



**Planning Commission Agenda
February 3, 2010**

- Planning Commissioners** 5:30 P.M. Agenda Meeting
- Michael Christianson Chairman 6:00 P.M. 1. Preliminary Activities
- Del Robins a. Pledge of Allegiance
b. Approval of Minutes: January 6, 2010
- David Stroud
- Shane Marshall 2. Public Hearings
- Rick Evans a. **Hailstone Zone Change**
Applicant: Hailstone Homes, LLC
General Plan: General Commercial
Zoning: Residential Office and Rural Residential existing,
Commercial 2 proposed
Location: approximately 800 South Main Street
- Tyler Cope b. **Spanish Fork Assisted Living Conditional Use Approval (continued from January 6, 2010)**
Applicant: Rockworth Companies
General Plan: General Commercial
Zoning: R-1-8
Location: 1450 East 100 South
- c. **Proposed Amendments to Title 15, Site Plan Development Requirements (continued from January 6, 2010)**
Applicant: Spanish Fork City
General Plan: City-wide
Zoning: City-wide
Location: City-wide
3. Other Discussion
- a. **Discussion on Planning Commission work program and General Plan update**

Planning Commissioners, if you are unable to attend a meeting please let us know ASAP. Thanks.

The public is invited to participate in all Planning Commission Meetings. If you need special accommodations to participate in the meeting, please contact the City Manager's Office at (801) 804-4530.

1 **Draft Minutes**
2 **Spanish Fork City Planning Commission Meeting**
3 **January 6, 2010**
4
5

6 **Commission Members Present:** Chairman Michael Christianson, Del Robins,
7 Shane Marshall, Rick Evans, Dave Stroud, Tyler Cope.
8

9 **Staff Present:** Dave Anderson, Community Development Director; Dave
10 Munson, Planning Intern; Kirk Nord, Assistant City Attorney; Chris Thompson,
11 Assistant Public Works Director.
12

13 **Citizens Present:** J.P. Hughes, Randy C. Giboney, Steve Broadbent, Jeff Byers,
14 Russ Berry, Ken Larsen, David Berky, John Taylor, Lucille Taylor, Jenna Hughes
15 Tew, Brenna Tew, Morgan Tew, JJ Tew, Elaine Hughes, Steve Painter, Julie
16 Carter, Allen Carter, Katie Simmons, Abraham N. Allan, Mary Allan, Duane
17 illegible, Gabriel Fossat, Brandon Ralphs, Dalton Grant, Dallas Smith, Nathan
18 Otterstrom, Kaden Nelson, Trenton Teasdale, Jacob Olson, Hayden LeBaron,
19 Bruce Hall, Scott Duke, Logan Christensen, Tucker Williams, Jake Monsen, Myles
20 Monsen, Taylor Dunn, Curtis Rex, Mitchell Martin, Christian Anglesey, Michael A.
21 Carpenter, Greg Magleby, Sam Hansbrow, Riley Mercado, River Woods.
22

23 **CALL TO ORDER**
24

25 Chairman Christianson called the meeting to order at 5:57 p.m.
26
27

28 **PRELIMINARY ACTIVITIES**
29

30 **Pledge**

31
32 Commissioner Stroud led the Pledge of Allegiance.
33

34 **Adoption of Minutes: December 2, 2009**
35

36 Commissioner Evans **moved** to **approve** the minutes of December 2, 2009, with
37 the noted corrections. Commissioner Stroud **seconded** and the motion **passed**
38 all in favor.
39

40 Commissioner Evans **moved** to **open** into public hearing. Commissioner Stroud
41 **seconded** and the motion **passed** all in favor at 5:59 p.m.
42
43

44 **PUBLIC HEARING**
45

46 **Jones/Hughes Conditional Use**

47 Applicant: J.P. Hughes

48 General Plan: Residential 9 to 12 units per acre

49 Zoning: R-1-6

50 Location: 64 East 100 South

51

52 Mr. Anderson explained that the proposal was continued from last month and
53 explained the nature of the use. He explained that staff had recommended that
54 the proposed building have distinct coloring on the roof and sides. The roof
55 would be darker than the sides and the trim would match the roof. Staff also
56 recommended that the applicant plant trees south of the building, including
57 Chandelier Pear and Columnar English Oak. He said these species were picked
58 because they were unlikely to grow into the overhead power lines.

59

60 Commissioner Marshall asked if these were in addition to previous conditions.

61 Mr. Anderson answered that they are the only conditions.

62

63 Mr. Anderson confirmed that the building would be set back from the property
64 line by ten feet.

65

66 Commissioner Marshall asked if Mr. Anderson felt that the previous conditions
67 had been met. Mr. Anderson explained that they had been on the Site Plan.

68

69 Chairman Christianson asked if the information presented addressed the
70 Commission's concerns. Commissioner Robins said that he was still somewhat
71 concerned about whether the conditions related to colors would work to break
72 up the mass of the building.

73

74 Chairman Christianson opened the meeting up for public comment.

75

76 **Lucille Taylor**

77 Ms. Taylor said that the proposed building was still a barn that would be lovely
78 on a farm, but may not be so on a block so close to the heart of Spanish Fork
79 City.

80

81 Commissioner Robins asked what issues Ms. Taylor felt weren't addressed.

82

83 Ms. Taylor said that she was concerned about the landscaping being xeriscape.
84 She asked that trees be placed between the building and her property.

85 Commissioner Robins answered that such was the plan. She suggested a
86 number of pavilions instead of a barn.

87

88 **Jennifer Hughes Tew**

89 Ms. Tew said that she was the sixth generation of Hughes in Spanish Fork. She
90 said that the building was not a barn, but a symbol of working with neighbors to

91 preserve the past while working toward the future. She said that this would help
92 children understand that there were once farms on Main Street.

93

94 Chairman Christianson closed the meeting for public comment.

95

96 Commissioner Marshall **moved** that the Commission **approve** the proposed
97 Conditional Use with the following conditions:

98

99 **Conditions**

100 1. That distinct coloration be applied to the roof and sides; that the trim match
101 the roof;

102 2. That four (4) trees of the species recommended by the City be planted south
103 of the proposed building.

104

105 Commissioner Robins said that he would be more comfortable with a specific
106 number of trees.

107

108 Commissioner Robins **seconded** and the motion **passed** all in favor.

109

110 **Proposed Amendments to Title 15, Assisted Living Facility Design and**
111 **Separation Requirements**

112 Applicant: Spanish Fork City

113 General Plan: City-wide

114 Zoning: City-wide

115 Location: City-wide

116

117 Mr. Anderson explained that the City has specific design requirements for certain
118 buildings in Spanish Fork City. He explained that, while reviewing the proposed
119 Spanish Fork Assisted Living Site Plan, it became apparent that such a facility
120 could not be built based on the current standards. He said that he felt that such
121 was not the original intent and asked that certain verbiage be struck from the
122 code. He brought up a PowerPoint showing what was intended to be struck. He
123 explained that buildings of this type are required to look like surrounding homes.
124 While this works for small facilities, larger facilities such as the one proposed are
125 needed in the City and could be accommodated in the community. He said that
126 staff recommended that the change be approved. He explained that other
127 sections than the one in question already regulate this type of development to a
128 sufficient degree. He also pointed out that all non-residential zones do not allow
129 such development.

130

131 Commissioner Robins asked, if someone wanted to build a smaller facility, what
132 would they be able to do in a residential neighborhood if the language was
133 struck?

134

135 Mr. Anderson explained that there is other language in the code that would
136 regulate such development. He explained that it would remain a Conditional Use
137 and that individual issues could be addressed as part of that approval.

138

139 Commissioner Evans asked how the existing facilities were built. He said that he
140 lives less than a half mile from one and said it was one of the most unobtrusive
141 neighbors he has. He said that this is exactly where you would want these
142 facilities (in residential neighborhoods). He said he felt that the size of the
143 facility may be an issue.

144

145 Mr. Anderson explained that the City's legal counsel advised that it would be
146 most appropriate not to take action on the following Conditional Use until the
147 text amendment is reviewed by the City Council.

148

149 Commissioner Marshall said that he did not want to get the issues of the text
150 amendment and the Conditional Use confused.

151

152 Chairman Christianson opened the meeting up for public comment. There was
153 none.

154

155 Commissioner Evans **moved** that the Commission recommend to the City
156 Council **approval** of the text amendment. Commissioner Robins **seconded** and
157 the motion **passed** all in favor.

158

159 **Spanish Fork Assisted Living Conditional Use Approval**

160 Applicant: Rockworth Companies

161 General Plan: General Commercial

162 Zoning: R-1-8

163 Location: 1450 East 100 South

164

165 Chairman Christianson noted that this item was discussed as part of the previous
166 item.

167

168 Mr. Anderson explained the proposal.

169

170 *Tyler Cope arrived at 6:34 pm.*

171

172 Mr. Anderson explained that this was the first functional proposal for the
173 property that he has seen. He explained the landscaping, lighting and parking of
174 the proposal. He explained how the proposal had been modified to remove a
175 cul-de-sac on 100 South.

176

177 Commissioner Evans asked where the proposed masonry walls would be. Mr.
178 Anderson explained that one was proposed along the Highway 6 boundary, that
179 it would be six feet tall and that this would be somewhat shorter than the

180 existing wall along Highway 6. A wall would be constructed between the
181 residences and the proposal to the West. He said that in some ways the
182 proposal fulfilled a function similar to that of schools and churches in a
183 residential neighborhood. He said that, at the end of the day, this is a residential
184 use, and doesn't belong in commercial or industrial settings. However, it is not a
185 single-family use, and some effects would need to be mitigated. He said that the
186 applicants have taken significant steps to mitigate the negative impacts of having
187 a facility like this in the community. He said that there would be deliveries,
188 visitors and employees that would generate some traffic, but that it would be
189 comparable to that which would be generated by the fifteen or so single-family
190 homes that could be built in its place. He said that staff feels comfortable
191 recommending that this proposal be approved.

