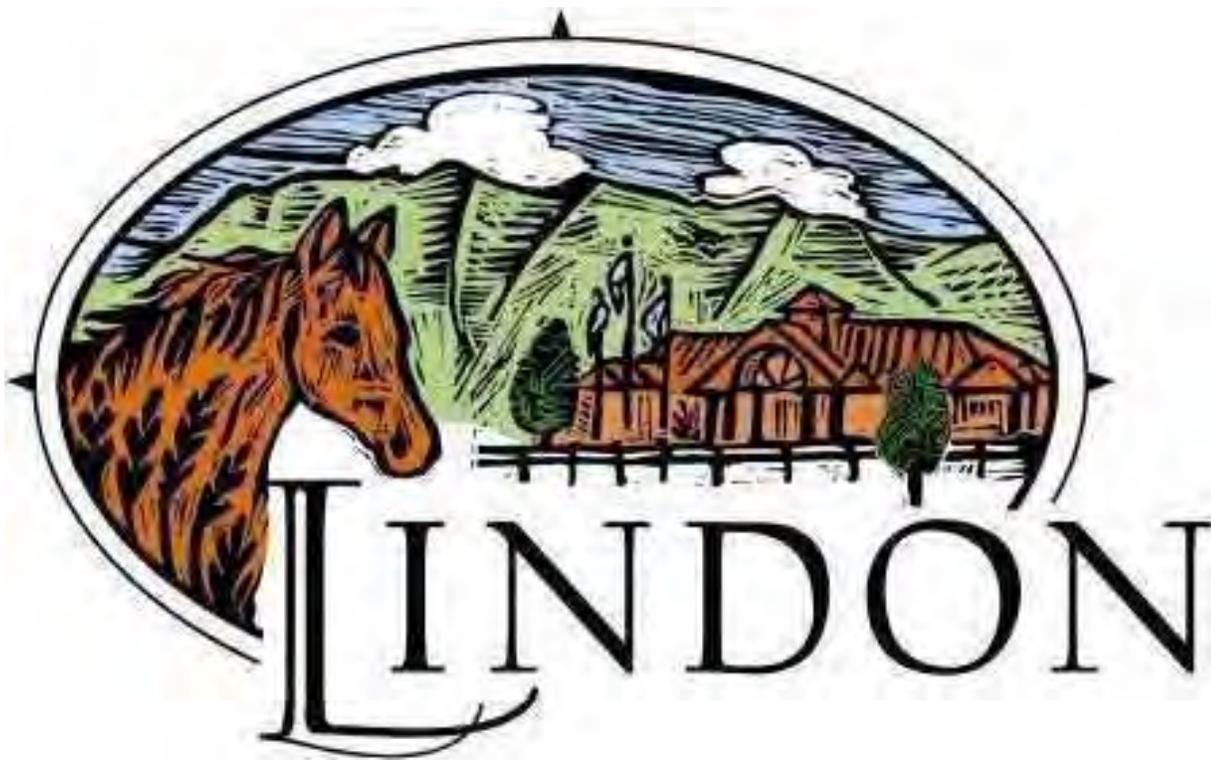


# **Lindon City Planning Commission Staff Report**



**June 23, 2020**

# Notice of Meeting

## Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on Tuesday, June 23, 2020, in the Council Room of Lindon City Hall, 100 North State Street, Lindon, Utah. The meeting will begin at 6:00 p.m. This meeting may be held electronically to allow a commissioner to participate by video or teleconference. The agenda will consist of the following items:

### Agenda

Invocation: By Invitation

Pledge of Allegiance: By Invitation



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

1. Call to Order
2. Approval of minutes  
Planning Commission 6/09/2020
3. Public Comment
4. Amended Conditional Use Permit – Kara Stone – 106 South 300 East  
Kara Stone requests an amendment to an existing conditional use permit approval to breed and sell exotic reptiles (boa constrictors and ball pythons) at 106 South 300 East in the low density residential (R1-20) zone. *(30 minutes)*
5. Plat Amendment – Murdock Hyundai – 424 South Lindon Park Drive  
Murdock Hyundai requests plat amendment approval to consolidate the lot at 424 South Lindon Park Drive with the existing dealership property to the south. *(10 minutes)*
6. Amended Site Plan and Conditional Use Permit – Murdock Hyundai – 424 South Lindon Park Drive  
Murdock Hyundai requests amended site plan and conditional use permit approval to construct and operate a car wash on the property located at 424 S. Lindon Park Drive in the Planned commercial 1 zone. *(20 minutes)*
7. Progress Presentation – 700 North Master Plan  
IBI group will be making a presentation to the Planning Commission on their progress with the 700 North Corridor Master Plan. The Planning Commission will not be making any formal decisions or motions for this item. *(20 minutes)*
8. New Business from Commissioners
9. 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> and City [www.lindoncity.org](http://www.lindoncity.org) websites.

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

**Notice of Meeting**  
***Lindon City Planning Commission***



Posted By: Kathryn Moosman, City Recorder

Date: 6/19/2020

Time: 5:00 pm

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

Lindon City  
100 North State Street  
Lindon, UT 84042-1808



TEL 801-785-7687  
FAX 801-785-4510  
[www.lindoncity.org](http://www.lindoncity.org)

**Item 1- Call to Order**

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

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**  
3 **June 9, 2020 beginning at 6:00 p.m.** at the Lindon City Center, City Council Chambers,  
4 100 North State Street, Lindon, Utah.

6 **REGULAR SESSION – 6:00 P.M.**

8 Conducting: Sharon Call, Chairperson  
9 Invocation: Scott Thompson  
10 Pledge of Allegiance: Renee Tribe

12 **PRESENT** **EXCUSED**

13 Sharon Call, Chairperson  
14 Rob Kallas, Commissioner  
15 Mike Marchbanks, Commissioner  
16 Steven Johnson, Commissioner  
17 Scott Thompson, Commissioner  
18 Jared Schauers, Commissioner  
19 Renee Tribe, Commissioner  
20 Mike Florence, Planning Director  
21 Anders Bake, Associate Planner  
22 Brian Haws, City Attorney  
23 Kathryn Moosman, City Recorder

24

25 1. **CALL TO ORDER** – The meeting was called to order at 6:00 p.m.

26

27 2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the  
28 Planning Commission meeting of May 26, 2020 were reviewed.

30 COMMISSIONER TRIBE MOVED TO APPROVE THE MINUTES OF THE  
31 REGULAR MEETING OF MAY 26, 2020 AS PRESENTED. COMMISSIONER  
32 THOMPSON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR.  
33 THE MOTION CARRIED.

34

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

38

39 **CURRENT BUSINESS** –

40

41 4. **Public Hearing – Ordinance Amendment to Title 17.76 - Planned Residential.**

42

43 COMMISSIONER JOHNSON MOVED TO OPEN THE PUBLIC HEARING.  
44 COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT  
45 VOTED IN FAVOR. THE MOTION CARRIED.

46

47 Mike Florence, Planning Director, led this agenda item by giving an overview  
48 stating At the April 28, 2020 planning commission meeting, the commission continued  
49

2 this item until an in-person public hearing could be held. On June 2, 2020, the  
Community Development Department held two neighborhood meetings regarding the  
4 proposed ordinance. Residents who border the Linden Nursery and Norton Properties  
were noticed of the neighborhood meeting as well as property owners and developers.  
6 The neighborhood meeting was well attended and allowed city staff to present the  
proposed ordinance changes and receive feedback.

8 Mr. Florence explained the proposed ordinance provides two development  
options. It keeps the current code requirement of allowing Planned Residential  
10 Development on General Commercial properties if the development is greater than  
20,000 square feet and no more than one acre. The second option allows development  
12 greater than one acre on property zoned General Commercial if it is combined with an  
existing or new commercial use. There is a 300-foot commercial depth requirement and  
14 then residential could be constructed on the rear portions of the lots.

**Summary of Current Planned Residential Development Overlay zone**

- 16 • Development can only be developed on properties zoned General Commercial.
- Housing types include twin homes, condominiums, and townhomes.
- 18 • Density maximum is 10 units per acre.
- Minimum development area is 20,000 sq ft, maximum development area is one acre.
- 20 • Parking 2.5 stalls per acre.
- Architectural requirements to meet the Commercial Design Standards.

**Summary of Proposed Changes to Planned Development Overlay zone**

- 22 • 17.76.010 – purpose statements were added to coordinate with the draft changes of the  
24 ordinance. These include appropriate transitions, improve building design, and preserve  
the commercial tax base and intent of the Commercial General zone.
- 26 • 17.76.020 – maintains the requirement that development can only be located in the  
General Commercial zone.
- 28 • 17.76.030
  - o Allows the following building types: detached single family, twin homes, tri-plex,  
30 multi-unit buildings, and townhomes.
  - o Creates a minimum lot size of 5,000 sq ft for detached single family.
  - 32 o Multi-unit buildings are limited to 4 units.
  - o Townhomes are limited to a maximum of 6 units in a row.
  - 34 o Building permits for twenty-five percent of the commercial square footages must be  
obtained prior to releasing building permits for residential construction.
- 36 • 17.76.040-.050 – combines and organizes the entitlement sections.
- 17.76.080
  - 38 o Maintains the density requirement at ten units per acre.
  - o Requires a commercial depth of 300 feet. This depth can only be reduced in  
40 narrow circumstances by the planning commission and city council for irregularly  
shaped lots and commercial development potential.
  - 42 o Minimum area requirement of one acre.
  - o At least two building types are required for developments over two acres.
  - 44 o Increases the side yard setback for projects one acre or less from 10 feet to 16 feet.
  - o Establishes setback requirements for projects over one acre.
  - 46 o Identifies the perimeter fencing materials as masonry or pre-cast with a height of 7 feet.  
The current ordinance gives the discretion to the planning commission of what type of  
48 fence should be installed.

- 2 o Modifies landscaping requirements to common open space requirements. The current ordinance requires 40% landscaping. The proposed ordinance requires 20% common
- 4 open space to be incorporated into the design of the site. The proposal allows the planning commission to approve private individual yard areas.
- 6 o Trees are planted every 30 feet as a buffer adjacent to single family homes.
- 8 o A lighting and photometric study is required to reduce light trespass but provide adequate lighting for development.
- 10 o Parking is maintained at 2.5 stalls per unit. 65% of the units are required to have a two-car garage. Up to 50% of the required visitor parking can be on residential driveways.
- 12 o The proposed ordinance calls out architectural design requirements to create building variation.
- 14 o Buildings within the development must have connecting sidewalks. To the extent possible, development shall make at least one pedestrian connection to a public right-of-way.
- 16 o Buildings must front onto a public street, driveway or common open spaces, to the extent feasible.
- 18 o Proposed developments shall not remove existing single-family homes for access connections to adjacent neighborhoods.

20 Mr. Florence noted the planning commission should review the ordinance to ensure that it both transitions properly from commercial uses to low-density single family and creates the type of development envisioned for Lindon City. Staff provided comment cards at the neighborhood meetings and also asked for email comments. Following are items that came up in the comments that are not included in the ordinance but might want to be considered by the commission.

- 26 • Building lighting should be constructed as down lighting to reduce light trespass
- 28 • Increase the height of the required perimeter fencing
- 30 • Require more mature trees as a buffer to adjacent single family residential
- 32 • Lower rooflines
- 34 • More parking
- 36 • Don't allow housing less than one acre in the 300-foot commercial area

38 Mr. Florence then presented Draft Planned Residential Overlay ordinance with "redline" changes, Draft Planned Residential Overlay ordinance, Commercial depth map, Map identifying potential properties where the Planned Residential Developer Overlay zone could be applied and the comments from neighborhood meeting.

40 Chairperson Call asked if there were any public comments or discussion at this time. There were several residents in attendance who addressed the commission as follows:

42 **Joe Walker:** Mr. Walker stated he has concerns if the zone is changed that there may be high density or commercial right behind his house (right behind the nursery) that would deter from the value of his property. He moved to Lindon in 1997 and that was not the agreement back then.

46 **LaDawn Edwards:** Ms. Edwards asked for clarification in the ordinance on #7 regarding setbacks (a & b) and why is one 30 ft and one 20 ft. Mr. Florence stated both

2 should be 30 ft. She noted it is critical that the commission think about who you are now  
drawing the road map for the future. In defining what will become the law until another  
4 council wants to tackle what the road map will look like down the road. She would  
suggest being very careful with the wording. She feels in section #9 regarding fencing  
6 perimeter that the second sentence is not fair. She also mentioned #10 on the trees and  
how you preserve it for the future...well written but would ...recommend you preserve a  
8 space that allows for landscaping and doesn't let the development encroach on it. She  
added the commission needs to be thoughtful with consideration on who maintains it and  
10 to continue to have a buffer zone so they still have the privacy they bought their homes  
for. She also expressed her thanks to the commission for including the neighbors in the  
12 conversation and to please plan a good road map for our future as this action will affect  
many homeowners.

14

**Lori Esteban:** Ms. Esteban stated her property borders the Lindon Nursery. She feels  
16 good with the two stories but she has concerns about the parking because with the bigger  
units can it be determined how much parking is needed. She feels the lack of parking  
18 makes it an undesirable place to live. You also create a shortage of parking when you  
start having garages. She also mentioned that lighting is an issue. She added the 7 ft. wall  
20 is great, but the trees are equally important. She also mentioned the 30 ft. setback in  
regards to open space as there is an unusable strip space behind the nursery. She  
22 expressed her concerns that this shouldn't be counted towards the planned development  
for density and the green space, and parking should be voided out and should be  
24 considered.

26 **Justin Stewart:** Mr. Stewart stated he came to Lindon for the yard size and the ½ acre  
lots. Now they are talking about putting high density next to him and right behind his  
28 yard with up to 5 times more density. He lives on a cul-de-sac and the consideration of  
putting a through street in gives him some concern.

30

**Katrina Melhoff:** Ms. Melhoff stated she is the real estate agent for the Norton  
32 /Ostergaard property. She stated for the record the property owners are for any proposal  
they will need to be able to close with a buyer. She pointed out that this action will allow  
34 them to retain a buyer. They have brought several proposals including storage facilities  
and they are trying to get a proposal that attracts a buyer and also meets the needs of the  
36 community. They have tried very hard to work with the neighborhood meetings to create  
a balance.

38

**Amy Alvord:** Ms. Alvord stated she lives at the top of the Norton property (570 North)  
40 She has concerns with what is on the master plan for their road to go through to state  
street as it is currently a cul-de-sac. Is passing this with that on the master plan with the  
42 traffic and if it is allowed to be through street. Could there be something to dead end  
their street on the master plan; this needs to be a consideration and be changed on the  
44 master plan as it would be devastating to their street; they want to protect their street.

46 **Austin Johnson:** Mr. Johnson commented the we need to make something that works for  
everyone and keep the street ending in the cul-de-sac.

48

2 **Ruth Ann Johnson:** Ms. Johnson commented that Lindon City doesn't use the road and  
the amount of density needs to be reflective of what that road can handle based on width  
4 etch. The density is high and feels 10 units per acre is a little on the high side. That is  
still high but the impact could be negative for the school and church system to handle the  
6 high impact; a balance needs to be reached. She also asked if the city could mandate that  
the units would be owner occupied. Mr. Florence replied that legally we can't tell  
8 someone if their home will be owner occupied or if they rent their own home. The  
developer can include something in the HOA.

10 **Nadine:** If you divert traffic down 500 North it goes right to her front yard and drivers  
12 are already speeding there. She noted if you do a traffic study do it from 7:30 am until 10  
am and then again in the afternoon to get an accurate reading.

14 **Shawna Keetch:** Ms. Keetch commented her road was not developed to be a high  
16 impact road. Drivers already go too fast and diverting it will not hold the traffic; there are  
also no speedbumps.

18 **Angie Neuwirth:** Ms. Neuwirth stated Mr. Florence has put some good work into the  
20 ordinance and the neighbors appreciate it. As far as the setbacks go, the 30 ft. buffer  
between buildings is a concern. They are getting a better bang for their buck by giving  
22 more density on their property. There are issues with noise, traffic, visitor parking etc.  
that need to be addressed and we have to stick with the fence being a solid concrete fence  
24 to create a sufficient buffer.

26 **Jeff Southard:** Mr. Southard spoke on the setbacks. He noted the parking and fencing  
issues were two of the biggest concerns he heard at the neighborhood meeting.

28 **Amy Johnson:** Ms. Johnson stated she is the developer on the Norton property. She also  
30 expressed that Mr. Florence has done a terrific job on the ordinance. They are good with  
keeping two stories for this overlay. They do have some commercial, but they have lost  
32 two very good tenants but they have two new ones that they think the community would  
be happy with. She noted this needs to be passed so they can bring the tenants there. She  
34 added having some leeway on 10 units vs. 12 units would be good and they are good with  
open space etc. She pointed out they want to create something nice that will add to the  
36 community so they are not encroaching on the cul-de-sac roads etc.

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

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

44 Commissioner Kallas commented it was helpful to hear what the residents have to  
46 say as there is a problem for these landowners on state street. The problem was created  
in the 70's and he noted the commission is trying to solve it and the industry has  
48 changed dramatically; this is a unique situation. He thinks the setbacks in the rear of 30

2 ft. is good in the ordinance, as that is not uncommon and is something he feels they  
could live with. Could something be written into the ordinance that it must be an  
4 average of 300 ft. on 80% of the frontage of the property so it could account for these  
odd shaped pieces. He added that concrete fences are great and protects the residents and  
6 the neighbors should be happy about that. He also spoke on parking noting it is a unique  
problem. He noted he is not sure the city has to make it pencil out with the cost of the  
8 land, the product, and the cost of construction and density as those are variables you can  
adjust. He has mixed feelings on the density, but all in all, he is happy with what is  
10 being proposed.

12 Commissioner Thompson stated he likes the flexibility noting it is difficult when  
we don't have an ordinance in place. He commented that he visited the Cambria  
development in Pleasant Grove and talked to the residents who indicated parking is an  
14 issue along with the road width and too many pets; those were the common complaints.  
He feels we need to move on, but he understands the residents' concerns. We can't stop  
16 progress but we need to do it in a fair and equitable way. All the criteria are there, but he  
likes that the council will have the flexibility.

