



# MEMORANDUM

PLANNING DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: City Council Members  
From: Krissy Gilmore, Senior Planner  
Date: March 9, 2023  
Re: Northpoint Small Area Plan

During the briefing held on February 21, 2023, the City Council provided guidance and direction for changes to the draft Northpoint Small Area Plan. The following memorandum is a response to the comments and requested changes:

1. **Stronger Language:** The Council expressed concern with the flexibility of the plan's wording and directed Planning Staff to make the plan language stronger. The plan was revised to address these concerns. Specifically, the Design Standards and Implementation sections have been updated by replacing "should be" with "shall be" and "encouraged" with "required." In some instances, statements were fully rewritten where necessary.

Generally, master plans are considered advisory documents unless explicitly stated in the ordinance. To clarify the status of the Northpoint Small Area Plan, a statement has been added to page 7 of the plan, as well as Section 2 of the adopting ordinance, indicating that it is intended to be a binding document.

*Status: changes made*

2. **Business Park Land Use/Zoning:** Removed Business Park from Vision Map and revised the land use category to be Light Industrial rather than Business Park/Industrial.

*Status: changes made*

3. **Distribution Uses:** At the work session the City Council asked for more information on what distribution uses are and what limiting them means. Distribution and fulfillment uses refer to businesses that primarily handle the storage and transportation of goods and merchandise, rather than producing them on site. The zoning code includes the following definition, however, there may be other uses that may fall into the distribution category:

*WHOLESALE DISTRIBUTION: A business that maintains an inventory of materials, supplies and goods related to one or more industries and sells bulk quantities of materials, supplies and goods from its inventory to companies within the industry. A wholesale distributor is not a retail goods establishment.*

If the Council wishes limit distribution and fulfillment land uses, a Northpoint specific overlay zone could be created. This would allow for a unique set of standards to be applied to the Northpoint area, without requiring amendments to other relevant sections of the code or negotiation on a project-by-project basis. To limit distribution uses, the overlay zone could include a specific list of permitted and conditional uses that align with the plan, while

prohibiting distribution and fulfillment uses. Additionally, building gross floor area could be limited to under 150,000 square feet<sup>1</sup>, and building height could be limited to under a specific height (such as 32 feet).

Alternatively, special provisions could be included in the M-1 zoning district that would apply specifically to the Northpoint area. However, this approach presents challenges, as someone could propose a different zone, and it may be less efficient in terms of time and resources since an overlay zone may still be necessary to adopt the design standards presented in the draft plan.

*Status: direction needed*

4. 3200 West: What does “development is prohibited from facing 3200 West” mean? This was intended to mean that new development cannot be accessed from 3200 West and that impacts associated with development (vehicle egress, signage, lighting) would be at the front of the building facing the new 2900 W north-south collector street. The plan was updated to expand on the intent of this statement. Additionally, the Plan language was modified to emphasize that 3200 West will remain unimproved (using “will” rather than “should”), and the Major Street Plan map was modified to clarify that 3200 West will remain unimproved.

*Status: changes made*

5. Can we close or gate 3200 West? 3200 West falls on the Salt Lake City boundary and is split in the middle with the east half in Salt Lake City and the west half in Salt Lake County. Additionally, a portion of 3200 West at the south end of the project area is fully within Salt Lake County’s jurisdiction. To vacate or close 3200 West, Salt Lake City would need to annex the entire portion of the road. Additionally, it is unclear if the city can close or vacate the road without requiring the adjacent property owners to purchase it. Current policy, the City Council’s 1999 Street Closure Policy, is to sell the underlying property for fair market value.

If 3200 West is not vacated and remains a public street, there could be legal issues with gating or limiting access to the public. While the policy established in the draft plan is that 3200 West remains a dirt, unimproved road, it is still a necessary access road for maintenance and utilities for the airport and power utility easements. Therefore, Planning Staff does not recommend gating 3200 West as it could create unforeseen issues for property owners who use the road for access.

*Status: changes are not recommended*

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<sup>1</sup> The following are typical sizes for the uses outlined.

- Major Distribution Center: 500,000 to more than 1.5 million square feet
- Large Fulfillment Center: 150,000 to more than 500,000 square feet
- Smaller Local Fulfillment Station: 50,000 to more than 150,000 square feet

Source: NJ State Planning Commission Office of Planning Advocacy, *Distribution Warehousing and Goods Movement Guidelines*, September 2022. <https://nj.gov/state/planning/assets/pdf/warehouse-guidance.pdf>

6. Vision Map: The Vision Map was updated to show the proposed buffer widths from the Jordan River (100 feet on each side) and canals and drain (75 feet on each side). Of note, the Rudy Canal already has a 200 foot (total) no-development easement.

*Status: changes made*

7. Revise Wetland Buffer to Remove Width Flexibility: The City Council provided direction that allowing reduced buffer widths is not appropriate. The Draft Plan was updated to remove language that would allow flexibility of the wetland buffer width and established a firm 300-foot buffer from wetland boundaries.

To clarify, wetlands identified on the Vision Map were sourced from the Utah Geological Survey with data derived from the U.S. Fish and Wildlife's National Wetlands Inventory. These wetlands should be used as a guide and delineation will be required at the time of development permit.

*Status: changes made*

8. Transfer of Development Rights: During the Council's discussion, Transfer of Development Rights (TDR) was raised as a potential land preservation tool. It is already listed as a recommended tool in Chapter 4 of the plan. However, further direction is needed from the Council on whether they want to pursue the development of a TDR program within the plan or as an implementation step.

If either action is taken, it would likely require funding for a consultant to conduct a financial analysis and identify a method for calculating the development potential that can be transferred, as well as determining where the transferred development potential can go (receiving areas). Creating the receiving areas would also require a public process, and it is unclear whether the community would support it, or if the finances would result in successful development rights transfers.

*Status: direction needed*

9. Community Benefit/Development Agreements: The Council discussed setting up a framework that would require a developer or contractor to set aside money in case of damage or lawsuit. After discussing this with the Attorney's Office, we do not believe that this is something that we can require and do not recommend its inclusion in the plan. Generally, this is a civil matter that is handled through insurance claims or other means. However, information could be provided to the public at the beginning of construction, such as contact information for insurance claims.

*Status: changes are not recommended*

10. Bird-friendly Design: During the work session, bird friendly building design was mentioned. Planning Staff reviewed the plan and realized that this was not included in the design standards, although it is something that is necessary to mitigate impacts associated with new development in the area. The following standard was added to the plan:

*Follow bird-friendly window and building design by mitigating reflective and transparent conditions. New construction and major renovation projects shall incorporate bird-friendly building materials and design features, including those*

*recommended by the American Bird Conservancy publication Bird-Friendly Building Design.*

*Status: change made*

The full revised draft Northpoint Small Area Plan is attached for reference.