192
193 Commissioner Marshall asked if the General Plan would be amended if this were
194 approved. Mr. Anderson explained that it would be changed to 2.5 to 3.5 units
195 per acre, which is the designation of the surrounding area.

196
197 Chairman Christianson invited the applicant to comment.

198
199 **Steve Broadbent**

200 Mr. Broadbent with Rockworth added that all delivery vehicles would come
201 through the shopping center to the North. He said that it was his intent to have
202 employees also come through this entrance.

203
204 Commissioner Stroud asked if the applicants had met with the neighbors. Mr.
205 Broadbent said that they had, and that many were enthusiastic about the project
206 but concerned about traffic. He said that they seemed comfortable with the
207 proposed traffic. He said that there had been concerns about the property going
208 vacant, and said that they have had a lot of experience and that it would stay in
209 business.

210
211 Commissioner Stroud asked about the mass of the western building. He said he
212 was concerned about the impact on the homes to the West of the project. He
213 said that, if the wing was a single story, he would have no problem with it. Mr.
214 Broadbent said that there was enough demand to warrant the two story
215 development.

216
217 Chairman Christianson proposed that the Commission allow the public to
218 comment so that they can be addressed in the next meeting.

219
220 Commissioner Evans asked how the immediate neighbors felt about the
221 development. Mr. Broadbent said that some issues had been mitigated with
222 landscaping.

223

224 Commissioner Christiansen opened the meeting for public comment and
225 requested that concerns not be repeated. He asked them to limit their
226 comments to three or four minutes.

227

228 **David Burky**

229 Mr. Burky said that he was concerned about the height, lighting and density.

230

231 **Ken Larsen**

232 Mr. Larsen said that he was concerned about deliveries but that this concern had
233 been addressed. He asked how vehicles would turn around at the terminus of
234 100 South. He said that 29 feet was a lot higher than the surrounding homes.

235

236 **Allen Carter**

237 Mr. Carter said that he was concerned with the density and height. He asked if
238 the Alzheimer's unit would have a lockdown. He said that the lack of a turn
239 around would make it hard for garbage trucks and snow plows to turn around.
240 He asked Commissioners Evans and Robins what their opinion was living near
241 Hearthstone. Commissioner Robins said that he was grateful for the
242 opportunities to serve and teach his children that were presented. Commissioner
243 Evans repeated that the facility may have less of an impact on the neighborhood
244 than an individual home.

245

246 Commissioner Evans **moved to continue** this till the next meeting contingent
247 on what happens with the City Council. Commissioner Robins **seconded** and
248 the motion **passed** all in favor.

249

250 **Proposed Amendments to Title 15, Wind Turbine Testing Facility and**
251 **Small Wind Turbine Development Requirements**

252 Applicant: Spanish Fork City

253 General Plan: City-wide

254 Zoning: City-wide

255 Location: City-wide

256

257 Chairman Christianson welcomed the boy scouts that had joined the meeting.

258

259 Mr. Anderson explained the background of the proposal relative to the wind
260 testing facility at the mouth of Spanish Fork Canyon. He said that staff cannot
261 see any harmful impact from that use at that location.

262

263 Commissioner Stroud asked if there was any potential for residential
264 development in the vicinity. Mr. Anderson said that he did not feel so.

265 Commissioner Evans asked if it would still be possible to say no to this type of
266 development if it were appropriate. He said that he had talked to an industry
267 representative and was told that Spanish Fork Canyon is an ideal location to test

268 turbines. He asked if turbines would have to meet setback requirements. Mr.
269 Anderson said it would.

270

271 Chairman Christiansen opened the meeting up for public comment. There was
272 none.

273

274 Commissioner Stroud recommended **approval** to the City Council as submitted
275 to the Commission. Mr. Marshall **seconded** and the motion **passed** all in favor.

276

277 Mr. Anderson explained that this proposal was related to small, privately-owned
278 wind turbines. He said that this was related to the recent decision to allow net
279 metering. He also said that, at this point, solar is not being considered. In most
280 residential districts, the height of turbines would be limited to 40 feet, or 120
281 feet in industrial districts. He said that this would allow wind turbines in every
282 residential district and that staff recommends that this proposal be adopted.

283

284 Commissioner Evans had concerns about the one-acre size. He said that it was
285 related to setbacks and safety. He said he was comfortable removing size
286 requirements or setting the limit at a half acre. Commissioner Marshall agreed
287 and said that a setback from buildings should be added. He suggested that it be
288 changed to read "from property lines and inhabited structures." Commissioner
289 Evans suggested restricting how far apart turbines could be instead of restricting
290 based on acreage.

291

292 Chairman Christianson said that he felt that the requirement that a turbine be
293 engineered would address safety concerns. Mr. Anderson said that aesthetics
294 were also an issue.

295

296 Commissioner Cope asked why staff recommended that there not be guide wires.
297 Mr. Anderson said that it was related to aesthetics and industry standards.
298 Commissioner Evans said that he felt that not allowing guide wires would require
299 that the engineering be better.

300

301 Commissioner Christianson opened the meeting up for public comment.

302

303 **Steve Painter**

304 Mr. Painter said that other cities he had worked with initially had acreage
305 requirements but that they were changing to setbacks, as the Commission
306 proposed. He commented on the structural capabilities of his turbines. He said
307 that he had not had a city say no to 45-foot towers.

308

309 Commissioner Evans asked about setbacks. Mr. Painter said that many cities
310 were changing to half-the-tower-height setbacks. Commissioner Evans asked if
311 the height requirements were sufficient. Mr. Painter said that most of his sales
312 are 45-foot turbines.

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Commissioner Stroud commented that cell towers aren't held to as stringent requirements as wind turbines.

Commissioner Evans asked if Mr. Painter would recommend a greater height limit. He said that he felt that the existing limit prevented people from building taller, more efficient towers. Mr. Painter said that he usually won't put buildings closer than 30 feet and said that many cities' net metering agreements wouldn't allow much of a wind farm. That being said, he has had people put in multiple turbines. He explained net metering.

Randy Giboney

Mr. Giboney agreed with removing the one-acre limit. He emphasized that he does not sell turbines, he simply wants to use them for his home and business. He asked if a business was considered a habited structure. He suggested that it be listed as a provision.

Michael A. Carpenter

Mr. Carpenter asked if neighbors could share a turbine. Mr. Painter said that net metering wouldn't allow that.

Chairman Christianson asked if the Commission wanted to act on this tonight or send it back to staff. Mr. Anderson said that he would appreciate another month to work on it.

Commissioner Evans suggested that the acreage requirement be removed and that the setback language be modified to address distance to structures. Mr. Painter referred to Highland's ordinance. Commissioner Evans suggested changing the height requirement to 55 feet or higher.

Commissioner Robins said that he was concerned about opening the skies over people's neighborhoods and said that there were aesthetic and noise issues to address. He suggested that it be made a Conditional Use. Commissioner Cope suggested that it be made subject to certain conditions including lot size. Commissioner Robins asked how we evaluate other types of towers.

Commissioner Cope suggested considering front yard setbacks. Commissioner Stroud suggested listing this as an accessory structure, which would make it illegal to build one in a front yard.

Commissioner Cope asked how much a 45-foot tower would cost. Mr. Painter said roughly \$13,400 and that there are state and federal funding mechanisms that could assist people in buying a tower.

357 Commissioner Stroud asked about ice throw and other weather issues. Mr.
358 Painter said that they have a special coating that prevents it.

359

360 Commissioner Marshall suggested getting more public input and participation to
361 see how the community feels. Mr. Painter said that, in his experience, there are
362 a few people who are opposed, but many are supportive. He said that most
363 issues are with noise.

364

365 Commissioner Evans **moved** to **continue** the proposal. Commissioner Marshall
366 **seconded** and the motion **passed** all in favor.

367

368 Commissioner Evans **moved** to **close** the public hearing. Commissioner
369 Marshall **seconded** and the motion **passed** all in favor.

370

371 **STAFF REPORTS**

372

373 **Orchard View Heights**

374 Applicant: Allen Developments

375 General Plan: Residential 2.5 to 3.5 Units Per Acre

376 Zoning: R-1-9

377 Location: 820 East 750 South

378

379 Commissioner Evans asked if there was a way to move items up on the agenda.
380 Mr. Anderson explained the logic behind how items are scheduled and said that
381 people could be moved.

382

383 Mr. Anderson explained the proposal and recommended that it be approved.

384

385 Chairman Christianson asked about the storm drain system. Mr. Thompson
386 explained that, eventually, the City will put in storm drain on the street, but until
387 then the applicants need to plan for retention. Chairman Christianson said that
388 he was concerned about transferring the storm drain burden to the property
389 owner to the North. The property owner, Abraham Allan, explained that the tree
390 farm in the front yard of the property to the North would be used for retention.
391 Discussion was held regarding storm drain easements.

392

393 Commissioner Marshall asked about the stub on the north side of the property.
394 Mr. Thompson explained how the property owners had agreed on how to
395 develop the area.

396

397 Commissioner Marshall **moved** to recommend **approval** subject to the
398 conditions in the staff agenda. Commissioner Robins **seconded** and the motion
399 **passed** all in favor.