18 Commissioner Schauers commented he appreciates the informed comments  
heard tonight. He noted the commission has put a lot of thought into this issue but they  
20 don't want to make things to infringing. They understand there are concerns of the  
surrounding neighbors, but he feels they have done a good job with the guidelines to the  
22 developer to make a nice addition to our city. He likes affordable housing, but things in  
this ordinance will allow them to make something really nice. He is on board with what  
24 Mr. Florence has written with taking everything discussed into account.

26 Commissioner Tribe stated she agrees with all the input heard tonight. She feels  
a lot of parties have been put on hold so we need to make it happen. She understands  
there are some anomalies with the land to make it usable.

28 Mr. Florence observed that he is hearing there doesn't seem to be any issues  
between the 10 or 12 units. The setbacks are appropriate and it is an issue to have  
30 adequate parking to ensure there isn't off-street parking, but we may need to be flexible  
with the landscaping requirements.

32 Commissioner Johnson commented it is hard to think of going from single family  
all the way up to high density. He would like to see a project with 5 to 6 units per acres.  
34 He expressed his biggest concern is the traffic flow and the impact on the residential  
neighbors and how to mitigate that. The residents would like a much lower density than  
36 this but he understands it needs to pencil out but agrees it is not the city's job.

38 Commissioner Marchbanks stated he also agrees with the opinions expressed  
tonight. He also talked about the 300 ft. depth.

40 Chairperson Call stated she also appreciates the opinions heard tonight and  
agrees with what the others have said. She likes the number of units and would like to  
keep that at 10 and then let the city council decide if they want to increase. She added  
42 she appreciates the residents and understands the impact this is having. She pointed out  
the city council are the elected officials they will determine the number of units. She  
44 also likes the architectural guidelines in the ordinance and the two different types of  
designs. The traffic issues need to be addressed and to keep the parking at 2.5. She  
46 likes the ordinance as written noting Mr. Florence has done a very good job. There are  
good things for developers and also addressed the impact on the residents.

2 Chairperson Call concluded by expressing her appreciation for everyone attending  
tonight and for their thoughtful comments.

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

6  
8 COMMISSIONER TRIBE MOVED TO RECOMMEND TO THE CITY  
COUNCIL APPROVAL OF ORDINANCE AMENDMENT #2020-8-O AS  
PRESENTED. COMMISSIONER MARCHBANKS SECONDED THE MOTION. THE  
10 VOTE WAS RECORDED AS FOLLOWS:

12 CHAIRPERSON CALL	AYE
12 COMMISSIONER MARCHBANKS	AYE
14 COMMISSIONER KALLAS	AYE
14 COMMISSIONER JOHNSON	AYE
16 COMMISSIONER THOMPSON	AYE
16 COMMISSIONER SCHAUERS	AYE
18 COMMISSIONER TRIBE	AYE

18 THE MOTION CARRIED UNANIMOUSLY.

20 Commissioner Johnson explained he is voting in favor and is fine with the  
ordinance with the added note that the city council consider the impact of the traffic on  
22 the residential neighborhoods.

24 *Commissioner Tribe was excused from the meeting at 8:05 pm*

- 26 5. **Concept Review – 725 North Geneva Road.** Holiday Oil requests concept  
28 review to construct a convenience store on the property located at 725 N. Geneva  
Road (North West corner of 700 N. and Geneva Road). A Concept Review allows  
30 applicant to receive planning commission feedback and comments or proposed  
projects. No formal approvals or motions are given, but general suggestions or  
32 recommendations are typically provided

34 Anders Bake, Associate Planner, led this agenda item by giving an overview  
stating the applicant is seeking concept review feedback for a proposed Holiday Oil gas  
36 station and convenience store at the corner on 700 North and Geneva Road in the Lindon  
Village Commercial Zone. The North section of this parcel recently received site plan  
approval for a commercial development.

38 Mr. Bake noted the property will be subject to the requirements of the Lindon  
Village Commercial zone as well as the Commercial Design Standards. The applicant has  
40 provided a concept site plan for the property and photographs of an existing Holiday Oil  
building that will be similar to the proposed building for this site. Staff has identified the  
42 below requirements in the Commercial Design Standards that may not comply or need  
additional interpretation of how these items should be implemented with the  
44 proposed site plan and building design as follows:

- 46 o 3.1 Setbacks
  - Avoid setbacks greater than 50 feet.
  - A maximum front setback of 50 feet with no more than one row of parking  
48 stalls is recommended.

- 2 • Avoid placing parking in the front setback between building and street; the  
4 majority of parking shall be located to the side of rear of the building to maintain  
the connection between building and street.
- 6 • Greater setbacks may be considered for buildings that proposed a public  
park/plaza area in front of the primary street facing façade.
- 8 • Corner sites shall have a recommended setback of 20 to 50 feet on both street  
facing facades in order to properly define the intersection of site permits.

o 3.2 Parking

- 10 • Locate the majority of surface parking to the rear of buildings.

o 5.2.1 Architectural Character

- 12 • Orient buildings to the main street either parallel to the street or at a maximum  
14 angle or 45 degrees. If a building is on a corner lot, it may have a corner  
orientation.
- 16 • Give the greatest consideration in terms of design emphasis and detailing to the  
street facing façade (or facades if a corner site).
- 18 • Buildings on corner sites shall orient to both streets. These buildings are  
encouraged to have an entrance situated at or near the corner.

o 5.2.6 Windows and Doors/Fenestration

- 20 • Facades that front on to public ways should contain functional windows and  
22 doors, with a balance of solids and voids.

22 Mr. Bake then presented an Aerial Image, Concept Site Plan and Building  
24 Photographs followed by discussion. Following some general discussion regarding this  
concept the commission was in agreement that this will be the highest and best use at this  
26 location and a great addition to the city as long as the applicant meets the required  
guidelines.

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

30 6. **New Business: Reports by Commissioners** – Chairperson Call called for any  
32 new business or reports from the Commissioners.

34 Commissioner Thompson spoke on the 700 North IBI planning group who  
indicated that residential development can also be a large source of tax revenue. Due to  
36 the high volume of online buying and shipping etc. (amazon etc.) and how the economy  
has changed; this could be a new way to think of things.

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

40 7. **Planning Director Report** –

- 42 General City updates –  
Update on IBI Group meetings.  
44 Update on the Island Dance Studio.

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

48 **ADJOURN** –



## Item 4: Amended Conditional Use Permit — Kara Stone

Date: June 23, 2020  
Applicant: Kara Stone  
Presenting Staff: Anders Bake

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

Kara Stone requests amended conditional use permit approval to breed and sell exotic reptiles (boa constrictors and ball pythons) at 106 South 300 East in the Residential Single-Family (R1-20) zone. The applicant is requesting an amendment to the conditional use permit approval that JSR Inc. received on December 10, 2019 in order to move the operation of their business from the existing building to a new one that will be constructed at the northwest corner of the same property. The requested change in operation of the business requires that the conditions of the existing conditional use permit be amended.

### Staff Analysis

On May 12<sup>th</sup> 2020 the applicant submitted a building permit application for a 2,000 square foot building that will be constructed near the northwest corner of the property at 106 South 300 East. The applicant intends to move the operation of their home occupation business to this building once it is complete. The building will be 20 feet high and placed 10 feet from the North and West property lines, which meets accessory building zoning setback requirements. The building permit will not be issued until the applicant receives conditional use permit approval to use the building for the operation of their business.

The previously approved conditional use permit allows the applicant to raise up to 1,700 non-venomous snakes at one time and no more than 4,000 in a year. City Staff recommends maintaining the existing conditions for the business and adding a condition that the business be operated entirely within the new building once it is complete. The staff report and meeting minutes from the December 10, 2019 meeting are attached to this report which give more information on the business operations and history.

