72 HOURS WHEN WAITING ON DELIVERY OF PARTS; 4. THE
APPLICANT WILL COMPLY WITH THE PROPOSED WASTE MANAGEMENT
46 PLAN; 5. ALL ITEMS OF THE STAFF REPORT. COMMISSIONER JOHNSON
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

48 CHAIRPERSON CALL AYE
COMMISSIONER KALLAS AYE

2 COMMISSIONER MARCHBANKS AYE
COMMISSIONER JOHNSON AYE
4 COMMISSIONER SCHAUERS AYE
HE MOTION CARRIED UNANIMOUSLY.

6

4. **Conditional Use Permit – JSR Inc., 106 South 300 East.** Jeremy and Kara
8 Stone are requesting conditional use permit approval to operate a snake raising
and breeding business as a home occupation.

10

12 Mike Florence, Planning Director, led this agenda item by stating on September 5,
2019 city planning staff and the building official conducted an inspection of the property
in question. He explained that the applicant, Mr. Stone, is using an existing 30'x48' metal
14 building to house the reptiles; the building is approximately 1,400 square feet. Mr.
Florence explained the main concern from this inspection is that there were a number of
16 building code violations related to electrical and fire code regulations. He noted Mr.
Stone has since submitted a building permit application to correct those violations.
18 However, the City has not inspected the work associated with the permit. Staff
recommends a condition to be included in the motion that all building code violations be
20 corrected and final inspections completed within the next six months or the business
license and conditional use permit may be temporarily suspended until the work receives
22 final approval by the building official. Mr. Florence stated during the inspection staff did
not perceive any noxious smells coming from the facility and it appeared quite clean.

24

Mr. Florence further explained during the inspection Mr. Stone told staff that he
had also been using his former accessory building on the adjoining lot for office and
26 storage space. Mr. Florence stated Home Occupations and conditional use permits are
only valid for the property where the applicant resides and Staff let Mr. Stone know at
28 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. Mr. Florence indicated
30 according to Mr. Stones letter, (included in the staff report), his federal license allows
him to raise up to 4,000 snakes per year. Mr. Stone also provided that he does not have
32 more than 1,400 at any one time. Staff recommends this maximum number as a condition
of approval. He noted Mr. Stone does have a valid federal license. Mr. Florence then read
34 the conditions of approval to include in the motion.

36

Mr. Florence went on to say 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.
38 Stone's business. As part of this application staff reached out to Dr. Dobson to see if she
had any recent concerns. Dr. Dobson said that she visits Mr. Stones business location
40 periodically to recommend improvements to the facility so that it can pass United States
Department of Agriculture inspections. Dr. Dobson does not feel that there are any
42 mishandling, mismanagement, health or reptile cleanliness issues with the business. In
Mr. Stones letter, he states that the facility is cleaned three to four times a week and spot
44 cleaned as needed.

46

Mr. Florence then referenced City Regulations as follows:

6.16.010 - Wild and exotic animals.

2 It is unlawful for any person to sell, offer for sale, barter, give away, keep, own, harbor,
4 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 **6.16.015 Conditional use required.**

8 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.

10 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
12 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
14 type of enclosure or structure, etc.

Mr. Florence then presented the following items followed by discussion:

- 16 • Aerial Photo
- Picture of the building
- 18 • Applicant Letter
- Resident letters from 2018
- 20 • 2004 Meeting Minutes
- 2018 meeting minutes
- 22 • Copy of Federal License

24 Mr. Stone indicated since the change in the city Planning Staff, they have tried to
work with the city to be in compliance and have been working with Mr. Florence and
26 staff since August. Mr. Stone noted they do volunteer work and teach scouts with merit
badges etc. He also has security cameras for fear of theft issues and monitors his
28 operation every step of the way. He also has signatures from all of his neighbors
(included in the staff report). They have deliveries made from time to time, but nothing
30 unusual or that would impact the neighbors in any way so traffic is not an issue. Mr.
Stone stated they also keep all federal and state licenses up to date and pay all state and
32 federal taxes.

There was then some discussion of shortening the time period from six to three
34 months to resolve all building code requirements and receive final inspection approval of
the conditional use permit or the business license and conditional use permit may be
36 temporarily suspended until final approval. Mr. Stone stated they are willing and ready to
comply with all requests and requirements; they have submitted everything and have
38 filled out all forms as to be in compliance with the building department.

Chairperson Call commented as long as the listed conditions are met and
40 especially with a shortened time period and if everything can be worked through staff,
she is comfortable with the listed conditions. Commissioner Kallas pointed out the
42 commission has the responsibility to protect our residents and this is a very unique and
unusual operation and he has concerns of protecting the neighbors; we need to make sure
44 the conditions are followed very closely and Mr. Stone needs to understand this. Mr.
Stone commented he has been operating here for many years and he has good
46 relationships with his neighbors and his business doesn't impact them. There was also
discussion on the maximum number of reptiles at any one time. The commission agreed

2 to add the condition in the motion to limit the number of reptiles to 1,700 at any one time
and to not exceed 4,000 in a year.