400

401 **Spanish Fork Assisted Living Preliminary Plat**

402 Applicant: Rockworth Companies
403 General Plan: General Commercial
404 Zoning: R-1-8
405 Location: 1450 East 100 South
406

407 Mr. Anderson explained the proposal.
408

409 Commissioner Evans asked if the previous action on this project negated this
410 proposal. Mr. Anderson explained that that was up to the applicant. He
411 explained that they were remedying a previous lot division.
412

413 Commissioner Stroud pointed out that the plan did not include a number of
414 pieces of required information. Mr. Anderson explained that the applicant would
415 be required to submit a final plat which included the information.
416

417 Commissioner Evans said that he felt that, instead of fixing problems that have
418 already happened, we should tell people "no" when they don't submit a complete
419 application. Mr. Anderson said that it would be reasonable to deny or continue
420 an incomplete application.
421

422 Commissioner Marshall **moved to deny** the proposal because the applicants
423 have not submitted a complete proposal. Commissioner Evans **seconded** and
424 the motion **passed** by a roll call vote. Commissioner Robins voted nay.
425

426 **OTHER DISCUSSION**

427

428 Mr. Anderson introduced a presentation on the Legacy Farms project.
429

430 **Duane Hutchins**

431 Mr. Hutchins explained the proposal. He turned the time over to Greg Magleby
432 to present a PowerPoint presentation on the project. He addressed the current
433 layout and design guidelines.
434

435 Commissioner Evans asked about the incentive for the architectural committee to
436 stay involved. Mr. Magleby explained that they would be paid for their work.
437

438 Mr. Magleby explained the architectural and character standards. He asked the
439 Commission for their input. Commissioner Robins asked about the area to the
440 Southeast of legacy farms. Mr. Magleby explained that it is planned for
441 commercial development.
442

443 Commissioner Robins mentioned the 35-foot height limit proposed for the
444 development, which is above the existing height limit for the proposed zone. He
445 suggested that the developers consult with Mr. Anderson.
446

447 Chairman Christianson asked about the power line corridor. Mr. Magleby
448 explained that they would not allow them to landscape it unless they purchased
449 a perpetual easement. Mr. Anderson explained that Rocky Mountain Power is
450 willing to work with the developers but only if they are willing to purchase the
451 easement.

452
453 Discussion was held on impact fees.

454
455 Commissioner Marshall asked about the phasing plan. Mr. Magleby explained
456 the plan. Chairman Christianson asked about storm drain. Mr. Magleby
457 explained the series of ponds in the parks that would be used to handle the
458 storm water.

459
460 Commissioner Robins asked what density bonus would be requested. Mr.
461 Magleby answered that it would be determined based on utilities.

462
463 Commissioner Marshall asked if the developers had consulted with the school
464 district. Mr. Magleby answered that children from this area would go to Reese
465 Elementary and that other children would go to the new school across from
466 Salisbury's townhomes.

467
468 Commissioner Robins said that he would like to see the sort of amenities that go
469 along with a master planned development.

470
471 Chairman Christianson asked how the architectural committee would work. Mr.
472 Magleby said that homeowners would be charged a fee to hire the necessary
473 consultants.

474
475 **Proposed Amendments to Title 15, I-3 Zone, Wind Farm and Site Plan**
476 **Development Requirements**

477 Applicant: Spanish Fork City

478 General Plan: City-wide

479 Zoning: City-wide

480 Location: City-wide

481
482 Commissioner Marshall asked about including small energy systems definition.
483

484 Commissioner Evans **moved to re-open** the public hearing. Commissioner
485 Marshall **seconded** and the motion **passed** all in favor.

486
487 Commissioner Evans **moved to continue** the proposal. Commissioner Marshall
488 **seconded** and the motion **passed** all in favor.

489
490 Commissioner Evans **moved to close** the public hearing. Commissioner
491 Marshall **seconded** and the motion **passed** all in favor.

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Discussion on Planning Commission work program

Mr. Anderson asked for a list of things that the Commission would want to see discussed as part of the 2010 General Plan Update. Commissioner Marshall asked Mr. Anderson to put together a timeline.

ADJOURNMENT

Commissioner Stroud **moved** to **adjourn**. Commissioner Marshall **seconded** and the motion **passed** all in favor at 9:23 p.m.

Adopted:

Dave Munson, Planning Intern

DRAFT



REPORT TO THE PLANNING COMMISSION SKYHAWK (HAILSTONE) ZONE CHANGE

Agenda Date: February 3, 2010.

Staff Contacts: Dave Anderson, Community Development Director.

Reviewed By: Development Review Committee.

Request: The applicant, Hailstone Homes, LLC, has requested that the zoning be changed on a 1-acre site from Residential Office and Rural Residential to Commercial 2.

Zoning: Residential Office and Rural Residential existing, Commercial 2 requested.

General Plan: General Commercial.

Project Size: Approximately 1 acre.

Number of lots: Not applicable.

Location: Approximately 800 South Main Street.

Background Discussion

Hailstone Homes, LLC has proposed to have the zoning changed on the subject property so as to permit the construction of a full-service car wash.

At present, the southern half of the site that the car wash would be constructed on is zoned Commercial 2. The northern half, however, is zoned Residential Office and Rural Residential. All of the property involved in the Zone Change request is designated General Commercial on the General Plan. The Commercial 2 zone is consistent with the General Commercial General Plan designation.

Attached to this report are elevations of the proposed car wash. Staff is in the process of completing its review of the proposed Site Plan. However, staff has finished the initial review of the Site Plan and has found no substantial factors that would hinder the applicant's ability to actually construct the car wash. Furthermore, Spanish Fork City recently received confirmation that UDOT has approved the Main Street access location that is identified on the proposed Site Plan.

For two main reasons, staff recommends that the proposed Zone Change be approved. First, the proposed zoning is consistent with the General Plan. Second, the applicant has described how the subject property can accommodate the proposed car wash use.

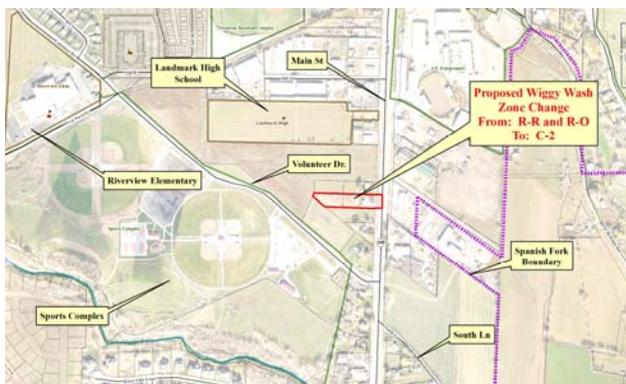
Should the Zone Change be approved, the applicant would still need to receive Site Plan approval and obtain a Building Permit before construction could begin.

Development Review Committee

The Development Review Committee reviewed this request in their January 27, 2010 DRC meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

SkyHawk (Hailstone) Zone Change

Applicant: Hailstone Homes, LLC
General Plan: General Commercial



Zoning: Residential Office and Rural Residential existing, Commercial 2 proposed
Location: approximately 800 South Main Street

Mr. Anderson explained that the proposal was for a full-service car wash and explained that the current zone was Residential Office/Rural Residential and the applicant was proposing the Zone Change to the Commercial 2 zone. He said the proposal conformed to the General Plan.

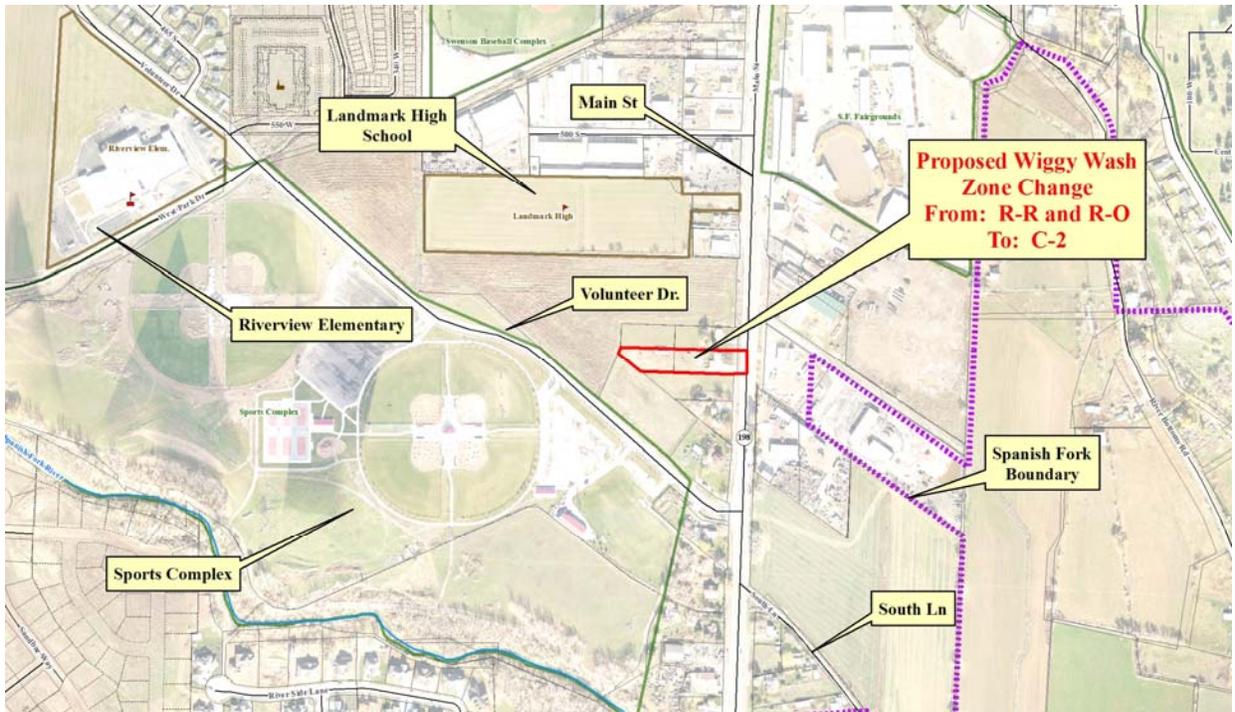
Mr. Baker **moved** to recommend to the Planning Commission **approval** of the Zone Change from Residential Office/Rural Residential zone to the Commercial-2 zone. Mr. Thompson **seconded** and the motion **passed** all in favor.

Budgetary Impact

There is no immediate budgetary impact anticipated with the proposed Zone Change.

Recommendation

Staff recommends that the proposed Skyhawk (Hailstone) Zone Change be approved.





REPORT TO THE PLANNING COMMISSION LEGACY AT SPANISH FORK ASSISTED LIVING FACILITY CONDITIONAL USE APPROVAL REQUEST

Agenda Date: February 3, 2010 (continued from January 6, 2010).

Staff Contacts: Dave Anderson, Community Development Director.

Reviewed By: Development Review Committee.

Request: Rockworth Companies is requesting Conditional Use approval for an assisted Living Facility that would be located at 1450 East and 100 South.

Zoning: R-1-8.

General Plan: General Commercial.

Project Size: Approximately 2.85 acres.

Number of lots: Not applicable.

Location: 1450 East and 100 South.

Background Discussion

Rockworth Construction has requested Conditional Use approval to construct a 96-bed Assisted Living Facility at 1450 East 100 South.

The proposed facility would be located on a site that is nearly 3 acres in size. Improvements on the site would include an 81,052 square foot building and 52 parking spaces. Staff understands that at the highest shift there would be some 15 employees on-site.

Accompanying this report are copies of the proposed landscaping plan, lighting plan and building elevations. Most of the attached plans have been updated to reflect a design change involving the porte-cochere at the main entrance. Also attached to this report is a letter from an area resident related to the proposed Conditional Use.

As proposed, the facility conforms to the criteria for Assisted Living Facilities as defined in section 15.3.24.010 E.

The subject property is designated General Commercial on the General Plan. However, limitations on visibility and access to the site likely make retail uses unfeasible at this location; therefore making the ultimate goal of the General Plan unobtainable. Given the General Plan designation, the property's unique configuration and the belief that facilities of this nature are needed in Spanish Fork City, staff has supported the approval of this facility at the proposed location.

Access to the proposed site would come from 100 South, 150 South and through the adjacent commercial development. Given the multiple points of access and the typically low amount of traffic generated by the proposed use, staff does not believe traffic to and from the site will create any problems.

Staff has reviewed the proposed plans for the project and has two recommendations relative to mitigating conditions. First, staff recommends that a condition be imposed to require delivery vehicles to utilize the driveway through the adjacent strip mall rather than public streets to access



the site. Second, staff recommends that the landscaping along 150 South include berming, a short wall (three to four feet) or a short hedge (3 to 4 feet) to help screen or filter headlights from the homes across the street.

Development Review Committee

The Development Review Committee reviewed this request in their November 18, 2009 meeting and recommended that it be approved. Minutes from that meeting read as follows:

Spanish Fork Assisted Living Preliminary Plat

Applicant: Rockworth Companies
General Plan: General Commercial
Zoning: R-1-8
Location: 1450 East 100 South

Mr. Anderson explained that there were three requests for this proposal and explained that in his opinion this was an appropriate use for this particular parcel. He said that the applicant had met with the Fire department. Ninety-six beds were proposed for the development.

The applicant explained that this facility would be licensed through the State of Utah as an AL-1 and AL-2 and would have a dementia wing. He said the residents would not be allowed to have vehicles.

Mr. Peterson explained the relocation of the power. Mr. Johnson explained what fire hydrants would need to be removed and where one would need to be installed.

Mr. Peterson told the applicant that there was a power line along one of the buildings and that they would need to maintain a 15-foot horizontal and vertical clearance. Mr. Bruce Hall said that it would not meet the clearance and he would need to fix it.

Mr. Baker asked what the maximum staff would be at any given shift. It was determined that the proposal did not meet the City's parking ordinance and that the applicant would need to come up with 15 more spaces of parking. Bruce Hall said he had a cross easement with the strip mall.

Discussion was held regarding cross access easements, allowing the applicant to obtain 15 parking spaces from the strip mall property

adjacent to the proposal, removal of some of the current masonry wall, and the applicant needing to submit a lighting and landscaping plan.

Mr. Baker **moved** to recommend **approval** of the Spanish Fork Assisted Living Preliminary Plat subject to the following conditions:

Conditions

1. That the applicant meets the City's construction and development standards.
2. That the applicant meet any redlines from the City's Engineering and Power Departments.

Mr. Anderson **seconded** and the motion **passed** all in favor.

Mr. Baker **moved** to recommend **approval** of the Spanish Fork Assisted Living Site plan and Conditional Use subject to the following conditions:

Conditions

1. That the wall along 150 South be removed and a masonry wall be constructed along Highway 6 and between the project and each adjacent residential area.
2. Forty-seven parking stalls be shown and if they cannot fit on site that a cross easement to the North and West be obtained where the commercial property is located for the additional stalls.
3. That a permanent turn around be constructed on 100 South that meets the City's construction and development standards.
4. That a landscape plan be approved by the Community Development Director.
5. That a lighting plan be submitted.
6. That all signs be consistent with the City sign ordinance.
7. That per the ordinance, a copy of the State license be provided along with a sworn affidavit that no person will reside or remain in the facility whose tenancy would likely constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property of others.
8. That the applicant provide an updated engineered Site plan.

Mr. Thompson **seconded** and the motion **passed** all in favor.

Spanish Fork Assisted Living Site Plan and Conditional Use Approval

Applicant: Rockworth Companies
General Plan: General Commercial
Zoning: R-1-8
Location: 1450 East 100 South

Discussion and motion took place with the Preliminary Plat.

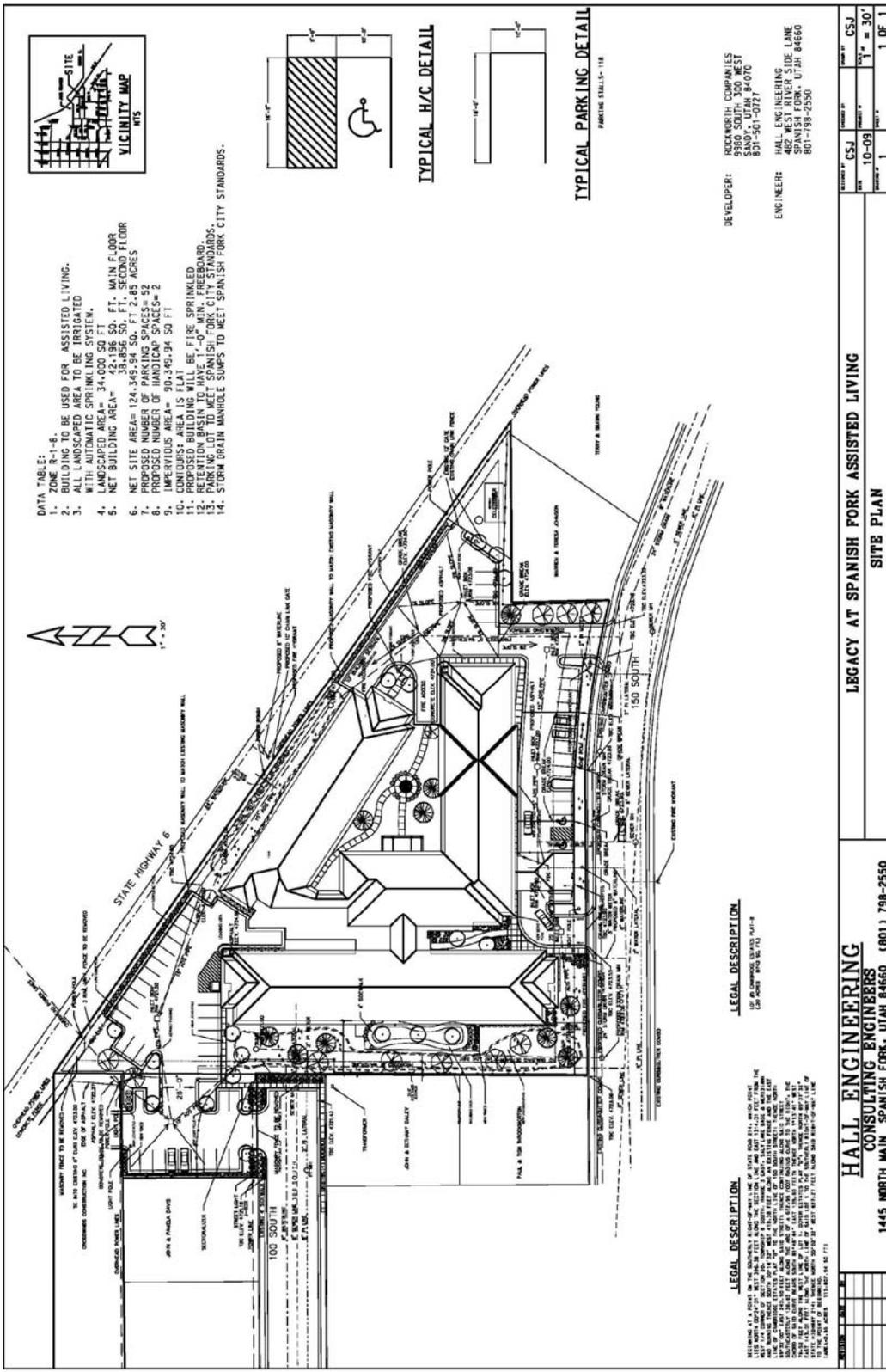
Budgetary Impact

There is no immediate budgetary impact anticipated with the approval of this Conditional Use.

Recommendation

Staff recommends that the proposed Conditional Use be approved subject to the following conditions:

1. That the wall along 150 South be removed and a masonry wall be constructed along Highway 6 and between the project and each adjacent residential area.
2. That all signs be consistent with the City sign ordinance.
3. That an access easement be provided through the adjacent commercial development and that all deliveries to the facility utilize that access and not public streets.
4. That additional landscaping measures be employed to screen the parking area that is adjacent to 150 South.
5. That per the ordinance, a copy of the State license be provided along with a sworn affidavit that no person will reside or remain in the facility whose tenancy would likely constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property of others.



- DATA TABLE:**
1. ZONE R-1-E.
 2. BUILDINGS TO BE USED FOR ASSISTED LIVING.
 3. BUILDINGS TO BE USED TO BE PROVIDED WITH AUTOMATIC SPRINKLING SYSTEM.
 4. LANDSCAPED AREA = 34,000 SQ FT.
 5. NET BUILDING AREA = 42,196 SQ. FT. MAIN FLOOR 39,856 SQ. FT. SECOND FLOOR 2,340 SQ. FT.
 6. NET SITE AREA = 124,328 SQ. FT. 2.85 ACRES
 7. PROPOSED NUMBER OF PARKING SPACES = 65
 8. IMPERVIOUS AREA = 90,345.94 SQ FT
 9. CONTIGUOUS AREA IS FLAT
 10. PROPOSED BUILDING WILL BE FIRE SPRINKLED
 11. PROPOSED BUILDING WILL MEET SPANISH FORK CITY STANDARDS.
 12. PARKING LOT TO MEET SPANISH FORK CITY STANDARDS.
 13. STORM DRAIN MANHOLE SUMPS TO MEET SPANISH FORK CITY STANDARDS.

DEVELOPER: ROCKWORTH COMPANIES
 5980 SOUTH 300 WEST
 SALT LAKE CITY, UT 84119
 801-501-0777

ENGINEER: HALL ENGINEERING
 405 S. CENTRAL BLVD. SUITE 100
 SPANISH FORK, UTAH 84660
 801-798-2550

PROJECT NO. CSJ		DATE 10-09		SCALE 1" = 30'	
SHEET NO. 1		SHEET TOTAL 1		DATE 10-09	
PROJECT NAME LEGACY AT SPANISH FORK ASSISTED LIVING		SHEET TITLE SITE PLAN		DRAWN BY CSJ	
PROJECT ADDRESS 1445 NORTH MAIN SPANISH FORK, UTAH 84660 (801) 798-2550		ENGINEER HALL ENGINEERING		DATE 10-09	

SPANISH FORK ASSISTED LIVING

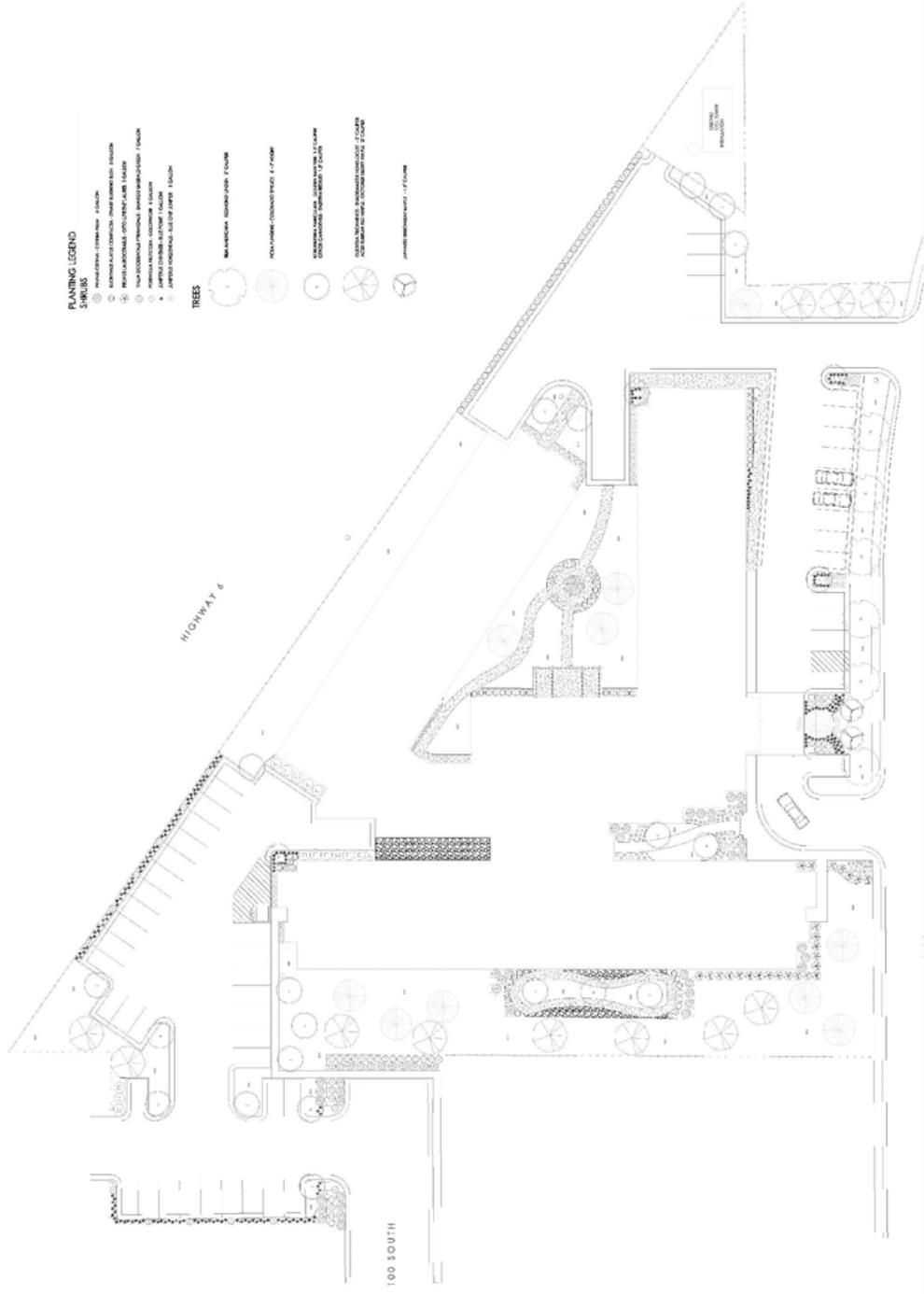
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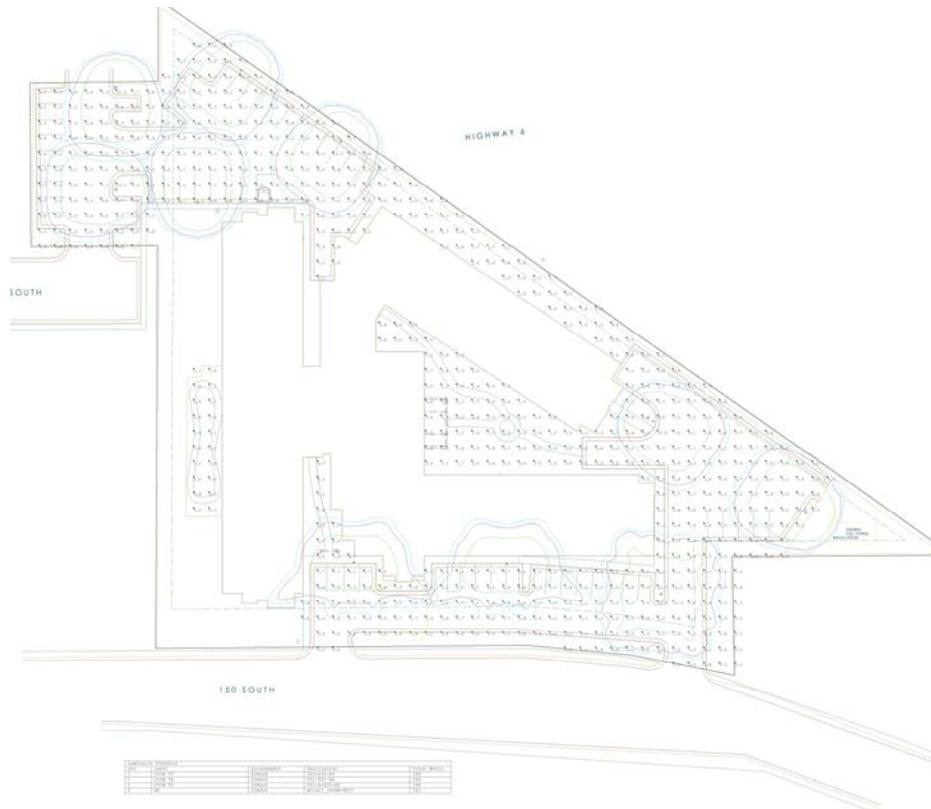


DRAWING DATE	BY	CHK
04.12.2014		
04.20.2014		

PLANTING LEGEND

- SHRUBS**
- ① PRUNELLA SPERDOLINA 1.50x1.50
 - ② RAVENNA ALTA COMITATA 1.50x1.50x1.50
 - ③ PRUNUS SPERDOLINA 1.50x1.50x1.50
 - ④ PRUNUS SPERDOLINA 1.50x1.50x1.50
 - ⑤ PRUNUS SPERDOLINA 1.50x1.50x1.50
 - ⑥ PRUNUS SPERDOLINA 1.50x1.50x1.50
 - ⑦ PRUNUS SPERDOLINA 1.50x1.50x1.50
 - ⑧ PRUNUS SPERDOLINA 1.50x1.50x1.50
- TREES**
- ① MAHONIA 1.50x1.50x1.50
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January 7, 2010

Attn: Planning Commission
RE: Assisting Living Facility
1450 East 100 South

Dear Sirs,

My husband and I were unable to attend the public meeting held January 6, 2010 however we were able to tape the meeting on channel 17 and watch it later that evening. We reside at 1381 East 100 South and have done so since we built our home in 1995. I am a little disappointed to hear Rockworth has questioned one resident on my street, that being a renter that has resided there only a month. I feel the input of residents that have resided on the street since it was created should be a little more of value than a renter who could care less.