## 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

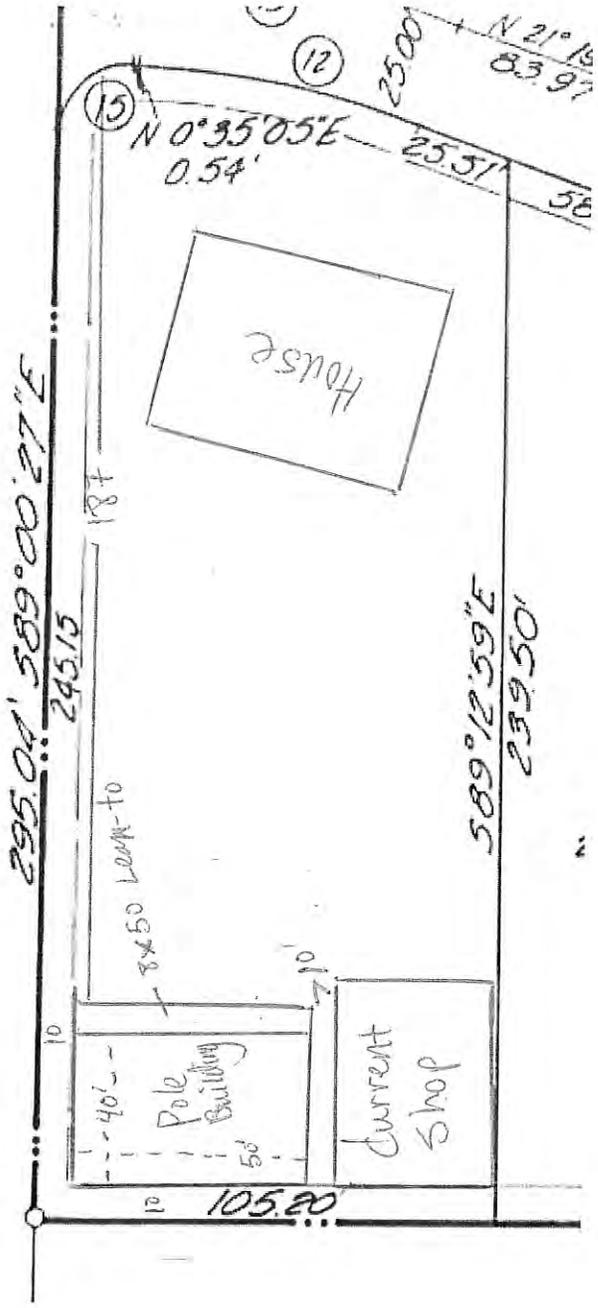
**I move to (approve, deny, continue) the applicant's request for an amended conditional use permit to breed and sell exotic reptiles (boa constrictors and ball pythons) at 106 South 300 East, in the Residential Single-Family (R1-20) zone, with the following conditions:**

1. An active Lindon City Home Occupation Business License is maintained and all home occupation regulations will be continually met;
2. The applicant will continually maintain all applicable federal and state licenses and provide yearly copies of license and inspection reports to the City;
3. The building will continually meet all applicable Building and Fire codes and regulations;
4. The applicant will maintain a safe and secure facility to prevent reptiles from escaping and to discourage unlawful entry;
5. 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;
6. No onsite raising, storage or breeding of live rodents, rabbits or other similar reptile food sources. The applicant will continue to purchase deceased frozen rodents from a third-party vendor;
7. The home occupation business operation will be conducted entirely on the property at 106 S. 300 E. and, after construction is complete, within the new building that will be constructed at the northwest corner of the property. At that time business operations will cease in the existing building and no other buildings or residential properties will be used for the business operation;
8. The maximum number of reptiles on the property will be limited to 1,700 at any one time and 4,000 in a year;
9. City staff be allowed to inspect the property, with reasonable notice, to ensure compliance with the conditions imposed by the Planning Commission;
10. Prior to Lindon City approving the building permit for the new accessory structure, the applicant will obtain approval from Lindon City Public Works Department and Orem City on any sanitary sewer lines installed at the property and comply with all design requirements; and
11. All items of the staff report.

## Attachments

- Proposed building site plan
- December 10<sup>th</sup> 2019 Planning Commission Staff Report
- December 10<sup>th</sup> 2019 Planning Commission Meeting Minutes.

Jeremy & Kara  
Stone



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

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

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

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

Type of Decision: Administrative  
Council Action Required: No



### Request

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

### Staff Analysis

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

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

According to Mr. 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 retile food sources;
8. The home occupation business operation will be conducted entirely on the property at 106 S. 300 E. No other residences or residential properties will be used for the business operation;
9. All items of the staff report.

## Attachments

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



Dear Lindon City Planning Commission,

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

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

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

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

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

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

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

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

Thank you.

Sincerely, Jeremy Stone

September 11, 2018

Lindon City Zoning and Planning Commission,

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

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

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

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

Thank you, Sincerely

Names and Signatures.

Carol Wilson printed name Carol Wilson

Bob Parker (As far as I know?) printed name Robert Parker

Mary Beth Millican printed name Mary Beth Millican

Sandra Jensen printed name Sandra Jensen

Donald S. Harvie

printed name Donald S. Harvie

J. Harvie

printed name J. Harvie

Cheryl Austin

printed name CHERYL Austin

Linda McBride

printed name Linda McBride

Brad J.

printed name Brad Mortensen

Joni Mortensen

printed name Joni Mortensen

Tammy Frandsen

printed name Tammy Frandsen

Tony Co

printed name Tony Co

Pete Wharton

printed name Pete Wharton

Michael Nielson

printed name Michael Nielson

Nicole Nielson

printed name Nicole Nielson

Leroy Jacklin

printed name LEROY JACKLIN



printed name Aaren M. Robinson

Stephanie Chisillie

printed name Stephanie Chisillie



printed name Rachel Robinson

Julian Chisillie

printed name Julian Chisillie



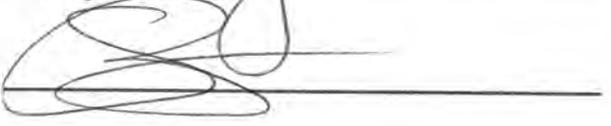
printed name Joshua Hardman

R. J. Williams

printed name R. J. Williams

Karen Jensen

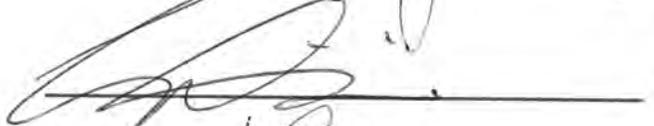
printed name Karen Jensen



printed name Shelly Stroup

Wayne B Johnson

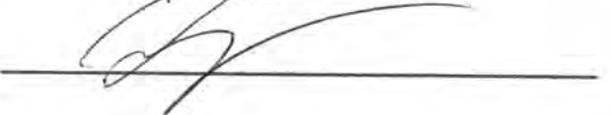
printed name Wayne Johnson



printed name SPENCER KILLIAN

Kyle Bigler

printed name Kyle Bigler



printed name Joel Jensen

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

printed name ~~Jeff Stobart~~

printed name ~~Jennifer R Stobart~~

\_\_\_\_\_ printed name \_\_\_\_\_

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

6 **REGULAR SESSION** – 7:00 P.M.

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

10 **PRESENT**

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

10 **ABSENT**

11 Rob Kallas, Commissioner

20 **Special Attendee:**

21 Councilmember Bean

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

26

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

31 3. **PUBLIC COMMENT** –

32

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

35 **CURRENT BUSINESS** –

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

42

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

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

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

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

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

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

- "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.

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

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

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

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

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

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

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

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

THE MOTION CARRIED UNANIMOUSLY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 THE MOTION CARRIED UNANIMOUSLY.

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

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

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

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

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

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

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

14 Mr. Cullimore then presented the analysis as follows:

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

41  
42  
43 Chairperson Call invited the applicant, Ed Daley forward at this time. Mr. Daley  
44 commented that he received some good feedback from the concept review and is now  
45 requesting the general plan map amendment. He stated that he really does not have  
46 anything further to add from the summary given. Chairperson Call commented that they  
47 were favorable with the concept when it was discussed previously.

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

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

10 CHAIRPERSON CALL AYE  
COMMISSIONER ANDERSON AYE  
12 COMMISSIONER MARCHBANKS AYE  
COMMISSIONER WILY AYE

14 THE MOTION CARRIED UNANIMOUSLY.

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

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

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

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

Mr. Cullimore then presented the analysis as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 **ADJOURN** –

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

24  
26 Approved – July 8, 2014

28  
30 

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Mike Marchbanks, Vice Chairperson

32  
34 

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Hugh Van Wagenen, Planning Director

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

6 **REGULAR SESSION – 7:00 P.M.**

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

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

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

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

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

34 **CURRENT BUSINESS** –

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

40

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

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

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

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

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

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

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

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

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

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

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

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

32 Chairperson Call questioned city permits and state and federal regulations. Mr.  
Stone stated he has all federal and state licenses noting inspections can be done randomly  
34 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  
36 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  
38 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  
40 impact. Chairperson Call stated this is not a public hearing but called for any comments  
at this time.

42 Lori Peters, resident in attendance, addressed the Commission at this time. She  
stated her property borders the property in question and they see everything that happens  
44 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  
46 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  
48 applicant and the issues. She pointed out the applicant does not have all the proper  
building permits.

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

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

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

16 Mr. Snyder reminded the Commission to focus on what a conditional use permit  
18 identifies with the impacts on property or a neighborhood. He noted any valid concerns  
20 are followed up by complaints and pointed out at the last location the city did not receive  
22 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.

24 Mr. Don Harvie addressed the Commission at this time. Mr. Harvey stated he is  
26 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.

28 Commissioner Marchbanks asked staff if there have been any reports to the city as  
30 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.  
32 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.