4 Commissioner Kallas expressed his concerns that this business operates in a
residential neighborhood and also that they have operated so long without being in
6 compliance. Commissioner Kallas also asked staff if the neighbors have complaints about
this use if enforcement will be used. Mr. Florence confirmed if there are complaints, we
8 would use enforcement to ensure these conditions are being met and if not, it would come
back before the commission for review and to modify the conditions or pull the permit if
10 necessary. Mr. Stone stated he understands the conditions and will comply with all
requests.

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

14
16 COMMISSIONER JOHNSON MOVED TO APPROVE THE APPLICANT'S
REQUEST FOR A CONDITIONAL USE PERMIT TO BREED AND SELL EXOTIC
REPTILES (BOA CONSTRICTORS AND BALL PYTHONS) AT 106 SOUTH 300
18 EAST, IN THE RESIDENTIAL SINGLE-FAMILY (R1-20) ZONE, WITH THE
FOLLOWING CONDITIONS: 1. AN ACTIVE LINDON CITY HOME OCCUPATION
20 BUSINESS LICENSE IS MAINTAINED AND ALL HOME OCCUPATION
REGULATIONS WILL BE CONTINUALLY MET; 2. CONTINUALLY MAINTAIN
22 ALL APPLICABLE FEDERAL AND STATE LICENSES; 3. THE APPLICANT WILL
RESOLVE ALL BUILDING CODE REQUIREMENTS AND RECEIVE FINAL
24 INSPECTION APPROVAL WITHIN THREE MONTHS OF APPROVAL OF THE
CONDITIONAL USE PERMIT OR THE BUSINESS LICENSE AND CONDITIONAL
26 USE PERMIT WILL BE TEMPORARILY SUSPENDED UNTIL FINAL APPROVAL;
4. THE BUILDING WILL CONTINUALLY MEET ALL APPLICABLE BUILDING
28 AND FIRE CODES AND REGULATIONS; 5. THE APPLICANT WILL MAINTAIN
A SAFE AND SECURE FACILITY TO PREVENT ANIMALS ESCAPING AND TO
30 DISCOURAGE UNLAWFUL ENTRY; 6. TO REDUCE ODOR COMPLAINTS AND
TO MAINTAIN A CLEAN FACILITY THE BUILDING WILL BE CLEANED AT A
32 MINIMUM OF THREE TIMES PER WEEK WITH SPOT CLEANING AS NEEDED
AND EXHAUST AND VENTING SYSTEMS WILL BE REGULARLY
34 MAINTAINED TO REDUCE ANY ODORS; 7. NO ONSITE RAISING, STORAGE
OR BREEDING OF LIVE RODENTS, MICE, RABBITS OR OTHER REPTILE FOOD
36 SOURCES; 8. THE HOME OCCUPATION BUSINESS OPERATION WILL BE
CONDUCTED ENTIRELY ON THE PROPERTY AT 106 SOUTH 300 EAST NO
38 OTHER RESIDENCES OR RESIDENTIAL PROPERTIES WILL BE USED FOR THE
BUSINESS OPERATION; 9. THE MAXIMUM NUMBER OF REPTILES AT ANY
40 ONE TIME AT 1,700 AND TO NOT EXCEED 4,000 IN A YEAR 10. ALL ITEMS OF
THE STAFF REPORT. COMMISSIONER MARCHBANKS SECONDED THE
42 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

44 CHAIRPERSON CALL	AYE
COMMISSIONER KALLAS	NAY
COMMISSIONER MARCHBANKS	AYE
46 COMMISSIONER JOHNSON	AYE
COMMISSIONER SCHAUERS	AYE
48 THE MOTION CARRIED FOUR TO ONE	

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

6 Chairperson Call asked Councilmember Vanchiere for an update on the Lindon
8 Nursery concept discussion with the city council. Councilmember Vanchiere stated
10 everyone on the council was not comfortable with the 99 units especially in the
12 configuration presented. The overall consensus was, if and when approved, that the
14 applicant would agree that it would be all tri-plexes and be no higher than two stories and
16 not visually obstructive from the road and with a setback of at least a minimum of 300 ft
18 but could be as much as 400 ft. with a traffic study required. The council agreed the price
point was affordable and it would be a quality development with nice landscaping, but it
seemed everyone was leaning towards a scaled down version. Following some general
discussion, Mr. Florence indicated he will get a joint session with the council and
commission together in the next few months.

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

20 6. **Planning Director Report** –

- 22 • General City Updates
- 24 • Nominating Chair and Vice Chair for 2020 – it was agreed to nominate the
26 Chair and Vice Chair at the next meeting with a full quorum present.

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

28 **ADJOURN** –

30 COMMISSIONER KALLAS MADE A MOTION TO ADJOURN THE
32 MEETING AT 8:30 PM. COMMISSIONER SCHAUERS SECONDED THE MOTION.
34 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

36 Approved – January 14, 2020

38 _____
36 Sharon Call, Chairperson

40 _____
Michael Florence, Planning Director