



Provo City Planning Commission

# Report of Action

March 08, 2023

*Item 4	Cole Smith requests a Zone Map Amendment from the LDR (Low Density Residential) zone to the MDR (Medium Density Residential) zone in order to build phase II of the Legacy Village Retirement Home located at 4093 N 100 E. Riverbottoms Neighborhood. PLRZ20220345
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The following action was taken by the Planning Commission on the above described item at its regular meeting of March 08, 2023:

## RECOMMENDED DENIAL

On a vote of 7:0, the Planning Commission recommended that the Municipal Council deny the above noted application.

Motion By: Daniel Gonzales

Second By: Robert Knudsen

Votes in Favor of Motion: Daniel Gonzales, Robert Knudsen, Raleen Wahlin, Jeff Whitlock, Lisa Jensen, Melissa Kendall, Andrew South

Lisa Jensen 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.

### LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

The property to be rezoned to the MDR Zone is described in the attached Exhibit A.

### RELATED ACTIONS

PLCP20220344 Planning Commission Item 3 on March 8, 2023.

### APPROVED/RECOMMENDED OCCUPANCY

N/A

### APPROVED/RECOMMENDED PARKING

N/A

### DEVELOPMENT AGREEMENT

- Applies - referred applicant to Council Attorney.

### 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 Coordinator Review Committee (CRC) has reviewed the application.

### NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 11/17/2022.

## **NEIGHBORHOOD AND PUBLIC COMMENT**

- The Neighborhood Representative was present /addressed the Planning Commission during the public hearing.
- Neighbors or other interested parties were present or addressed the Planning Commission.

## **CONCERNS RAISED BY PUBLIC**

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- Multiple letters were received and distributed to the Planning Commission.
- The surrounding streets are already very narrow and increasing the number of residents in the area will potentially increase the number of parked cars on the street. This will affect city services like snow plowing and firefighting accessibility. Inadequate parking was discussed by a few residents as an issue.
- School drop-off and pick-up parking already backs up along 100 West creating safety concerns where some Legacy Village employees park.
- The original development agreement should not be changed.
- The height allowed in the MDR zone is not what they anticipated would be allowed at this location.
- The permitted 54 units should be able to fit in two stories. If residents are able to have cars, then there will not be enough parking.
- The number of dwelling units exceeds that of the MDR zone.

## **APPLICANT RESPONSE**

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

- The development team has been doing this type of development all over Utah. The properties are maintained by the team and not sold off to someone else.
- There is currently a need for this housing type and there will be an increasing need for it in the years to come.
- There are 140 employees, and 45 new employees would be needed with the next phase.
- After meeting with neighbors, the parking lot design was redesigned to be underground and accessed away from the residential entrance. More stalls are being provided than are required by code.
- The units in phase II are larger and have higher ceilings to improve living conditions and increased height to accommodate the needed mechanical equipment for assisted living units is needed.
- The density in the original development does not work with today's costs to provide this type of housing.
- They are willing to make some adjustment to the height and still work at getting the increase in units to make it work financially.

## **PLANNING COMMISSION DISCUSSION**

Key points discussed by the Planning Commission included the following:

- The Planning Commission received various letters from the public that were submitted before the hearing.
- The lot coverage of the MDR was discussed with staff and how comparable it is with the existing LDR zone.
- The Commission discussed losing the top floor if there would be a way to make the project work financially. There would be about 45 less units than the applicant was looking for.
- Vacancy in the existing assisted living of phase 1 was discussed. There is about nine percent vacancy now.
- The density of site was discussed. The type of land use is not the same as apartment units. It was explained that with assisted living there is a higher threshold and the original development agreement placed a cap on the number of licensed beds.
- This development acts as a transition from more intense use down to townhomes and single-family housing. Adding more intensity in the middle disrupts the transition.
- Residents put their trust in the zoning and the development agreement knowing that the height would not be more than what they have seen presented before purchasing their homes. The development agreement needs to continue to protect the terms of development that were agreed to.

*Lisa Jensen*

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Planning Commission Chair

*Bill Peperone*

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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, 445 W Center Street, 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**

# Exhibit A