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

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

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

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

46 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

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

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

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

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

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

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

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

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



**Permit Number: 74321B**

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

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Issuing Office:

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

**REBECCA  
PENNELL**

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

*Legal Instruments Examiner*

Permittee:

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

Principal Officer: KARA L STONE , OWNER

---

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	

## Item 5: Plat Amendment – Murdock Hyundai 424 S. Lindon Park Drive

Date: June 23, 2020

Applicant: Murdock Auto Group

Presenting Staff: Michael Florence

General Plan: Commercial

Current Zone: Planned Commercial-1

Property Owner: Murdock Hyundai, LLC

Address: 424 S. Lindon Park Drive

Parcel IDs: 46:786:0001

Existing Parcel Sizes: 3.34 acres

Proposed Lot Sizes: 7.21 acres

Type of Decision: Administrative

Council Action Required: No



### Overview

1. Murdock Auto Group is petitioning to consolidate two existing parcels into one lot.
2. The lot consolidation was a condition of the site plan and conditional use permit approval granted by the planning commission on April 14, 2020

### Surrounding Zoning and Land Use

North: Research and Business (RB) zone – office building & vacant lot

South: Planned Commercial 1 (PC-1) – Murdock Dealership

East: Planned Commercial 1 (PC-1) – Vacant lot

West: Planned Commercial 2 (PC-2) – Murdock Dealership

### Subdivision Standards

Lindon City Code 17.32.00 references Utah Code for requirements amending a subdivision plat. Under Utah Code 10-9a-608, an applicant may petition the Land Use Authority (Planning Commission) to join **two or more of the petitioner fee owner's contiguous lots**.

10-9a-608. Vacating, altering, or amending a subdivision plat.

(2) Unless a local ordinance provides otherwise, the public hearing requirement of Subsection (1)(c) does not apply and a land use authority may consider at a public meeting an owner's petition to vacate or amend a subdivision plat if:

(a) the petition seeks to:

- (i) join two or more of the petitioner fee owner's contiguous lots;
- (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;

- (iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are located in the same subdivision;
  - (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or
  - (v) alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:
    - (A) owned by the petitioner; or
    - (B) designated as a common area; and
- (b) notice has been given to adjacent property owners in accordance with any applicable local ordinance.

### Engineering Requirements

The City Engineer is working through technical issues related to the plat and will conduct a final review if the planning commission approves the plat amendment.

### Findings of Fact

- The applicant, Murdock Hyundai LLC and Murdock Hyundai – Real Estate LLC, owns all parcels that will be amended as part of the lot consolidation; and
- The proposed plat amendment is located in the Planned Commercial 1 (PC-1) zone and meets minimum lot size and frontage requirements.

### Motion

**I move to (approve, deny, continue) the applicant's request for preliminary approval of Murdock Cars of Lindon Subdivision Plat E with the following conditions:**

1. The applicant will continue to work with City staff to make all technical corrections as necessary to the plat prior to recording;
2. Prior to plat recording, the applicant will update the final plat Mylar to include notarized signatures **of owners' consent to dedication; and obtain signatures of all entities indicated on the subdivision plat attached hereto;**
3. If required, complete (or post an adequate improvement completion assurance), warrant and post required warranty assurance for all required public infrastructure improvements; and
4. All items of the staff report.

### Exhibits

1. Aerial Image with Parcels
2. Parcel Map
3. Plat

Exhibit 1



Exhibit 2





## Item 6: Site Plan & Conditional Use Permit Amendment. Murdock Hyundai – 424 S. Lindon Park Drive

Date: June 23, 2020  
Applicant: Murdock Auto Group  
Presenting Staff: Michael Florence

General Plan: Commercial  
Current Zone: Planned Commercial 1 (PC-1)

Property Owner: Murdock Hyundai, LLC  
Parcel ID: 46:786:0001  
Type of Decision: Administrative  
Council Action Required: No



### SUMMARY OF KEY ISSUES

1. The applicant is seeking an amendment to their site plan and conditional use permit that was granted by the planning commission on April 14, 2020

### OVERVIEW

1. Lot size: 3.34 acres;
2. The proposal is to add an automatic car wash and detail bays to the previously approved expanded dealership lot.
3. The car wash will not be open to the public and will only service vehicles being detailed by Murdock Hyundai or customers who purchase a vehicle from the dealership.
4. Car washes are not permitted in the PC-1 zone however vehicle service centers are allowed as a conditional use for new vehicle dealerships.
5. Staff feels that since is proposed car wash and detail bays are associated with the dealership and will service vehicles that are for sale or purchased from the dealership that is can be considered a service center use of the dealership.
6. Staff has included as a condition of approval, that the car wash will need to be continually associated as a service center to the dealership and not open for general public use. Nor can the car wash be sold to be a stand-alone business.
7. The applicant has provided two site plans for two different car washes. The applicant is seeking approval for both options because the Murdoch Group has not yet decided on which car wash will be constructed. The first car wash option is a larger automated wash similar to Sonic, Wiggy Wash or Quick Quack car washes. The second option is a smaller automated car wash. Both washes are proposed to have two attached vehicle bays for the dealership to detail vehicles.

MOTION

I move to (*approve, deny, continue*) **the applicant’s request for** amended site plan conditional use permit approval with the following conditions:

1. The developer will continue to work with the City Engineer to make final technical changes to the engineering documents;
2. The primary use of the property will remain as a vehicle sales lot and the car wash as an accessory service center use;
3. The car wash will be used for dealership vehicle detailing and for dealership customers only. The car wash will be associated as a service center to the dealership and not open for general public use. The car wash will it be separately sold or used as a stand-alone business;
4. The applicant will meet the building design and materials requirement of 17.48.100;
5. Only one car wash will be constructed on the site; and
6. All items of the staff report

Surrounding Zoning and Land Use

North: Research and Business (RB) zone – office building & vacant lot

South: Planned Commercial 1 (PC-1) – Murdock Dealership

East: Planned Commercial 1 (PC-1) – Vacant lot

West: Planned Commercial 2 (PC-2) – Murdock Dealership

Development Standards

Building Design

The PC-1 zone requires the following for exterior materials:

*Building exterior materials shall be eighty-five percent (85%) brick, decorative stone, fluted block, colored textured block, concrete tilt-up that meets the specific architectural theme for the development, glass and wood. Sheet metal and corrugated metal shall be prohibited, except for trim, soffits, fascia, mansards and similar architectural features. Other materials may be used if approved by the planning commission.*

Both car wash options are proposed to be masonry buildings. Both options show decorative block striping. The applicant is willing to comply with the design standards which may require that the block be a textured block.

Landscaping Standards

No perimeter landscaping will be lost with the car wash proposals. Landscaping will be installed around the perimeter of each proposed building.

\*final review will be completed with the building permit submittal

Required Site Landscaping	Compliant
20 landscape strip along public streets	Yes
70% vegetation	Yes
Trees planted 30 foot on center	Yes, perimeter trees have already been planted
20% of each lot maintained in landscaping	Yes

Minimum lot area – Minimum required is one acre. The proposed site is 3.3 acres

Lighting – Perimeter street lighting has previously been installed. The applicant will be adding parking lot lighting for the display area

### Engineering Requirements

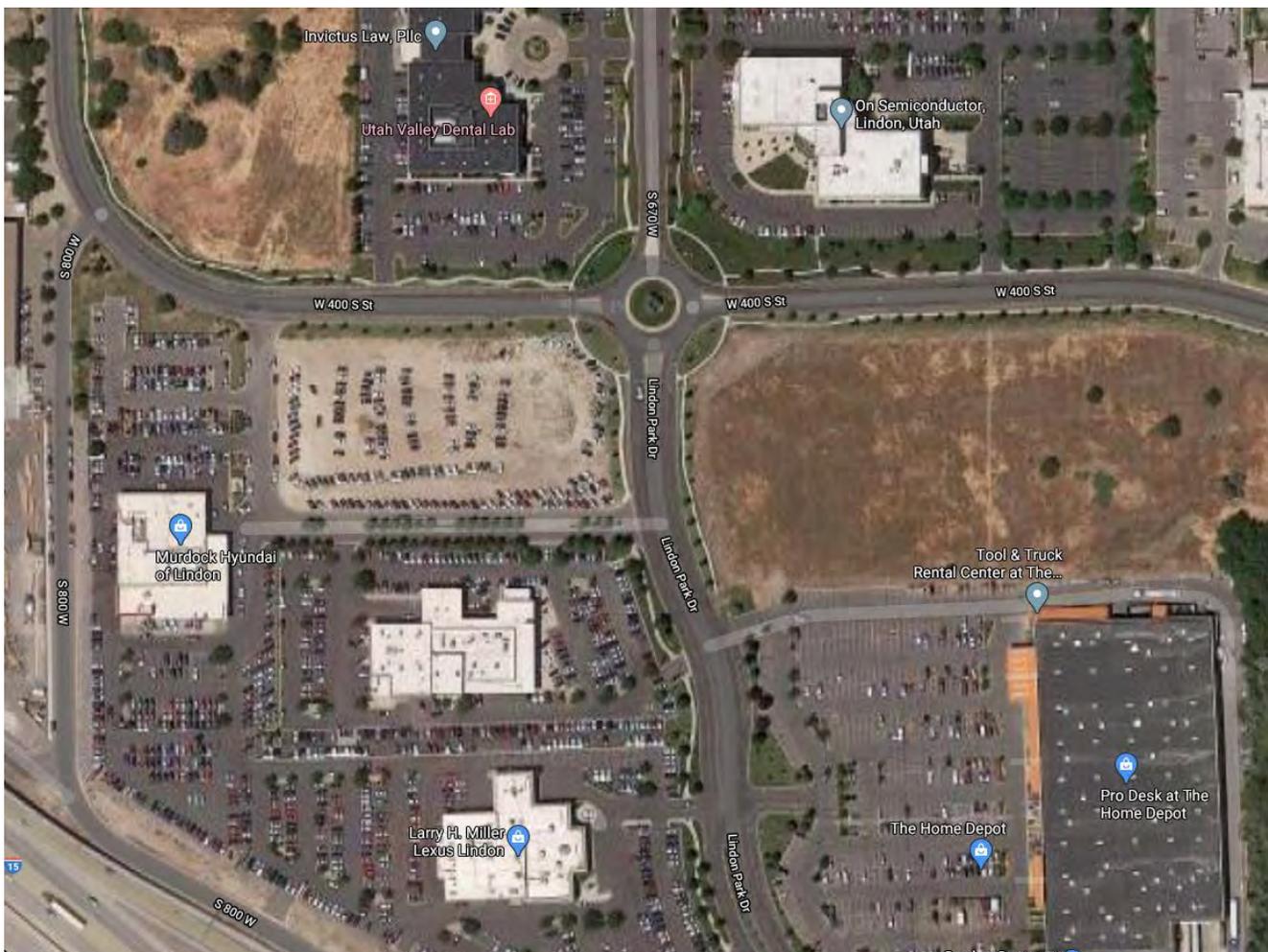
The City Engineer is working through technical issues related to the civil engineering plans and will ensure all engineering related issues are resolved before final approval is granted.