That being said - we share a few common concerns as a couple of our neighbors did point out during the meeting.

I should point out that we are not opposed to the project itself (nor were we to the storage sheds). We do think facilities of this nature are very much in need. The height is not a concern to us either.

However we do have the following concerns:

- Our biggest concern which was somewhat addressed is the route for delivery and employee vehicles. The representative with Rockworth Companies did acknowledge their "intent" to have these vehicles enter through the strip mall - great! The worry we have is this being an "intent" not a **requirement**. With the number of beds this facility will hold I would assume the delivery vehicles would be Commercial type vehicles. We can see driver's entering through the strip mall but big trucks not wanting to turn around and just exit through 100 South. As mentioned in the meeting there are ALOT of children in our neighborhood. I do not see a residential street being a "good" access point to or from for commercial vehicles. Presently the dead end we have been told by law enforcement was made for emergency vehicles to have a proper turn around point. The garbage trucks; even with this dead end have to back up and go forward usually more than once to turn around and hit other side of the road for garbage collection. This layout may create more of a difficulty? We would like to see the plan changed back to your original suggestions of leaving 100 South as a dead end. If the main entrance is on 150 South and if delivery and employee's are entering through the strip mall why do they really need access from 100 South.
- What kind of security will be in place for our neighborhoods as well as the patients? Is this an in and out type of environment that the residents of the facility can come and go and they please? It was mentioned similar/smaller facilities

have had trouble with patients roaming and finding their way into neighboring homes. Will the Alzheimer units be locked down?

- Should 100 South remain open as planned – we would like to have investigated the possibility of having speed bumps in place. I very much feel these are needed even at present on 150 South. This street is already horrendous with speeding driver's.
- Lighting was mentioned it had been addressed but I did not hear anything specific in the meeting as to what has been addressed. From my home I think what would impact us would be lighting on the wing that will run North/South to us as well as the main parking lot that will adjoin the strip mall.

I thank you for taking time to read our thoughts and concerns. We would welcome any questions or input you may have.

Sincerely,

Jayson & Jennifer Swenson
1381 E 100 S
Spanish Fork, UT 84660
(801) 400-0121



REPORT TO THE PLANNING COMMISSION

I-3 ZONE CREATION, I-2 ZONE MODIFICATIONS AND SITE PLAN DEVELOPMENT REQUIREMENTS TEXT AMENDMENT

Agenda Date: February 3, 2010 (continued from January 6, 2009).

Staff Contacts: Dave Anderson, Community Development Director.

Reviewed By: Development Review Committee.

Request: Spanish Fork City is proposing to modify the requirements for outdoor storage areas.

Zoning: City-wide.

General Plan: City-wide.

Project Size: City-wide.

Number of lots: Not applicable.

Location: Not applicable.

Background Discussion

This proposal was continued in the Commission's January 6, 2010 meeting.

The proposed Amendments attached to this report contain only one change from what was presented to the Planning Commission in the January 6, 2010 meeting. Staff has added a specific description of the type(s) of gravel that is proposed to be acceptable for use as a ground cover in outdoor storage areas.

As was described in your January meeting, these changes include the reestablishment of the I-3 Zoning District and changes to the City's regulations for wind farms. Other proposed modifications include changes to the requirements for outdoor storage areas.

Development Review Committee

The Development Review Committee discussed this proposal in their September 23, 2009 and November 11, 2009 meetings. Minutes for the November 11, 2009 meeting read as follows:

Zoning Text Amendment

Applicant: Spanish Fork City

General Plan: City-wide

Zoning: City-wide

Location: City-wide

Mr. Anderson explained that there were nuisance problems with storage areas within the City. He said there was a need to define what an outdoor storage area was and how they would need to be improved at construction.

Discussion was held regarding how to word the storage area definitions, the purpose of the language (to make sure that outdoor storage is properly screened), conditions of the outdoor storage area, the acreage of the City shops and whether or not the City would meet this ordinance, and a zone that the City could use as a place to store concrete and other material.

***Mr. Thompson and Mr. Oyler arrived at 10:38 a.m.*

Mr. Oyler **moved** to **approve** the zoning text amendment to outdoor storage as discussed. Mr. Peterson **seconded** and the motion **passed** all in favor.

Budgetary Impact

Staff believes there would be little or no budgetary impact with the proposed Zoning Text Amendment.

Recommendation

Staff recommends that the proposed Zoning Text Amendment be approved.

- PROPOSED ADDITIONS TO DEFINITIONS -

Outdoor storage area: an area that is designated on a Site Plan for the storage of raw materials, finished products, vehicles, trailers or other equipment used in connection with a business located on the same site.

Outdoor display area: an area that is designated on a Site Plan for the outdoor display of the following items that are available for retail sale or rent: new or used automobiles, trailers, boats, recreational vehicles, construction equipment, or other finished products.

Large wind energy system: wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of more than 100 kW.

Tower height: The height of a wind turbine measured from the grade level to the hub.

Blade sweep: The diameter of the wind turbine blades as determined by the blade rotation.

- PROPOSED ADDITIONS TO ZONING DISTRICTS –

C-2 General Commercial

This district is intended to provide for a wide range of commercial uses designed to serve neighborhood, community, and regional needs. Uses may be freestanding or integrated in a center.

A. Permitted Uses:

The following uses are permitted if operated from a permanent, enclosed building with no outside storage or display of merchandise:

1. Art galleries and studios.
2. Child care centers.
3. Churches.
4. Private clubs.
5. Entertainment uses.
6. Financial institutions.
7. Hotels and motels.
8. Medical and dental laboratories.
9. Office supply, copying, printing businesses.
10. Offices.
11. Personal service businesses.
12. Public utility facilities required for local service.
13. Restaurants.
14. Retail uses.
15. Repair services for small appliances, bicycles, jewelry, and similar items.
16. Instructional Studios.
17. Lube Centers.
18. Tire Centers.
19. Convenience Stores.
20. Car wash (full service)
21. Municipal facilities required for local service.
- 22. Outdoor display area.**

The following uses are permitted if operated from a permanent, enclosed building and may have outside storage or display of merchandise which is customarily part of such:

1. New and used automobile, motorcycle, boat, truck, and recreational vehicle sales and rental facilities, and repair services associated with such facilities.

B. Uses Subject to Conditions

1. Seasonal sales and special events (as described in §15.3.24.050 et seq.).

C. Uses Subject to Conditional Use Permit (see §15.3.08.060):

1. Outdoor commercial recreation facilities.
2. Outdoor display or storage of materials or merchandise in conjunction with any permitted use.
3. Wireless communication facilities on existing structures, with the intent to make them “stealth” facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new stealth facilities which are camouflaged into its surroundings.

D. Accessory Buildings and Uses (see §15.3.24.090):

1. Caretaker’s residence.

E. Development Standards (see Table 2).

F. Site Plan/Design Review (see §15.4.08.010 et seq.).

G. Landscaping, Buffering, Walls (see §15.4.16.130).

H. Signs (see §5.36.010 et seq.).

I. Parking (see §15.4.16.120).

S-C Shopping Center

This district is intended to provide retail uses, service oriented businesses, offices, and restaurants in an integrated center. Each center shares common architecture, access, parking, signage, and landscape design. Centers will typically be five (5) to fifteen (15) acres in size and provide neighborhood or community level destination shopping while incorporating a design which enhances pedestrian orientation within the center.

A. Permitted Uses:

The following uses are permitted if operated from a permanent, enclosed building with no outside storage or display of merchandise:

1. Retail uses.
2. Personal service businesses.
3. Offices.
4. Restaurants.
5. Entertainment uses.
6. Office supply, copying, and printing businesses.
7. Child care centers.
8. Art galleries and studios.
9. Instructional Studios.
10. Lube Center.
11. Tire Center.
12. Convenience Store.
13. Car wash (full service).
14. Municipal facilities required for local service.

15. Outdoor display area.

The following uses are permitted if operated from a permanent, enclosed building and may have outside storage or display of merchandise which is customarily part of such business:

B. Uses Subject to Conditions:

1. Seasonal sales and special events (as described in §15.3.24.050 et seq.).

C. Uses Subject to Conditional Use Permit (see §15.3.08.060):

1. New automobile, motorcycle, boat, truck, and recreational vehicle sales and rental facilities, and repair services associated with such facilities.
2. Hotels and motels.
3. Outdoor commercial recreation facilities.
4. Outdoor display or storage of materials or merchandise in conjunction with any permitted use.
5. Wireless communication facilities on existing structures, with the intent to make them “stealth” facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new stealth facilities which are camouflaged into its surroundings.

D. Accessory Buildings and Uses (see §15.3.24.090).

E. Development Standards (see Table 2).15.3.16.120 I-1

Light Industrial

This district is intended to provide for employment related uses including light manufacturing, assembling, warehousing, and wholesale activities. Associated office and support commercial uses are allowed. Uses that emit significant amount of air, water, or noise pollution will not be allowed. Residential use are not allowed.

A. Permitted Uses:

1. The indoor manufacturing, assembly and storage of finished products.
2. Wholesale trade businesses except explosives or automobile wrecking or salvage yards.
3. Lumber and building material yards.
4. Contractor warehouse and storage yards.
5. Trucking and warehousing.
6. Research, development, and testing services.
7. Automotive service, paint and body work, other consumer goods repair.
8. Trade or business schools.
9. Office supply, copying, printing businesses.
10. Offices.
11. Restaurants.
12. Financial institutions.
13. Retail businesses.
14. Telecommunication towers not taller than sixty (60) feet.
15. Agriculture, including the production of food and fiber crops, and tree farms; grazing and animal husbandry of livestock.
16. Instructional Studios.
17. Veterinary offices for large animals and/or outside boarding of any animals.
18. New and used automobile, motorcycle, boat, truck, and recreational vehicle sales and rental facilities and repair services associated with such facilities.
19. Car wash (self or full service).
20. Automotive repair.
21. Lube Centers.
22. Tire Care Centers.
23. Municipal facilities required for local service.

