



Planning Commission Hearing Staff Report Hearing Date: March 8, 2023

ITEM # 3 Cole Smith requests Concept Plan approval for phase II of the Legacy Village Retirement Home, adding 130 additional units in a proposed MDR (Medium Density Residential) zone, located at 4093 N 100 E. Riverbottoms Neighborhood. PLCP20220344

Applicant: Cole Smith

Staff Coordinator: Dustin Wright

Property Owner: ORCHARD ESTATES LLC

Parcel ID#: 48:454:0001 and 48:454:0002

Acreage: Approximately 5.7
Number of Properties: 2

Current Zone: LDR

Council Action Required: No
Related Projects: PLRZ20220345

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider the information presented. The next available meeting date is March 22, 2023, at 6:00 p.m.
2. **Approve** the requested Concept Plan Application. This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.

Current Legal Use:

Phase II is a vacant lot in the LDR zone. There is a development agreement associated with the property that limits the overall development of the site to 187 licensed beds.

Relevant History:

In Phase I of the assisted living facility there are 133 licensed beds built. This left 54 beds for Phase II in a two-story addition. An amendment to the original Development Agreement is being requested with the rezone to allow for more assisted living beds and a three-story addition. The applicant has modified their request from independent living to assisted living.

Neighborhood Issues:

A neighborhood meeting was held on November 17, 2022. The neighborhood chair said that parking and height were the main concerns of the neighbors that had issues with the proposed development. When this item went to the Design Review Committee, there were neighbors that expressed concerns with the bulkiness and height of the proposed structure.

Summary of Key Issues:

The proposed development is not consistent with the massing and density from the original development agreement.

The applicant is requesting to have that agreement amended by the City Council to allow for the increases proposed in this concept.

Neighbors have explained how they have purchased their property knowing that there is a development agreement in place to limit the type of development across the street and are not supportive of having that changed.

The applicant is requesting to have assisted living units that would be licensed with the state.

The project has been approved by the Design Review Committee (DRC). Stucco will need to be reduced to 20% per façade at the project plan.

Staff Recommendation:

That the Planning Commission deny the requested Concept Plan Application as per the findings and analysis contained in the staff report.

BACKGROUND

The subject property is the last phase of a larger development that includes an assisted living facility to the north and townhomes and single-family homes to the south. The zone changes needed to facilitate this development were very controversial at the time and after a year of meeting with surrounding residents, the current zoning was approved by the Municipal Council. Because of the controversial nature of this project, a Development Agreement was executed to assure citizens and the builder/developer exactly what was agreed upon and what could be built.

The applicant is requesting concept plan approval for the phase II addition of the existing assisted living facility. The applicant was originally looking to do independent living units, but it was determined that this wasn't going to work with the city code. The applicant is therefore seeking an assisted living development.

The addition would be located on vacant land on the south side of the existing facility. Phase II would consist of 130 assisted living units with 151 licensed beds. The first phase had 126 units with 133 licensed beds. When the first phase was approved, there was a development agreement that the developer and the city signed that allowed for 187 licensed beds. The applicant is asking the City Council to amend the existing development agreement to allow for the proposed increase in phase II to be permissible.

The proposed three-story structure would be 34'-9" on the south and 40'-3" on the west in height. The proposed MDR zone allows a building height of 45 feet. The existing LDR zone restricts building height to 30 feet.

There is surface parking in front of the building and there will be parking located under the structure as well. Combining parking requirements for phase I and II there is a requirement to have 95 parking stalls at 1 stall per 3 beds. There will be a total of 111 stalls provided; 16 stalls more than the minimum required by the code.

Across the street to the south of the project there are 29 townhomes in the LDR zone and five single-family homes in the R1.10 zone. To the east there are single-family homes that sit on top of a hill. To the north of the project site is an existing school and on the west is University Avenue and the trail corridor.

FINDINGS OF FACT

1. The subject property is zoned LDR.
2. The subject property includes a development agreement that limits the use of the property to 54 licensed beds.
3. City code allows assisted living facilities in any residential zone.

4. The max building height is 30 feet in the current LDR zone.
5. The max building height is 45 feet in the proposed MDR zone.
6. Assisted living facilities require 1 parking stall per three beds in the facility.
7. Amenity space has been provided to meet the 10% requirement.
8. The project has 111 stalls to meet the parking requirement.
9. Lot coverage in the MDR is 50%. Both phase total 41% lot coverage.
10. Design Review Committee (DRC) approval given February 23, 2023, subject to larger issues outside of their review being approved by the city council.
11. The percentage of stucco is limited to 20% per façade.

STAFF ANALYSIS

We support the addition of more assisted living housing throughout the City; but with this concept plan showing a height increase beyond what was allowed and agreed to in the original development agreement and significantly more beds than permitted under the development agreement, staff is not in support of this specific application. The neighboring property owners purchased their homes knowing that there was a development agreement outlining what would be built there in the future.

The concept plan shows how the property could be developed if there is a rezone to MDR and if the City Council amends the existing development agreement that the applicant is asking for to allow for the proposed increase. If these approvals are granted, the applicant would need to have the parcels combined and submit for a project plan approval where a more detailed review would be done for compliance with city codes.