### Staff Analysis

Staff believes either car wash building can be architecturally compatible with the area. Both the PC-1 zone and the adjacent Research and Business zones require higher architectural standards. Either option for the car wash locates the building to the rear or interior side of the lot. The main focus of the lot will still be the vehicle display area. With the architectural and site design standards, a car wash can be a great amenity to the business and continue to draw business to Lindon and the Murdock dealership.

### EXHIBITS

1. Aerial Photo
2. Option 1 – larger automated car wash
3. Option 2 – smaller automated car wash



D=5°37'55"  
R=341.00  
L=33.52'  
CB=S 87°10'38" E  
C=33.50'

400 SOUTH STREET

S 89°59'35" E 401.51'

SET BAR  
AND CAP

D=89°59'35"  
R=100.00  
L=157.07'  
CB=S 44°59'48" E  
C=141.41'

SET RIVET

SOUTH 65.10'

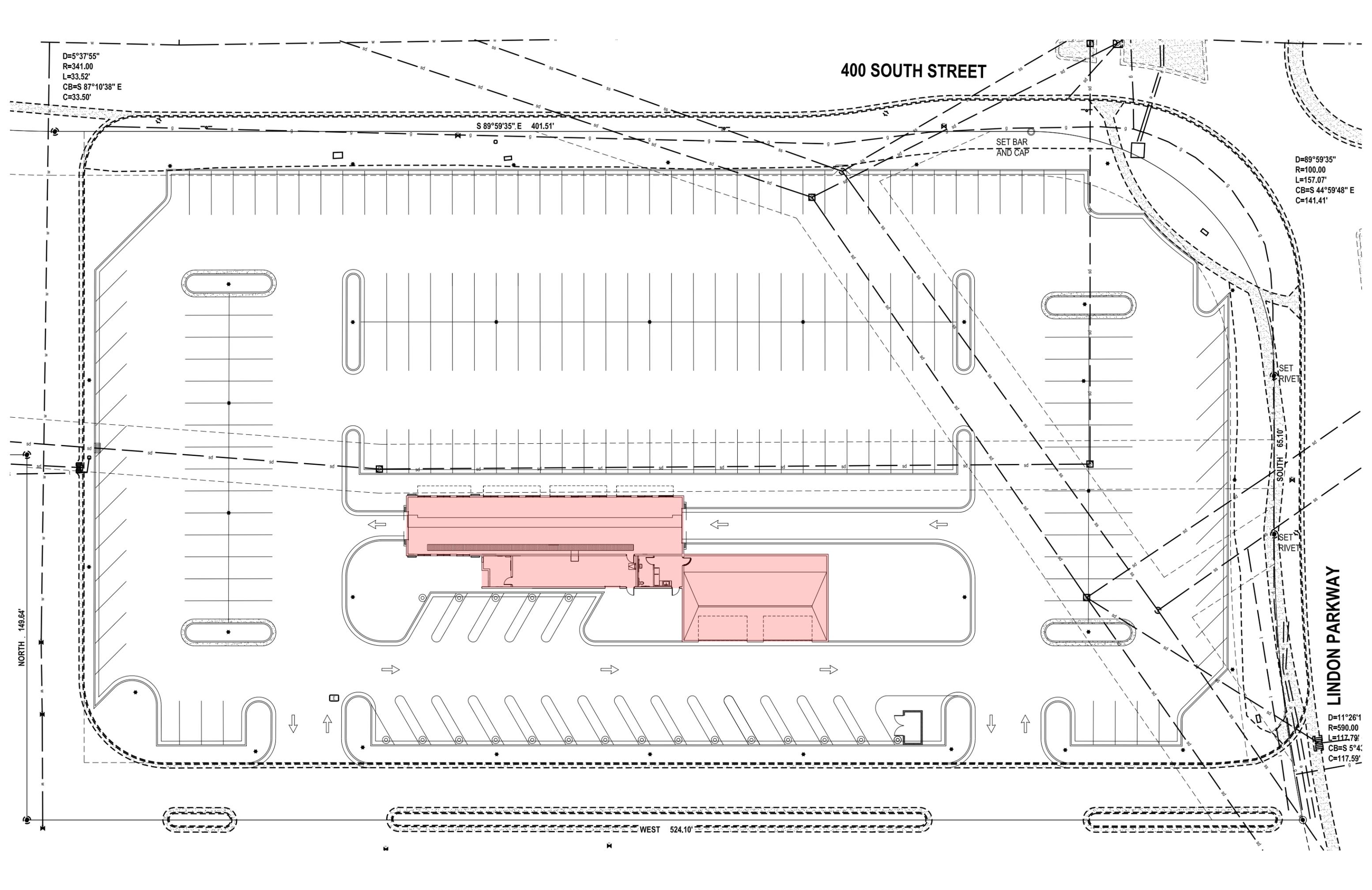
SET RIVET

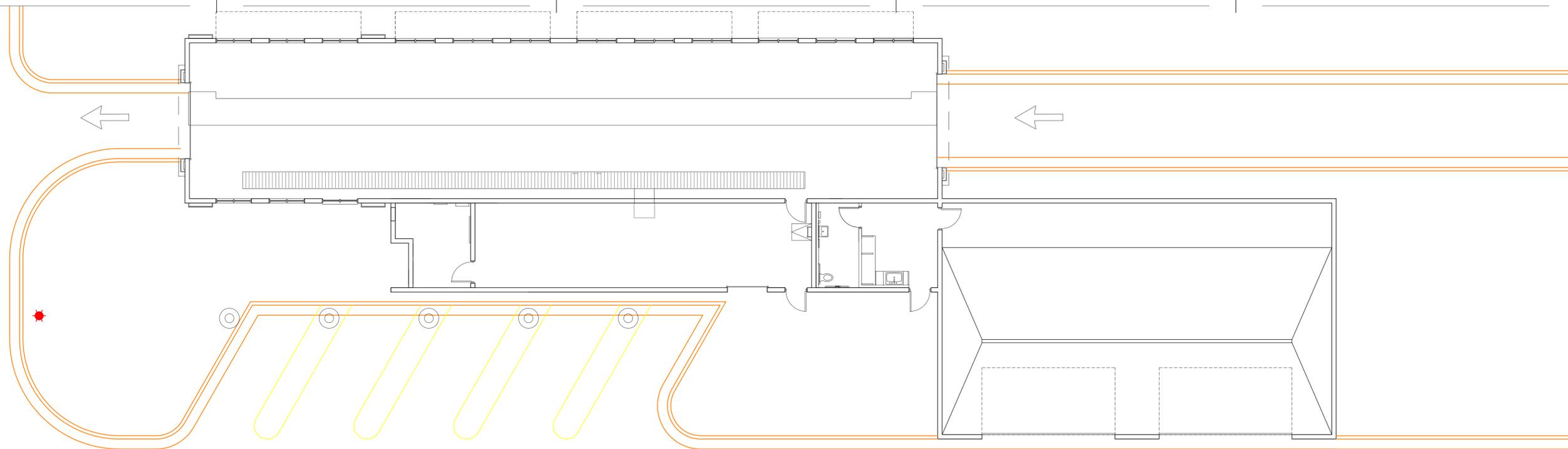
LINDON PARKWAY

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L=117.78'  
CB=S 5°4'  
C=117.59'

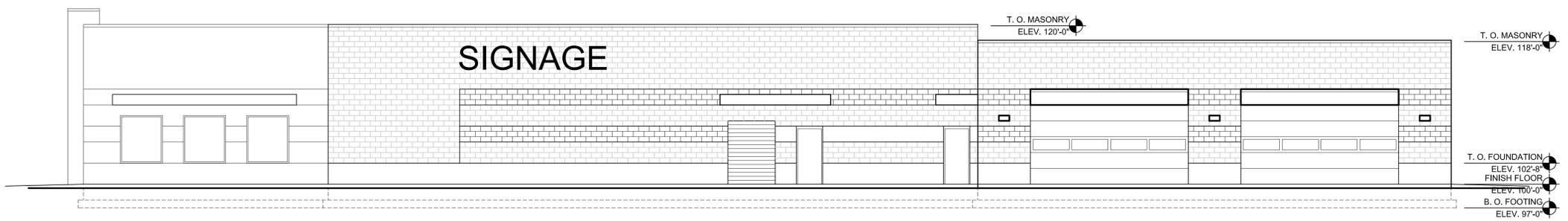
WEST 524.10'

NORTH 149.64'

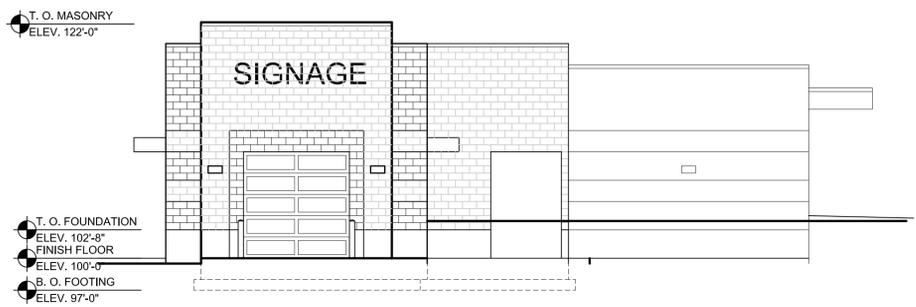




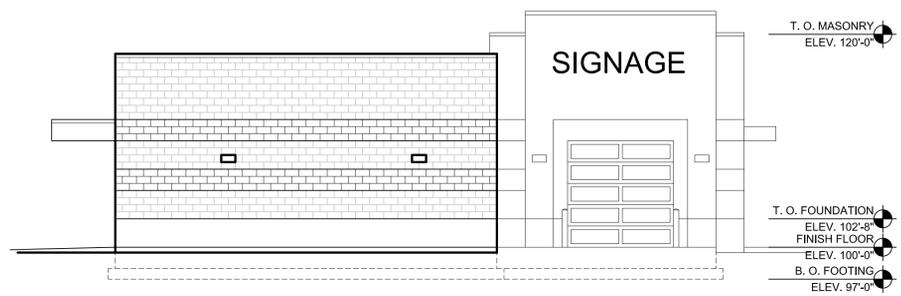
**FLOOR PLAN**  
SCALE: 1/8" = 1'-0"  
NORTH



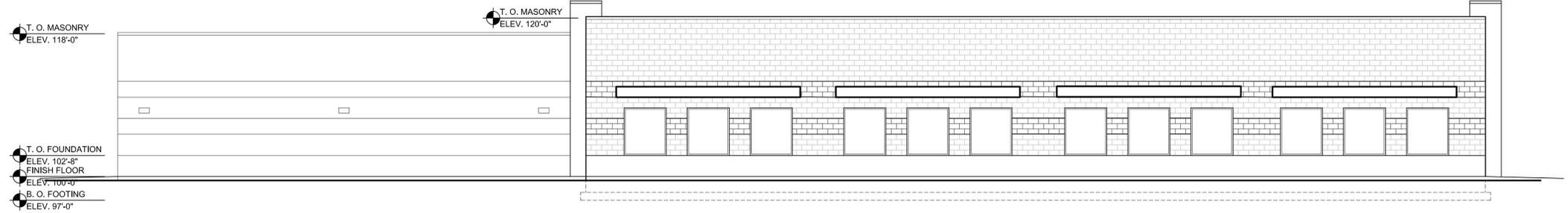
**SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**WEST ELEVATION**  
SCALE: 1/8" = 1'-0"



**EAST ELEVATION**  
SCALE: 1/8" = 1'-0"



**NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"

**MURDOCK CARS  
OF LINDON  
CAR WASH**

**452 SOUTH LINDON PARK DR.  
LINDON, UTAH**

**SCHEMATIC  
DOCUMENTS**

#	DATE	DESC.

ISSUE: -  
PROJECT NO: -  
DRAWN BY: -  
CHECKED BY: -

SHEET TITLE

**FLOOR PLAN  
AND ELEVATIONS**

**A1.1**

D=5°37'55"  
R=341.00  
L=33.52'  
CB=S 87°10'38" E  
C=33.50'

400 SOUTH STREET

D=89°59'35"  
R=100.00  
L=157.07'  
CB=S 44°59'48"  
C=141.41'

S 89°59'35" E 401.51'

