

Provo City Planning Commission

Report of Action

December 8, 2021

ITEM 4 Heather Llewelyn requests Concept Plan approval in a proposed Medium Density Residential (MDR) zone, located at 1988 N Cove Point Ln, to allow for the conversion of an assisted living center to apartments. Grandview North Neighborhood. Brandon Larsen (801) 852-6408 jblarsen@provo.org PLCP20210350

The following action was taken by the Planning Commission on the above-described item at its regular meeting of December 8, 2021:

DENIAL

On a vote of 9:0, the Planning Commission denied the above noted application.

Motion By: Brian Henrie

Second By: Daniel Gonzales

Votes in Favor of Motion: Ally Jones, Laurie Urquiaga, Dave Anderson, Daniel Gonzales, Lisa Jensen, Robert Knudsen, Brian Henrie, Peter Fife, and Miles Miller

Laurie Urquiaga was present as Chair.

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

RELATED ACTIONS

The Planning Commission denied the associated rezone application at the December 8, 2021, hearing.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

CITY DEPARTMENTAL ISSUES

The Coordinators Review Committee (CRC) has reviewed the application and given their approval.

NEIGHBORHOOD MEETING DATE

A neighborhood meeting will be held on December 9, 2021.

NEIGHBORHOOD AND PUBLIC COMMENT

- The need for a common meeting area in the main building of the development is socially important for the senior residents.
- One member of the public explained the positive experience his father had while being nursed back to health at the assisted living facility after contracting COVID-19.
- Separate kitchen facilities in the private room areas of the assisted living facility will not benefit the residents in the assisted living facility.

- The proposed parking area on the eastside of the property will eliminate key social areas, trees, and lawn.
- One Cove Point resident expressed concern is that as time goes on, the older adult residents will be replaced by younger ones.
- The construction for Level II facilities is very different from Level I facilities. Transitioning from Level I to Level II is nearly impossible and very costly.
- There is a need for senior housing, but the assisted living facility has reached the end of its useful life.
- There has been a shift in the market away from assisted living facilities (county-wide occupancy rate of approximately 60-percent), due to COVID-19, and in general people are caring for the elderly at home. It is hard to find and pay staff. The viability of Cove Point may go down over time.
- Cove Point has a strong sense of community. Please save Cove Point.
- The people that work at Cove Point love the residents.
- It is very difficult to find accommodations for those who need it.
- Richard Jaussi, Grandview North Neighborhood Chair, said he received many comments from his neighborhood, including those related to:
 - Lack of senior of housing of this type in the community
 - Lack of parking
 - Cove Point is a blessing to our community
- Why does the applicant need a rezone if they are trying to keep the community for elderly residents?
- There is a lack of senior facilities. The facilities are expensive.
- Cove Point is not a facility; it is a community.
- This proposal will allow a more diverse group of tenants of this community. It is unfair to restrict tenants based on age.
- The worst thing that could happen for Cove Point is the assisted living facility to become so obsolete that they would have to close their doors.
- MCRE (the applicant) does great work.
- The occupancy rate (60-percent) of senior housing is at an all-time low.
- Hallways have to be widened to convert a facility from Level I to Level II.
- Having a facility that offers both assisted and independent living helps couples stay together at the same facility.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- Our goal is to improve the property.
- There really is no difference between apartments and what is occurring in the independent living portion of Cove Point.
- The classification--Level I Assisted Living Facility—refers to a type of construction.
- Level I facilities have become functionally obsolete.
- It is not our intent to vacate the independent living tenants. We do not anticipate a higher occupancy (with the proposal).
- We do anticipate the residents in the future being less ambulatory and more mobile, hence the plan for more parking.
- The units proposed to be established in the current assisted living facility would be studio efficiency units.
- We were caught-off guard with the design requirement that requires that no parking exist between the building and the street. We believe the intent of the design requirement that prevents parking in the front yard is to screen the parking. The proposed living wall will accomplish this.
- We are asking the Planning Commission to help us find solutions to help make this beautiful property more viable.

- The applicant’s understanding is that the independent living portion of Cove Point is not restricted to elderly residents and disagrees with staff’s statement that the legal use of the property is a residential facility for the elderly.
- Converting the current Level I assisted living facility to a Level II facility is not feasible.
- Upgrades to independent living units will occur as tenants move out.
- Information from Attachment 6 of the staff report was summarized.
- There are legal challenges if approval is conditioned upon a change of an age-restricted use. The independent living portion of the development has a cross-mix (age) of tenants, which we intend to keep.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- We have to be careful of emotions. Let’s look at the requests.
- Concerning the concept plan, there is no way the applicant is going to meet the parking requirements.
- It won’t meet the zoning requirements with the living wall.
- Arcades and bowling alleys next to units does not translate into livability. The proposed common area uses likely could not fit in the common area.
- It is likely that TDM (transportation demand management) requirements will not be able to be meet the applicable requirements. There is not a multitude of public transit options. Biking is tough with a hill.
- The RC Zone is meant to make zone changes hard.
- Who is to say that if the property is rezoned that the development would not be razed and a new development built in its place?
- The viability of the existing development is a concern, but it would be great to see something viable on the property that is within the RC Zone.
- Commissioner Henrie made the following motion, which was seconded by Commissioner Gonzales: Denial of the proposed concept plan. The motion passed, 9-0.



Planning Commission Chair



Director of Development Services

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to the Community and Neighborhood Services Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS