

CITY OF NORTH SALT LAKE
PLANNING COMMISSION MEETING
ANCHOR LOCATION: CITY HALL
10 EAST CENTER STREET, NORTH SALT LAKE
NOVEMBER 26, 2024

FINAL

Commission Chair Larson called the meeting to order at 6:30 p.m.

PRESENT: Commission Chair BreAnna Larson
Commissioner Ryan Holbrook
Commissioner Ron Jorgensen
Commissioner Johnathan Marsh
Commissioner Irene Stone
Commissioner Brandon Tucker
Commissioner William Ward

STAFF PRESENT: Sherrie Pace, Community Development Director; Mackenzie Johnson, Planner; Caden Baines, Planning Intern.

OTHERS PRESENT: Dee Lalliss, resident; Via Zoom: Bryon Tarbet, Amani Agriculture/Prime 90.

1. PUBLIC COMMENTS

There were no public comments.

2. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR AMANI
AGRICULTURE AND PRIME 90 AT 190 NORTH CUTLER DRIVE, SUITES B AND
C, BRYON TARBET, APPLICANT

Mackenzie Johnson clarified that this item was reviewed by the Planning Commission on November 12, 2024. She noted that this was a conditional use permit for Amani Agriculture and Prime 90 located at 190 North Cutler Drive Suites B and C which was zoned General Commercial (CG). She said the multi-tenant building housed Mountain West Lethal Precision and Trutech Laser Corp in Suite A, Ideal Sciences and Wine Cellars in Suite D, and Amani Agriculture, Prime 90, and The CBD Doctors in Suites B and C. She explained that staff classified Amani Agriculture and Prime 90 as miscellaneous manufacturing which is a conditional use. She said The CBD Doctors business was classified as general office as the Cutler Drive location was only used for office work and drop shipping and was a permitted use.

Ms. Johnson mentioned that the City received the complete conditional use permit application prior to the City Council's formal initiation of the code amendment for conditional uses including the update of the land use table on August 15, 2024 and therefore was not subject to the provisions of State Code Section 10-9a-509 regarding pending ordinances and may be processed. She also spoke on the initial investigation related to odor complaints and the identification of a possible source of the odor which was the manufacturing of SaniMax CL02 (chlorine dioxide) which the applicant has agreed to discontinue the manufacture, sale, or storage of at the subject location.

Commissioner Jorgensen asked if there was a concern about the proposed conditions. He questioned the nature and quantity of the chemicals to be used. Bryon Tarbet, applicant, replied that he did not have any concerns with the suggested conditions. He said that most of the chemicals were for the agricultural use and had near zero health impacts and those chemicals with higher health impacts were stored onsite in one to five pound quantities.

Chair Larson mentioned the odor complaint and the remediation by sealing the walls. She also asked regarding the use of a cement mixer in the parking lot. Bryon Tarbet responded that the sealing process included caulk or urethane foam near the openings and ceiling spaces. He said that the cement mixer had been moved indoors.

Commissioner Stone asked about the regulation agency for inspecting the chemicals onsite. Mackenzie Johnson shared that the applicant was required to submit quantities, storage plans, and Safety Data Sheets (SDS) to the City and South Davis Metro Fire (SDMF). She noted that SDMF would be the regulation agency to conduct inspections regarding the chemicals. She said the chemicals were anticipated to be small quantities and stored in a manner that was acceptable to the Fire Code.

Commissioner Jorgensen questioned if there would be employees at the business. Bryon Tarbet replied that it would be his two sons and himself working onsite.

Chair Larson spoke on the odor concern and how to proceed with this moving forward. Mackenzie Johnson said that odors and light were typically subjective and difficult to enforce on. She elaborated that in this situation the City was able to identify a root cause of the odor, which was likely the SaniMax that had been removed from the site.

Sherrie Pace commented that the City Attorney recommended two conditions including that the business shall not create any discernable odors from or related to the storage, manufacturing, or use of chemicals, materials, or other substances; and the applicant permits City staff entry to the premises to inspect the unit and warehouse whenever requested to ensure compliance with the conditions of approval. She said there had not been any recent complaints but if there were future complaints staff would review the site to discern any issues and potential mitigation.

Chair Larson mentioned condition six “access to manufacturing and storage areas of the subject units be physically restricted from access by the unauthorized personnel and the general public” and asked the applicant how they would accomplish this.

Commissioner Jorgensen commented that there could be unintentional exposure to the chemicals such as a package delivery or similar and the need to restrict random entrance to the property. He clarified that this would mean restricted access to the general public such as signage, locked doors, etc. Bryon Tarbet replied that all of their packages would be delivered to Suite A, doors would remain locked, and no customers would access the unit.