SET NAIL  
AND  
WASHER

SET BAR  
AND CAP

SET  
RIVET

SET  
RIVET

LINDON PARKWAY

D=11  
R=59  
L=11  
CB=S  
C=11

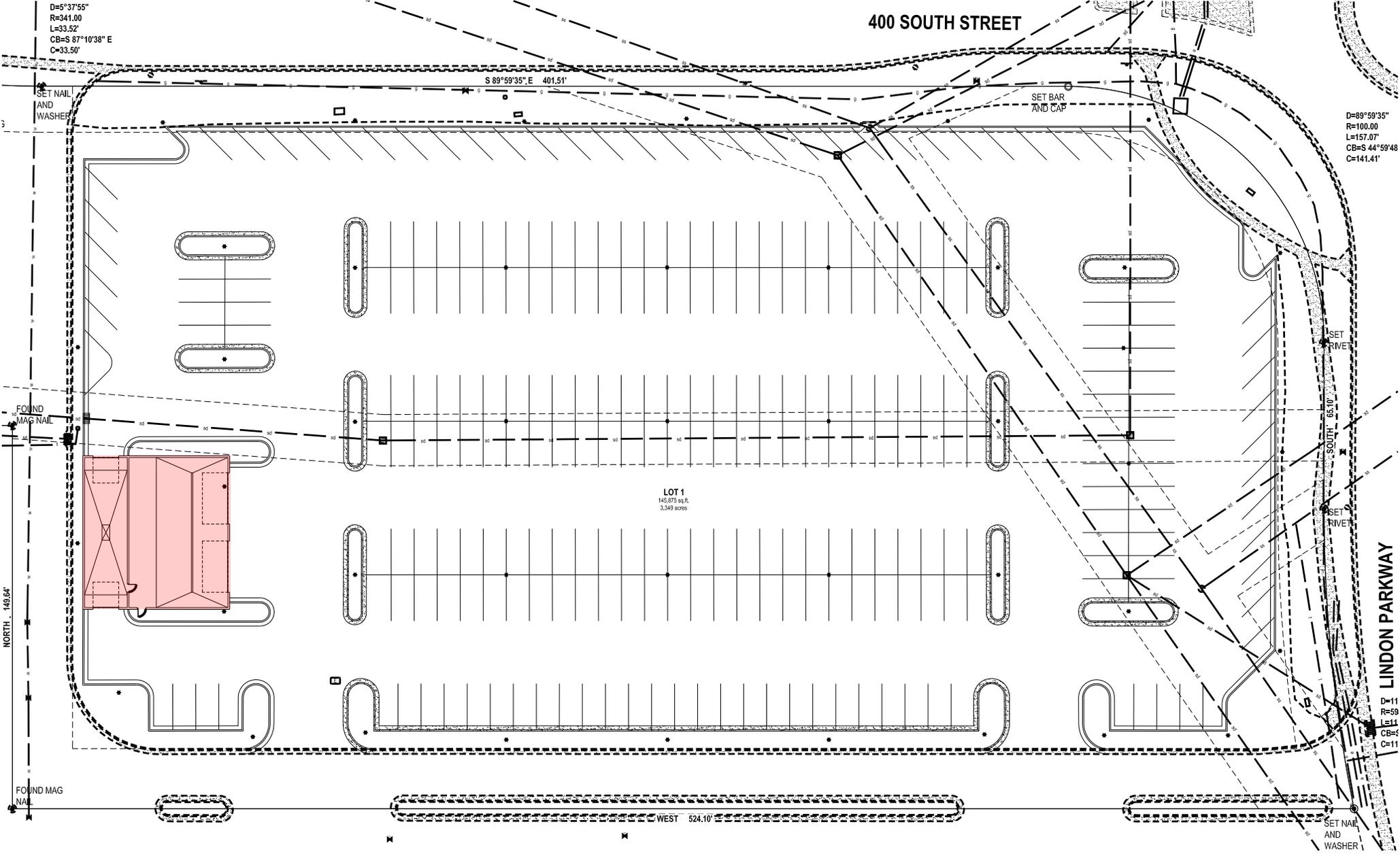
SET NAIL  
AND  
WASHER

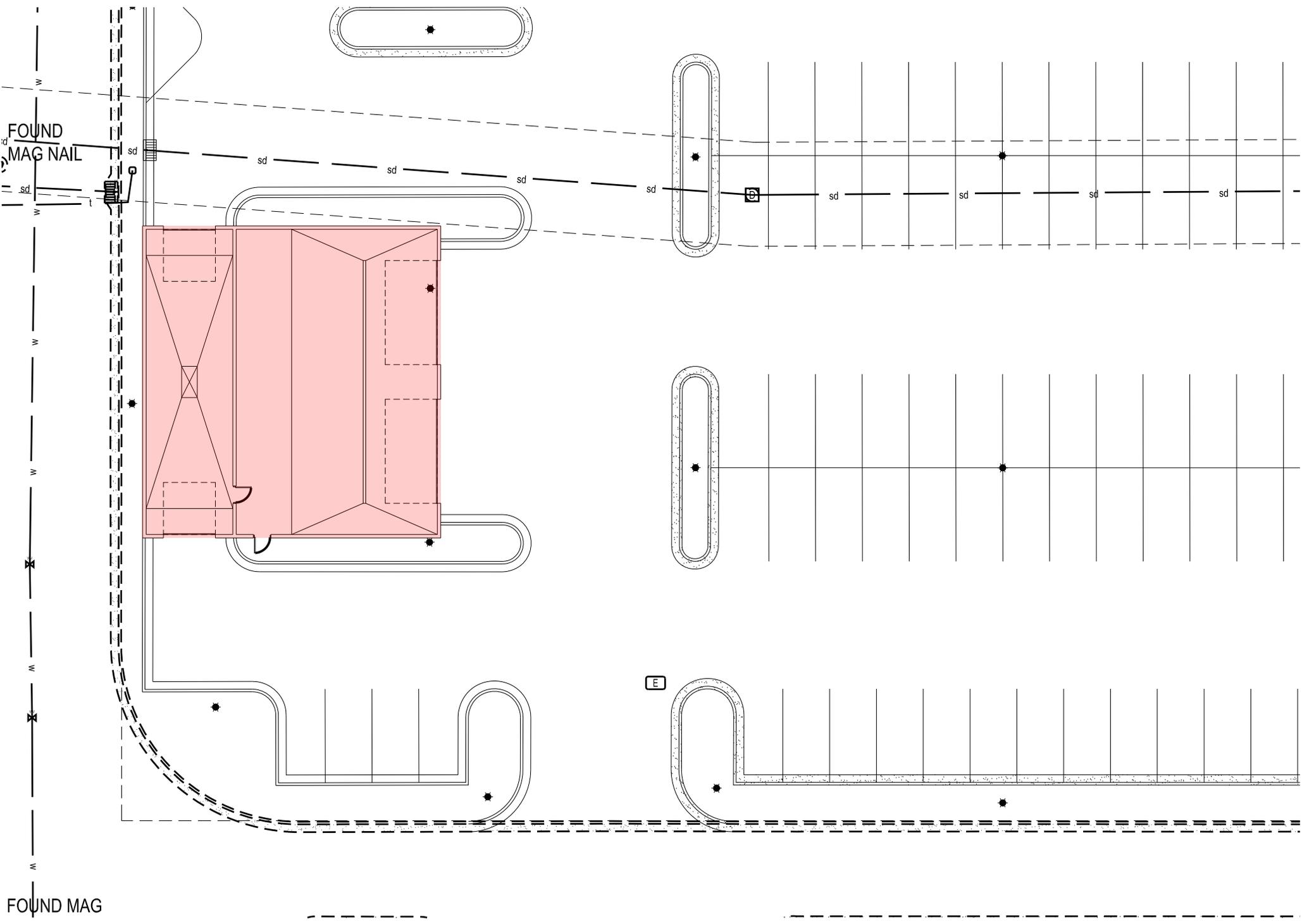
LOT 1  
142,875 sq.ft.  
3.349 acres

WEST 524.10'

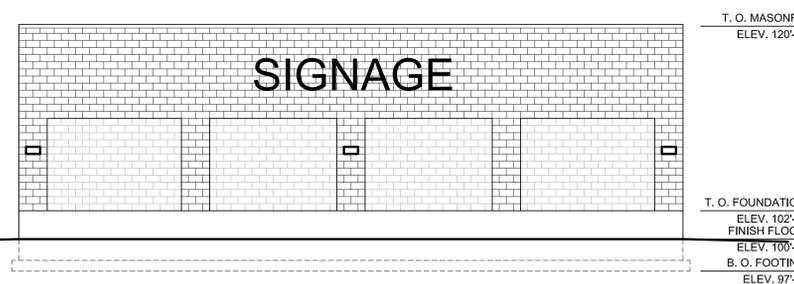
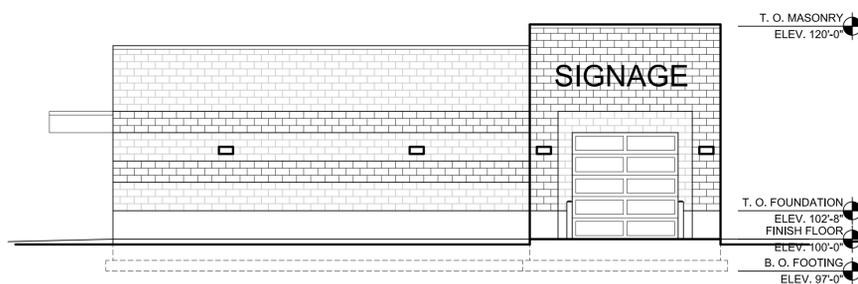
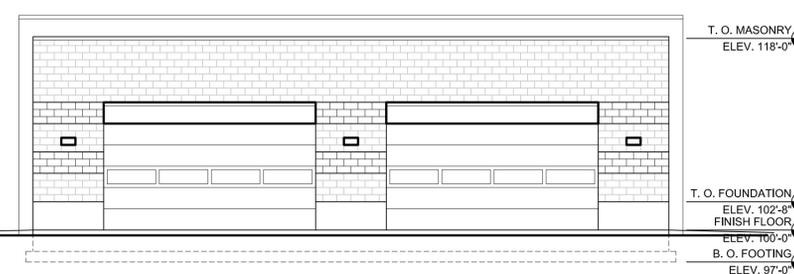
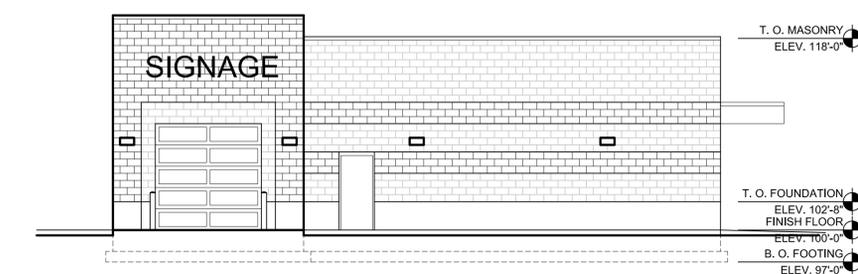
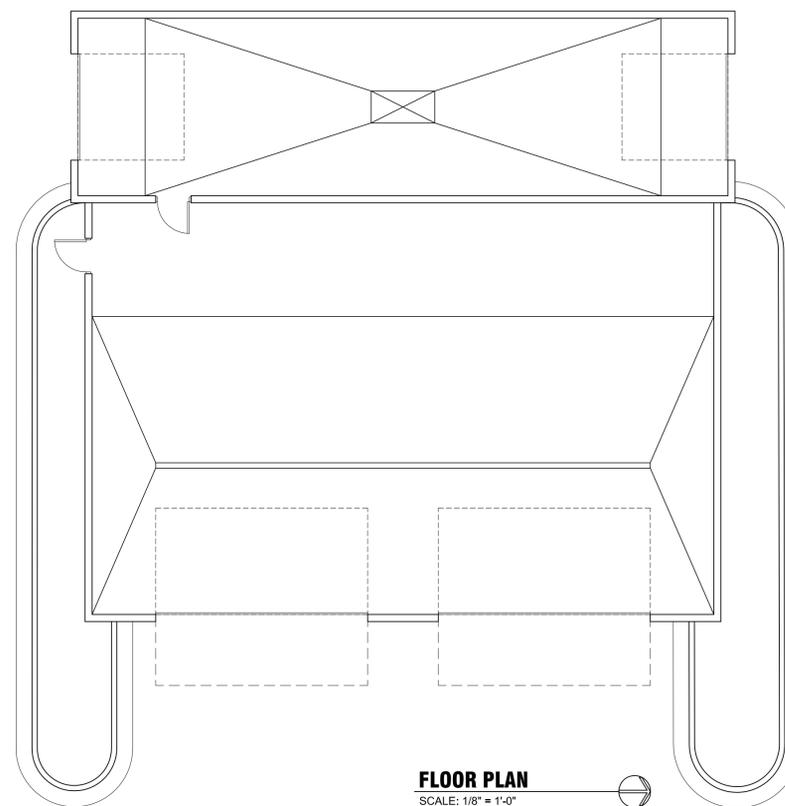
NORTH 149.64'

FOUND MAG  
NAIL





FOUND MAG



**MURDOCK CARS  
 OF LINDON  
 CAR WASH**

**452 SOUTH LINDON PARK DR.  
 LINDON, UTAH**

**SCHEMATIC  
 DOCUMENTS**

#	DATE	DESC.

ISSUE: -  
 PROJECT NO: -  
 DRAWN BY: -  
 CHECKED BY: -

SHEET TITLE

**FLOOR PLAN  
 AND ELEVATIONS**

**A1.1**