24. Outdoor display area.

B. Uses Subject to Conditions:

1. Seasonal sales and special events (as described in §15.3.24.050 et seq.).
2. Sexually oriented businesses as defined in Chapter 5.28 of the Spanish Fork Municipal Code

3. Outdoor storage areas (see §15.3.24.090(E)).

C. Uses Subject to Conditional Use Permit (see §15.3.08.060):

1. Outdoor commercial recreation facilities.
2. Drive-in theaters.
3. Commercial kennels, animal shelters, and veterinary hospitals with outdoor boarding or exercise facilities.
4. Telecommunication towers taller than sixty (60) feet.
5. Jails, county and City.
6. Residential Treatment Centers (not owner occupied).
7. Rehabilitation treatment facilities.
8. Shelter care facilities.
9. Publically owned and operated recycling centers.
10. Publically owned and operated compost facilities.

I-2 Medium Industrial

This district is intended to provide for employment related uses including light manufacturing, assembling, warehousing, and wholesale activities. Associated office and support commercial uses are allowed. Uses that emit moderate amounts of air, water, or noise pollution may be considered as conditional uses. Residential uses are not allowed.

A. Permitted Uses:

1. Manufacturing and assembly of finished products except animal fats and oils, ammunition, and those manufacturing uses listed as conditional uses.
2. Wholesale trade businesses except explosives or automobile wrecking or salvage yards.
3. Lumber and building material yards.
4. Contractor warehouse and storage yards.
5. Trucking and warehousing.
6. Research, development, and testing services.
7. Automotive repair.
8. Lube Centers.
9. Tire Care Centers.
10. Municipal facilities required for local service.
11. Trade or business schools.
12. Office supply, copying, printing businesses.
13. Offices.
14. Restaurants.
15. Financial institutions.
16. Retail businesses.
17. Telecommunication towers not taller sixty (60) feet.
18. Car wash (self or full service)
19. Impound yard.

20. Outdoor display area.

B. Uses Subject to Conditions:

1. Seasonal sales and special events (as described in §15.3.24.050 et seq.).

2. Outdoor storage areas (see §15.3.24.090(E)).

C. Uses Subject to Conditional Use Permit (see §15.3.08.060):

1. Manufacture of concrete products.
2. Drive-in theaters.
3. Commercial kennels, animal shelters, and veterinary hospitals with outdoor boarding or exercise facilities.
4. Telecommunication towers taller than sixty (60) feet.
5. Self-storage warehouses and/or recreational vehicle storage.

~~**6. Transfer facilities.**~~

I-3 Heavy Industrial

This district is intended to provide for employment related uses including heavy manufacturing, assembling, warehousing, and wholesale activities. Residential uses are not allowed.

A. Permitted Uses:

1. Manufacturing and assembly of finished products.
2. Wholesale trade businesses.
3. Lumber and building material yards.
4. Contractor warehouse and storage yards.
5. Trucking and warehousing.
6. Research, development, and testing services.
7. Municipal facilities required for local service.
8. Offices.
9. Impound yard.
10. Outdoor storage area.
11. Manufacture of concrete products.

B. Uses Subject to Conditions:

1. Rock Crusher with Surface Mining Overlay approval. (see §15.4.20.040)
2. Large Wind Energy System. (15.3.24.090 (H))

C. Uses Subject to Conditional Use Permit (see §15.3.08.060):

1. **Telecommunication towers taller than sixty (60) feet.**
2. **Self-storage warehouses and/or recreational vehicle storage.**
3. **Transfer facilities.**

Public Facilities (P-F)

This district is intended to provide for structures and uses that are owned, leased, or operated by a governmental entity for the purpose of providing governmental services to the community. Allowed uses will be necessary for the efficient function of the local community or may be desired services which contribute to the community's cultural or educational enrichment. Other allowed uses will be ancillary to a larger use that provides a direct governmental service to the community.

A. Permitted Uses:

1. Child care centers.
2. Offices.
3. Public safety facilities.
4. Court buildings and related facilities.
6. Government owned nurseries and tree farms.
7. Municipal facilities required for local service.
8. Golf courses and related facilities.
9. Public parks and recreational facilities.
10. Libraries.
11. Public art galleries.
12. Transit centers and related facilities.
13. Government maintenance shops and related facilities.
14. Campgrounds.
15. Government storage buildings.
16. Government storage yards.
18. Museums.
19. Theaters.
20. Publicly owned zoos.
21. Temporary office and construction trailers.
22. Cemeteries.
24. Publicly owned stadiums and arenas.
25. Gun clubs and firing ranges.
26. Parking structures.
27. Automotive repair.
28. Lube Centers.
29. Car wash (self or full service).
30. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).

B. Uses Subject to Conditions:

1. **Outdoor storage areas. (see §15.3.24.090(E))**

C. Uses Subject to Conditional Use

Permit (see §15.3.08.060):

1. Hospitals.
2. Restaurants.
3. Wireless communication facilities on existing structures, with the intent to make them "stealth" facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new stealth facilities which are camouflaged into its surroundings.

D. Accessory Buildings and Uses (see §15.3.24.090).

E. Development Standards.

1. The maximum height of any building or structure shall

be limited to 65 feet.

2. Setbacks shall be as follows for all main buildings:

A. Front Yard, 20 feet;

B. Corner side yard, 20 feet;

C. Interior Side Yard, 10 feet;

D. Rear yard, 20 feet.

F. Site Plan/Design Review (see §15.4.08.010 et seq.).

G. Landscaping, Buffering, Walls (see §15.4.16.130).

H. Signs.

1. Signage shall be permitted in accordance with section §15.36.010. Substitute or additional signage shall be permitted if it is deemed essential to providing a government service.

I. Parking (see §15.4.16.120).

- PROPOSED MODIFICATIONS TO CONSTRUCTION REQUIREMENTS -

Chapter 24 Uses Subject to Conditions/
Supplementary Regulations

- 15.3.24.010 Treatment Facilities
- 15.3.24.020 Billboards
- 15.3.24.030 Master Planned Development (PUD)
- 15.3.24.040 Manufactured Homes
- 15.3.24.050 Seasonal Sales and Special Events
- 15.3.24.060 Subdivision Model Home
- 15.3.24.070 Temporary Office or Construction Trailers
- 15.3.24.080 Sexually Oriented Businesses
- 15.3.24.090 Supplementary Regulations

15.3.24.010 Treatment Facilities

A. Residential Facility for Persons with a Disability

The following conditions must be met:

1. A valid Spanish Fork City Business license shall be obtained.
2. The facility must comply with the development standards of the zoning district.
3. The building character and landscaping shall be of the same general character of those of other residences and yards in the neighborhood.
4. No facility shall be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property.
5. Prior to the occupancy of any facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:
 - a. provide a copy of such license or certification to the City.
 - b. be classified as level 1 or level 2 as set forth in the Small Health Care Facility Rules as promulgated by the State of Utah, Department of Health Care Licensing.
 - i. persons placed in a level 2 facility shall be deemed non-violent or nonthreatening and shall be permitted with no further requirements.
 - ii. individuals placed in a level 1 facility shall produce, through the operator of the facility, a certificate issued by the appropriate medical or other licensed mental health professional ie: LCSW, D.O., PhD. or M.D., M.F.T., MSW, and based upon professional evaluations such as, but not limited to, the ICAP, MMPI, DSM, and/or such other resources, including a potential patient's behavioral history, as may be available to the medical or other mental health professional, which certificate shall indicate that the person is not violent, nor a direct threat to the safety of the property or any other person at the time of placement. Production of the certificate required by this section shall be a prerequisite to the obtaining of the business license required by this chapter. Each new resident shall also provide said certificate in order for the facility to be eligible to renew its business license.

6. The facility shall comply with all health and safety codes applicable to that type of building and use.
 7. The operator of any facility shall be required to provide supervision in accordance with the rules and regulations of the State of Utah Department of Social Services or Department of Health, which care shall be on a twenty-four (24) hour basis if so required by the aforementioned rules and regulations.
 8. Off-street parking shall be provided to accommodate staff and one (1) visitor space for every three (3) residents.
 9. No facility licensed for the housing of more than eight (8) disabled persons, shall be established or maintained within 660 feet measured in a straight line between the closest property lines of the lots or parcels, of the following facilities:
 - a. another residential facility for persons with a disability licensed for the housing of more than eight (8) persons;
 - b. a residential facility for the elderly with more than eight (8) elderly persons in residence; or
 - c. any of the following facilities: shelter care facility, assisted living center, and residential treatment center.
 10. The use permitted by this section is nontransferable and shall be terminated if:
 - a. the facility is devoted to a use other than a residential facility for persons with a disability, or
 - b. the license or certification issued has been terminated or revoked, or
 3. the facility fails to comply with these conditions.
- B. Residential Facility for Elderly Persons
- The following conditions must be met:
1. A valid Spanish Fork City Business license shall be obtained.
 2. The facility must comply with the development standards of the zoning district.
 3. The building character and landscaping shall be of the same general character of those of other residences and yards in the neighborhood.
 4. No facility shall be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property.
 5. Prior to the occupancy of any facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:
 - a. provide a copy of such license or certification to the City and
 - b. certify in a sworn affidavit to the City that no person will reside or remain in the facility whose tenancy would likely:
 - i. constitute a direct threat to the health or safety of other individuals, or
 - ii. result in substantial physical damage to the property of others.
 6. The facility shall comply with all health and safety codes applicable to that type of building and use.
 7. No facility licensed for the housing of more than eight (8) elderly persons, shall be established or maintained

within 660 feet measured in a straight line between the closest property lines of the lots or parcels, of the following similar facilities:

- a. another residential facility for elderly persons licensed for the housing of more than eight (8) persons;
 - b. a residential facility for the disabled with more than eight (8) persons in residence; or
 - c. any of the following facilities: shelter care facility, assisted living facility and residential treatment center.
8. The use permitted by this section is nontransferable and shall be terminated if:
- a. the facility is devoted to a use other than a residential facility for elderly persons, or
 - b. the license or certification issued has been terminated or revoked, or
 - c. the facility fails to comply with these conditions.