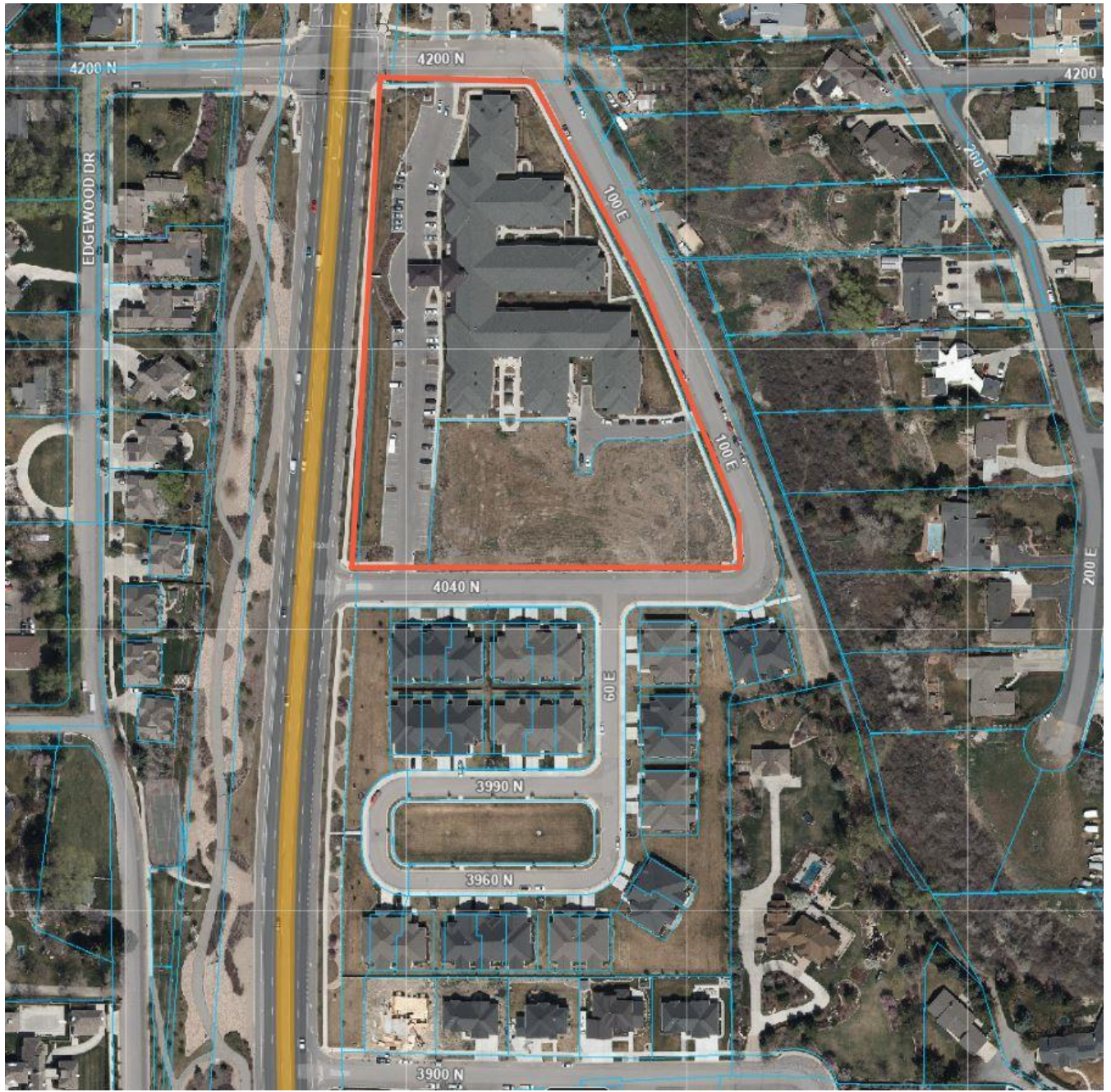
CONCLUSION

While the proposed concept plan could work in a proposed MDR zone with an amended development agreement, it does require increases beyond what was originally agreed to and what neighbors believed would be development next to them.

ATTACHMENTS

1. Aerial of Site
2. Concept Plan
3. Landscape Plan
4. Elevations
5. Floor Plans
6. Public Works Staff Report

Attachment 1 – Aerial of Site



Attachment 3 – Landscape Plan



Attachment 5 –Floor Plans



Attachment 6 –Public Works Staff Report



PUBLIC WORKS
TEL 801 852 6780
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PROVO, UT 84606

Public Works Staff Report

Hearing Date: 3/8/2023

Concept Plan approval for phase II of the Legacy Village Retirement Home.

Item #3 Summary:

Cole Smith requests Concept Plan approval for phase II of the Legacy Village Retirement Home, adding 130 additional units in a proposed MDR (Medium Density Residential) zone, located at 4093 N 100 E. Riverbottoms Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.org PLCP20220344

Staff Recommendation:

Public Works staff has no concerns with the requested action.

Dave Decker, Public Works Director
David Day, Development Engineering Coordinator