

CITY OF NORTH SALT LAKE  
PLANNING COMMISSION MEETING  
MARCH 24, 2020

**FINAL**

This meeting was held electronically via Zoom. The host site was located at 10 East Center Street in North Salt Lake.

Commission Chair Ted Knowlton called the meeting to order at 6:30 p.m. and BreAnna Larson led those present in the Pledge of Allegiance.

PRESENT: Commission Chair Ted Knowlton  
Commissioner Stephen Garn  
Commissioner Kent Kirkham  
Commissioner William Ward  
Commissioner Brandon Tucker  
Commissioner BreAnna Larson  
Commissioner Alisa Van Langeveld

STAFF PRESENT: Sherrie Llewelyn, Community Development Director; Andrea Bradford, Minutes Secretary.

OTHERS PRESENT: Jonathon Gardner, Gardner Batt; Michael Pate, Amarak; Will Hopkins, Dee Lalliss, residents.

1. PUBLIC COMMENTS

There were no public comments.

2. PUBLIC HEARING: CONSIDERATION OF A REQUEST TO AMEND THE NSL CITY LAND USE CODE, SECTION 10-1-33(F)(2)(c) ELECTRIC FENCING

Sherrie Llewelyn reported that the City received a request for a code amendment after the applicant had made application to install an electric fence at 295 South Redwood Road. The applicant wanted to install the outer security fence as a chain link with slats and the code requires a solid fencing material. The applicant has made application to amend the code to allow the security fence be chain link with slats as a solid fence. She explained that the City Council, with a recommendation from the Planning Commission, recently changed the code so that chain-link with slats was no longer allowed as a screening measure.

The DRC has recommended the following language “Perimeter Fence or Wall: No electric fence shall be installed or used unless it is fully enclosed by a nonelectrical fence, solid screening device, or wall that is a minimum of six feet (6’) in height, not to exceed the height of the electric

fence. The nonelectrical fence shall be constructed of materials that reasonably prevent a person from reaching through the outer fence to touch the electric fence and is not easily climbable. Chain-link fencing shall only be permitted as an acceptable fencing material in locations that are not otherwise prohibited by ordinance and with the installation of a solid screening device such as slats or durable mesh screening.” As well as the addition of Section J which would read: “Failure to properly maintain electrical fencing, warning signage, or solid screening devices shall constitute a violation of this section subject to civil penalty and shall be enforced as provided in Title 12 Administrative Code Enforcement.”

Mrs. Llewelyn explained that staff was in favor of the change to allow chain-link with slats or mesh screening to shield pedestrians but said this would not allow chain-link to be used on street frontages where it was prohibited such as Redwood Road, Center Street or 1100 North. It would be allowed on side property lines on those streets.

Commissioner Van Langeveld asked if there were any guidelines on coloring or having a uniform color overall. Sherrie Llewelyn said that guidelines could be added to ensure the fencing slats were neutral colors or a uniform pattern or design.

Sherrie Llewelyn showed an example of the different slat types that could be used for privacy in a chain-link fence. These included plastic PVT, wing, hedge, and aluminum privacy slats as well as a mesh screen. She said her main concern was maintenance of the slats.

#### **Commission Chair Knowlton opened the public hearing at 6:41 p.m.**

Michael Pate, Amarok, explained that his company came in several years ago and helped write the City’s original electric fence code. He said they recently came in to get a permit for construction and found that this type of fencing was now disallowed. Mr. Pate expressed confusion for why the code had changed and this type of fencing was no longer allowed. He felt electric fencing was a safe and responsible way to protect properties and that a solid wall was obtrusive.

Commissioner Van Langeveld asked Mr. Pate if he was against the secondary fence or screening for the secondary fence. Michael Pate said he was only against the screening. He explained that the International Standards (IAC) required a perimeter fence be erected before the security fence could be installed.

Commissioner Garn questioned if the electric fence could seriously harm an individual who touched it. Michael Pate said the fence was similar to a livestock fence and operated on an even lower voltage as required by IAC standards. He also said warning signs were required every 30 feet, the energizers had to be tested by a national tester, and the fence was also attached to an alarm.

**Commission Chair Knowlton closed the public hearing at 6:51 p.m.**

Chair Knowlton asked for an example of electrical fence types.

Commissioner Larson asked in regards to the visual impact behind the fence if it was not screened. Michael Pate replied that the fence gauge was thin and already provided some screening. He said that the public view behind the fence would be the business use such as trucking or automobile rentals.

Sherrie Llewelyn presented several examples of different electrical fences to those present.

Chair Knowlton asked about the current standards for regular fencing. Sherrie Llewelyn replied that a business in the industrial park could install a chain-link fence around the perimeter of their property but it would need to be set back 20 feet from the property line. It could be chain-link, wooden, vinyl, or a wall; however, if there was outdoor storage of materials the fence would need to be screened. She said the ordinance change related to fencing was made to specifically state that chain-link with slats is not a suitable screening for outdoor storage. Mrs. Llewelyn also explained that the intent of the ordinance was to provide a screening device to prevent people from reaching through and touching the electric fence.

Chair Knowlton explained that the Commission should keep in mind that the code change would affect all fencing, including electrical fences, and should not focus on the request for Mesco or another specific property.

Michael Pate commented that electric fences were already allowed and that the concern was the screening requirement for electric fences.

Commissioner Kirkham commented on the civil penalty referenced in the proposed Section J. Sherrie Llewelyn replied that if the fence was not maintained the property owner could be cited and fined a civil penalty with a maximum fine of \$1,000. She said there needed to be a clear mechanism to ensure that fences were maintained.

Commissioner Ward asked in terms of the effectiveness of the electric fence in regards to the barrier and the warning signs. He asked if the warning signs would be on the electric fence or the barrier fence. Michael Pate said the signs would most likely be on the barrier fence as well as every 30 feet around the property. He felt the slats would darken the area behind the fence and could cause additional security issues. Mr. Pate commented that he understood the concern and reasoning behind having a barrier fence but said the electric fence was not lethal. He also felt it would be expensive to install both fences.

Commissioner Garn asked if the electric fence would be around the entire perimeter of the property. Sherrie Llewelyn replied that the proposed fence would only be around a portion of the

property but reminded the Commission that the code change would be apply to all industrial or commercial properties and not just that one.

Michael Pate commented that the gate would be at least 200 feet from the street and the rear property line was not visible from the public view.

Commissioner Van Langeveld asked the Commission if there should be language addressing the color or tone for the fencing that would surround an electrical fence. Commissioner Kirkham asked if there were specifications in the existing fence code.

Sherrie Llewelyn commented that wording to address the slat color and tone could be added to the amendment. Commission Van Langeveld suggested that a change in color must be a design change and not haphazard.

Chair Knowlton asked the Commission how they felt about slats being installed to prohibit individuals from touching an electric fence.

Commissioners Kirkham and Garn felt the electric fence did not need to be screened if it was not visible from the public. Commissioner Kirkham said there could still be a double fence but suggested against slats.

Commissioner Larson asked if the ordinance was changed if there would still be an opportunity to require outdoor storage to be screened. Sherrie Llewelyn replied that screening would still be required for outdoor storage, which is adjacent to residential properties or visible from the street. She said in regard to the proposed property that as it was not visible from the road she would rather not have the slats with the additional chain-link fence for aesthetic reasons.

Chair Knowlton commented that he was comfortable without requiring slats or other screening. Sherrie Llewelyn suggested that Section C of the amendment could be re-written to read "No electric fence shall be installed or used unless it is fully enclosed by a nonelectrical fence or wall that is a minimum of six feet (6') in height, not to exceed the height of the electric fence." She also suggested the removal of the wording in red.

Commissioner Van Langeveld asked about other potential areas in the City where this code could apply. Sherrie Llewelyn replied that any location in the industrial zone with a fence taller than four feet would need to be set back from the street a minimum of 20 feet. She also said it would not be allowed parallel to Redwood Road, Center Street, or 1100 North.

Commissioner Kirkham asked if the gate would also be electrified. Michael Pate replied that the gate would not be electrified due to the increased weight that electrifying it would cause.

Commissioner Van Langeveld asked if the Development Review Committee (DRC) had additional concerns. Sherrie Llewelyn explained that the original concern related to electric fences was children touching the fences, which resulted in the requirement for the outer solid fence barrier. She said that if the Commission did not feel that this was a concern that she would recommend the removal of the slats if a solid fence was no longer required.

The Commission was in agreeance that a chain-link barrier fence was adequate versus a solid screening device.

**Commissioner Ward moved that the Planning Commission recommend for approval an amendment to section 10-1-33F-2 Section C to remove the word “solid” appearing in the first sentence and adding a new subsection J as set forth in the memorandum “Failure to properly maintain electrical fencing, warning signage, or solid screening devices shall constitute a violation of this section to civil penalty and shall be enforced as provided in Title 12 Administrative Code Enforcement” and with the following findings:**

- 1) The proposed amendment is in accord with the comprehensive general plan, goals and policies of the City.**
- 2) Changed or changing conditions make the proposed amendment reasonably necessary to carry out the “purposes” stated in this title.**

**Commissioner Garn seconded the motion. The motion was approved by Commissioners Knowlton, Garn, Kirkham, Ward, Tucker, Larson and Van Langeveld via roll call.**

**3. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR GARDNER DISTRIBUTION FACILITY AT 989 WEST CENTER STREET, JONATHON GARDNER, APPLICANT**

Sherrie Llewelyn reported that the property located at 989 West Center Street was the former location of the NSL Gun Club. The property, which is zoned General Commercial (CG), is approximately 56 acres in size. The property has been acquired from the Kimball family by Gardner Batt, a commercial developer.

Mrs. Llewelyn showed a conceptual site plan to those present and said it would be a 201,000 square foot warehouse/office/distribution facility. The use “Electronic Shopping & Mail Order House” is listed as a conditional use in the CG zone. The applicant is seeking conditional use permit to secure the land use entitlement to fulfill contractual obligations with the end user tenant company. Gardner Batt would own the property and building and will lease the facility to an online sales and distribution company for their last mile program and one-day delivery services.

The proposed facility specializes in “last mile” delivery of customer orders from delivery stations with packages shipped to the facility from fulfillment centers for customer delivery. Mrs.

Llewelyn showed a map of the access points on the property as well as truck parking and said the haul trucks would enter the property solely from the access from Redwood Road that will be constructed across the newly acquired Kelly property. The packages would be unloaded and sorted based on zip codes and then loaded into delivery vans that are operated by delivery service partners or personal vehicles.

The facility would operate 24/7, with most of the sortation activity done early in the morning when the line haul trucks arrive with customer packages. Line haul trucks will deliver packages to the facility each day, primarily between the hours of 10:00 p.m. to 8:00 a.m. Associates sort the packages by routes, place the packages onto movable racks and load the packages into the delivery vans primarily between 12:30 a.m. and 11:00 a.m. The facility would employ approximately 800 people. The employees who drive delivery vans will park their personal vehicles in the van parking area when they pick up their van. The employees working within the facility will park in the north lot.

The first “wave” of drivers arrive at a delivery station at approximately 10:00 a.m. to pick up their delivery vans. The drivers load their delivery van and depart to deliver packages directly to customers. Each delivery wave takes about 20 minutes to load and depart. As a wave of drivers prepare to depart, a new wave of drivers queue and prepare to load their delivery vans. The last wave of drivers departs the delivery station around 12:30 p.m. Delivery vans will depart the Delivery Station between 10:00 a.m. and 12:30 p.m. and return between 7:30 p.m. and 9:30 p.m. After drivers complete their routes, they return to the delivery station with any packages that may have been non-deliverable. After proper checkout and release, the drivers park the delivery van and leave using a personal vehicle or public transport.

The company also uses contracted employees with personal vehicles to deliver packages. This is a new innovation from the company that allows individuals to use their own vehicles to deliver packages to customers. These traditional passenger vehicles will enter the facility staggered between 4:00 p.m. and 6:00 p.m. These loading waves similarly take 20 minutes to complete. After departure of the last wave of delivery vehicles, delivery station associates prepare the delivery station for the next day’s packages.

The parking provided exceeds the minimum requirements for the office space and warehouse uses. Pedestrian access has been provided within the parking areas that are greater than 75,000 square feet as required by the code. The parking on site for employees, customers and delivery vehicles would include 374 stalls in the north parking lot, 812 stalls in the west parking lot, 349 stalls in the east parking lot. City code would require 210 parking stalls with the applicant proposing a total of 1,477 stalls.

The conceptual landscape plan submitted shows an extensive landscape plan that includes 27,228 square feet of turf area along Center Street, 551,167 square feet of native grass areas with planted shrubs, and 359 trees. This equates to 13.28 acres or approximately 24% of the site. Tree buffers

and landscaped berms are to be planted along the western property lines to buffer the van parking areas from view of the Legacy Trail. Parking lot trees are included internal to the parking areas as well, with the exception of the islands, that are required every 20 spaces within the van parking areas. Staff has agreed to recommend removal of those islands in exchange for intensified perimeter landscaping. Additional trees and manicured landscaping along Center Street far exceeding the minimum required.

Chair Knowlton asked if the landscaping details would be addressed at site plan approval. Sherrie Llewelyn replied that this was correct but wanted to give the Planning Commission an idea of the intent for the property.

Sherrie Llewelyn said one issue was the traffic study for a potential annexation, which would require Center Street to be expanded to five lanes. The City Engineer requested that the applicant provide additional setback from Center Street to reserve the area for that future road widening. The developer has agreed to the request by moving the parking area and providing additional landscaping in that area.

Mrs. Llewelyn also spoke on additional concerns including an additional request by the City Engineer for a traffic study to be submitted with the site plan to determine if any improvements will be required on Center Street to facilitate traffic impacts, that any building signage be required to meet the adopted standards, sizes, heights and restrictions, specifically freeway oriented signs directed toward Legacy Highway are prohibited. Other considerations included that the site plan be required to incorporate Low Impact Design measures for storm water treatment on site, that the only fencing to be provided on site is between the loading areas and the van parking areas and no perimeter fencing is proposed but if installed shall be installed in conformance to adopted standards namely chain link fencing is not permitted along the Center Street frontage, as well as the new trail along Center Street will be preserved or relocated and restored if any portion needs to be removed during construction.

Sherrie Llewelyn then said the building would be tilt up concrete with incorporated recesses, color changes, and parapet variations as required by the design standards of the code. She showed an example of the elevation and explained that the blue accent color on the exterior of the building was to incorporate the logo of the end user. The horizontal, vertical and parapet variation has been addressed to meet the standards. The building would be 46 feet in height and under the maximum height limit of 60 feet in the CG zone. The west and east sides of the building would have lean to structures to provide coverage for the purpose of loading the delivery vans.

Commissioner Kirkham asked if there were concerns or considerations for the proposed amount of additional vehicles accessing Center Street and Redwood Road. He asked if there would be a turnout lane. Sherrie Llewelyn replied that this was the reason for the traffic study to determine if any lane changes, striping or an acceleration lane should be added.

Jonathon Gardner, Gardner Distribution, commented that the traffic study had been completed and was being reviewed by the tenant to see if it would meet their needs. He also said UDOT had discussed a full access intersection at Redwood Road but no signal would be anticipated at this time.

Sherrie Llewelyn commented that this project would add \$70 million in value to the Redwood Road RDA. She also said this project would be built within one year's timeframe from today.

Jonathon Gardner replied that he believed it would be even more than \$70 million. Chair Knowlton clarified that this would be the value of improvement above the current land value.

Jonathon Gardner commented that they would like to break ground on the project as soon as possible and felt that the \$70 million dollars would come in within a ten to twelve month time period. He said in lieu of recent events there has never been more of a need for this business and that it would serve NSL and the South Davis County region.

Commissioner Tucker asked if the majority of the traffic accessing Redwood Road would be heading northbound. He felt that this would warrant a signal with a protected left. Jonathon Gardner replied that he was unsure but as full access was granted that pressure from the City would be helpful in obtaining a signal from UDOT.

Sherrie Llewelyn commented that there was a similar project under construction in American Fork and asked if there was a proposal for another location between the North Salt Lake and American Fork. Jonathon Gardner replied that there would be several other facilities planned from Springville to Logan.

Chair Knowlton asked if these facilities would create a locational advantage for certain types of firms. Jonathon Gardner replied that other similar facilities were located in areas with good access such as Redwood Road. He said you may see retail, restaurants, etc. to service this type of business with a lot of employees. Mr. Gardner said the Kimballs would maintain ownership along the Redwood corridor and would move forward with small businesses and retail as the market dictated.

Sherrie Llewelyn commented that staff felt this use would likely drive hospitality uses such as restaurants, a hotel, and retail, etc.

Chair Knowlton asked if conditions needed to be put in place to mitigate certain impacts. Sherrie Llewelyn replied that a conditional use is a permitted use with conditions and those must relate to the actual effects of the use on the surrounding properties. She said the DRC recommended approval with four conditions particularly related to the right of way, traffic study, access agreements, and the trail preservation.

Commissioner Tucker suggested that the traffic study include Redwood Road as well as Center Street. Sherrie Llewelyn replied that she had no objection to that request. She said the concern was for widening improvements on Center Street but Redwood Road could be added as well.

Sherrie Llewelyn recommended removing “on Center Street” from the recommended condition 2 in the event requirements were needed on other roads such as Redwood.

**Commissioner Tucker moved that the Planning Commission approve the conditional use permit for the Gardner Batt Distribution Facility at 989 West Street Center Street, subject to approval of a site plan, with the following condition(s):**

- 1) Sufficient landscaping shall be maintained along Center Street should the City need to acquire additional road right of way is needed to widen the street in the future;**
- 2) Submission of a traffic study with site plan application to determine if any improvements are to be required;**
- 3) Submission of private road access and maintenance agreement for the drive access to Redwood Road; and**
- 4) The trail along Center Street will be preserved or restored if damaged or removed during construction.**

**Commissioner Kirkham seconded the motion.**

Sherrie Llewelyn clarified that the address was 989 West and not 989 East as it was listed incorrectly in the staff report.

**The motion was approved by Commissioners Knowlton, Garn, Kirkham, Ward, Tucker, Larson and Van Langeveld via roll call.**

Chair Knowlton suggested that a pedestrian connection or access be added on the east side next to the driveway that accessed Redwood Road for employees that utilized public transportation.

Commissioners Van Langeveld, Tucker, and Larson expressed approval of the project particularly in relation to landscaping and parking, which exceed the minimum requirements, as well as traffic flow.

Commissioner Ward expressed his belief that the visual effects from the trail and the street was most important and was in favor of focusing on the landscaping near those areas rather than internal landscape islands in the van parking areas. Commissioner Garn said that his concern was traffic but felt the possibility to widen Center Street could help alleviate some issues.

Jonathon Gardner commented that the tenant wanted to be a good tenant and could rearrange things to allow for better access and flow. He said they increased the landscaping to ensure that the property was not an eyesore.

#### 4. REPORT ON CITY COUNCIL ACTIONS ON ITEMS RECOMMENDED BY PLANNING COMMISSION

Sherrie Llewelyn reported that during the last City Council meeting they tabled the subdivision ordinance for a more in depth review and to make wording changes per Council Member Baskin. She said they also postponed the joint work session with the Planning Commission related to the form based code.

Mrs. Llewelyn said that a different video conferencing system would be used for the next Planning Commission meeting.

#### 5. APPROVAL OF MINUTES

The Planning Commission meeting minutes of March 10, 2020 were reviewed and approved. **Commissioner Larson moved that the Planning Commission approve the meeting minutes from March 10, 2020. Commissioner Van Langeveld seconded the motion. The motion was approved by Commissioners Knowlton, Garn, Kirkham, Ward, Tucker, Larson and Van Langeveld.**

6. ADJOURN

Chair Knowlton adjourned the meeting at 8:07 p.m.



As Authorized & Approved by Ted Knowlton, Chair

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Chair

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Recorder

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Secretary