C. Assisted Living Facility

The following conditions must be met:

1. A valid Spanish Fork City Business license shall be obtained.
2. The facility must comply with the development standards of the zoning district.
3. Lot Size
 - a. Twenty (20) beds or less - 1,000 square feet per bed ratio (10 beds = 10,000 square foot).
 - b. More than twenty (20) beds - one (1) acre minimum plus 1,000 square feet per bed over the 20.
4. The building character and landscaping shall be of the same general character of those of other residences and yards in the neighborhood.
5. Off-street parking shall be provided to accommodate staff and one (1) visitor space for every three (3) residents for facilities larger than 15 beds.
6. No facility shall be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property.
7. Prior to the occupancy of any facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:
 - a. provide a copy of such license or certification to the City and
 - b. certify in a sworn affidavit to the City that no person will reside or remain in the facility whose tenancy would likely:
 - i. constitute a direct threat to the health or safety of other individuals, or
 - ii. result in substantial physical damage to the property of others.
8. The assisted living facility shall comply with all health and safety codes applicable to that type of building and use.
9. No assisted living facility licensed for the housing of more than eight (8) persons, shall be established or maintained within 660 feet measured in a straight line between the closest property lines of the lots or parcels, of the following similar facilities:
 - a. another assisted living facility for more than eight (8) persons;

- b. a residential facility for the disabled with more than eight (8) persons in residence; or
- c. any of the following facilities: shelter care facility and residential treatment center.

10. The use permitted by this section is nontransferable and shall be terminated if:

- a. the facility is devoted to a use other than an assisted living facility, or
- b. the license or certification issued has been terminated or revoked, or
- c. the facility fails to comply with these conditions.

D. Residential Treatment Center

The following conditions must be met:

1. A valid Spanish Fork City Business license shall be obtained.
2. The facility must comply with the development standards of the zoning district.
3. The facility must be located on at least a two (2) acre parcel or larger.
 - a. Twenty (20) beds or more - two (2) acre parcel minimum plus 1,000 square feet per bed over the 20 to a maximum of forty (40) beds.
4. The building character and landscaping shall be of the same general character of those of other residences/structures and landscaping in the area of the facility.
5. Off-street parking shall be provided to accommodate staff and one (1) visitor space for every three (3) residents or met the requirement of the zoning district.
6. No facility shall be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals in the facility or result in substantial physical damage to the property.
7. Prior to the occupancy of any facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:
 - a. provide a copy of such license or certification to the City and the facility shall be classified as level 1 or level 2 as set forth in the Small Health Care Facility Rules as promulgated by the State of Utah, Department of Health Care Licensing.
 - i. Persons placed in a level 2 facility shall be deemed non-violent or nonthreatening and shall be permitted with no further requirements.
 - ii. Individuals placed in a level 1 facility shall produce, through the operator of the facility, a certificate issued by the appropriate medical or other licensed mental health professional ie: LCSW, D.O., PhD. or M.D., M.F.T., M.S.W., and based upon professional evaluations such as the ICAP, MMPI, DSM, and/or such other resources, including a potential patient's behavioral history, as may be available to the medical or other mental health professional, which certificate shall indicate that the person is not violent, nor a direct threat to the safety of the property of any other person at the time of placement. Production of the certificate required by this section shall be a prerequisite to the obtaining of the business license required by this chapter. Each new resident shall also

provide said certificate in order for the facility to be eligible to renew its business license.

8 The facility shall comply with all health and safety codes applicable to that type of building and use.

9. Must meet the Design and Separation requirements in paragraph E of this section if located in a residential zone.

10. Any residential treatment facility located in a residential zone must be supervised 24 hours a day 7 days a week which shall include, but not necessarily be limited to, house parents who are on site 24 hours a day, and video monitoring in all common areas, including entrances and exits. Other surveillance measures may be included which are designed to protect the health and safety of residents therein.

11. The use permitted by this section is nontransferable and shall be terminated if:

- a. the facility is devoted to a use other than a residential treatment center, or
- b. the license or certification issued has been terminated or revoked, or
- c. the facility fails to comply with these conditions.

12. Any residential treatment facility shall be 660 feet from any public or private school or church measured from the shortest point from structure to structure.

13. The conditions will be reviewed annually by the Development Review Committee (DRC) to assure conformance.

E. Design and Separation

1. All residential facilities for persons with a disability, residential facility for elderly persons, residential treatment center, supervisory care facility, and assisted living facility must meet these requirements.

2. Any new or remodeled facility shall comply with the following design standards:

- a. The design, exterior materials and colors of the facility shall match the principal structures in the neighborhood (area).
- b. The facility shall be constructed in a manner as to blend in and not draw attention.
- c. A facility located in a residential zone is required to have a two car garage facing the street or a side entry garage. Any additional parking will be paved and located behind the facility.
- d. The facility shall not exceed the square footage of the average of the twenty (20) nearest residential homes.
- e. The facility shall meet all zoning requirements of the zone in which it is proposed.
- f. The facility shall have a fully fenced rear yard of either masonry or vinyl materials six (6) feet in height.

3. No facility listed in subsection 1 may be located within 660 feet from another.

E. Outdoor storage areas

The following conditions must be met:

1. The storage area must be paved with asphalt or concrete or be covered with gravel. In situations where gravel is utilized, no less than four (4) inches of ¾ inch crushed gravel or six (6) inches of ¾ inch untreated base course shall be installed. Additional improvements may be required by the City Engineer in accordance with the findings of a site-specific geotechnical report. Where a paving

material other than asphalt or concrete is utilized, a drive apron shall be installed at all points of vehicular access. The drive apron shall be twenty-six feet wide and no less than sixty (60) feet long.

2. The outdoor storage area must be screened from surrounding properties with a six-foot tall masonry wall. Where the outdoor storage area abuts a public street, a ten-foot wide landscaped planter shall be installed between the masonry wall and the sidewalk or right-of-way. Landscaping shall be installed and maintained in accordance to the requirements found in section 15.4.16.130.

3. Lighting shall be provided in outdoor storage areas. A photometric lighting plan shall be submitted with the Site Plan application. The lighting plan shall demonstrate the capacity of the proposed lighting to uniformly illuminate the storage area without creating undue spillover onto surrounding properties.

4. Material kept in an outdoor storage area cannot be stacked or piled to a height that exceeds twelve feet.

- PROPOSED MODIFICATIONS TO SUPPLEMENTARY REQUIREMENTS -

15.3.24.090 Supplementary Regulations

- A. Accessory Buildings, Structures, or Satellite Earth Stations.
- B. Swimming Pools
- C. Yard/Garage Sales
- D. Irregular Lots
- E. Accessory (basement, mother-in-law) Apartments
- F. Awnings or Covered Decks
- G. Animals
- H. Wind Turbines (WT)

H. Wind Turbines (WT)

It is the purpose of this section to promote the safe, effective, and efficient use of large wind energy systems installed to provide electricity to utilities and to promote the adoption of renewable energy resources to reduce dependence on fossil fuel power generation.

A. Definitions:

~~1. Large wind energy system: wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of more than 100 kW.~~

~~2. Tower height: The height of a wind turbine measured from the grade level to the hub.~~

~~3. Blade sweep: The diameter of the wind turbine blades as determined by the blade rotation.~~

B. Requirements:

- 1. Minimum parcel size: A large wind energy system consisting of one tower must be located on a parcel that is a minimum of five acres in size. An additional acre of property is required for each additional tower.
- 2. Onsite structures maybe located up to the foundation of the tower.
- 3. Setback from a residential zone or use: The tower base must be setback a minimum of 500 feet from residential zoning districts.
- 4. Distance from rights-of-way and property lines: None; but all tower bases must be located on leased or owned property. The blade sweep cannot encroach upon adjoining properties or rights-of-way without easements providing for their encroachment. The easement must be a recorded document.
- 5. Height: Tower height is not to exceed 270 feet. Provided that, in all cases, the system shall comply with all applicable Federal Aviation Administration (FAA) requirements.
- 6. Height of Blade (tip at low point of blade sweep from ground): No closer than 50 feet.
- 7. Braking Device: All WT devices shall have braking systems when winds reach speeds in excess of 65 miles per hour.
- 8. Sign: One project identification warning sign is permitted containing a telephone number for emergency calls, no larger than 16 square feet in size.
- 9. Color/Finish: white or other non-reflective color.
- 10. Interference with Broadcast Signals: The system shall not create electromagnetic interference and shall be

filtered and/or shielded to prevent interference with broadcast signals.

11. Compliance with International Building Code (IBC): Building permit applications for large wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower and WT showing compliance with the building code and certified by a professional engineer licensed in the state of Utah shall also be submitted.

12. Compliance with FAA Regulations: Large wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

13. Utility Notification: A letter shall be provided from any interconnecting utility companies confirming approval for any interconnection.

14. Zoning Districts: Large wind energy systems are permitted only in the **I-3 zoning district. ~~I-1 and I-2 zoning districts which are east of the intersection of State Road 6 and U.S. Highway 89.~~**

15. Wind Study: A wind or feasibility study must be conducted and recommend a specific location for the WT. The study must also recommend an optimal height for the WT and if the location is feasible for a WT.

16. The tower shall not be climbable from the exterior.