Commissioner Jorgensen moved that the Planning Commission approve the conditional use permit for Amani Agriculture and Prime 90 at 190 North Cutler Drive, Suites B and C with the following conditions:

- 1) The applicant complies with all applicable regulations related to the storage and quantity limits for associated chemicals, manufacturing materials, or other substances as determined by South Davis Metro Fire and other applicable jurisdictional agencies;**
- 2) The applicant shall inform the City and South Davis Metro Fire Agency prior to any additional chemicals, materials, or other regulated substances are stored, used, or manufactured on site which are not listed in the Safety Data Sheets submitted as part of this application for inclusion or amendment of the conditional use permit, as applicable;**
- 3) All manufacturing and storage activities shall be conducted indoors only;**
- 4) The businesses shall not create any odors discernable from outside the premises from or related to the storage or use of chemicals, materials, or other substances used in the manufacturing processes;**
- 5) Sufficient building modifications shall be made to the unit to ensure no discernable odor is emitted from the businesses, which may include but is not limited to additional ventilation, insulation, or sealing between neighboring units;**
- 6) Access to manufacturing and storage areas of the subject units be physically restricted from access by the unauthorized personnel and the general public; and**
- 7) The applicant permits City staff, South Davis Metro Fire, and/or the Health Department entry to the premises to inspect the unit and warehouse whenever reasonably requested to ensure compliance with the above listed conditions.**

Commissioner Marsh seconded the motion. The motion was approved by Commissioners Holbrook, Jorgensen, Larson, Marsh, Stone, Tucker, and Ward.

3. WORK SESSION: PENDING CODE AMENDMENT
 - a. CONDITIONAL USE STANDARDS AND LAND USE TABLE

Sherrie Pace reported on conditional use standards and the land use table.

Commissioner Jorgensen questioned the need for commercial shopping (CS) and General Commercial (CG) and the difference between the two. Sherrie Pace replied that she was unsure of the initial intent but it appeared that CS seemed more neighborhood commercial in most areas while CG was along highway corridors. She said the next step would be to review the zoning map and see what areas should be in the particular zones.

The Commission discussed the Commercial Shopping (CS), General Commercial (CG), and Highway Commercial (CH), zones. They spoke on the Town Center uses, walkable commercial area (CS zone), mixed use, allowing housing in the CS zone, future development/redevelopment, accessory uses, and caretaker residence.

Sherrie Pace reviewed conditional use standards and the land use table for the Commercial Shopping (CS), General Commercial (CG), Manufacturing Distribution (MD), and General Industrial (MG) zones. She mentioned a variety of uses including agricultural, automotive, leasing/rental of passenger vehicles, carwash as accessory to gas station, convenience store, hardware stores, and maintenance/detail/trim vehicles. She shared a zoning map of the City and showed where each zone was located.

The Commission discussed whether the CS zone should be neighborhood commercial uses and how the zones and uses would align with the General Plan update. They spoke on allowing residential and mixed use in CS zones, Planned (P) Districts, and prohibited uses.

The Commission reviewed a variety of uses and determined whether they were permitted, conditional, or prohibited in the aforementioned zones including: automotive, banking, building/contracting/suppliers, preschool/daycare, leasing and rental office for machinery and equipment, professional office, hospital, medical spas, medical offices, mental health/therapy, ambulance, substance abuse centers, residential care, banquet and reception centers, food service contractors, lodging/hotels/motels/bed & breakfast, RV parks/campgrounds, restaurant, bars, mining activities, veterinary care, appliance repair, funeral homes/mortuary, janitorial services, laundry/dry cleaners (drop-off or onsite cleaning), commercial laundry, linen supply, packaging/labeling, personal and household goods repair, churches, beer/wine/liquor store, consumer electronic and rental, department store, electronic shopping/mail order houses, entertainment/entertainment rental, gas station, general rentals, liquified petroleum gas dealer meat market, outdoor power equipment store, supermarkets and other grocery stores, tobacco stores, used merchandise, vending machine operators, homeless shelter, social services: services for the elderly, youth/child, individual and family, etc. They established having certain uses in a civic zone such as colleges/university/professional schools, elementary/high and charter schools, and parks. They discussed the removal of amusement parks, etc., radio or television station, racetrack, go-carts, studios, check cashing, pawn shops, and leasing of passenger vehicles in the CS zone.

The Commission requested that staff research studio uses including production/independent artist such as art gallery, art classes, and recording studio. The Commission further directed staff to research substance abuse centers, residential treatment facilities, mental health, outpatient clinic, etc. The Commission would further review uses after the General Plan meeting with the City Council.

Sherrie Pace said that the Commission would continue to revise the conditional use standards and land use table. She said staff would prepare the revisions in advance of the public hearing on January 28th meeting for adoption by the City Council on February 4th.

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

Sherrie Pace reported on upcoming dates including the Winter Lights Fest (including a food drive) on December 2nd at 6:00 p.m., the joint Planning Commission and City Council meeting to discuss the General Plan on December 3rd at 5:45 p.m., the holiday party on December 6th at 6:00 p.m., and the final Planning Commission meeting of 2024 on December 10th.

5. APPROVAL OF MINUTES

The Planning Commission meeting minutes of November 12, 2024 were reviewed and approved.

Commissioner Jorgensen moved to approve the meeting minutes for the November 12, 2024 Planning Commission meeting as drafted. Commissioner Marsh seconded the motion. The motion was approved by Commissioners Holbrook, Jorgensen, Larson, Marsh, Stone, Tucker, and Ward.

6. ADJOURN

Commission Chair Larson adjourned the meeting at 8:52 p.m.

The foregoing was approved by the Planning Commission of the City of North Salt Lake on Tuesday, December 10, 2024 by unanimous vote of all members present.



Wendy Page, City Recorder

