

**ITEM 2** Sarah Van Cleve requests a Conditional Use Permit for a Residential Facility for Persons with a Disability (SLU 1292) for an existing building in the CG (General Commercial) Zone, located at 1625 West Center Street. Provo Bay Neighborhood. Nancy Robison (801) 852-6417 nrobison@provo.org PLCUP20240073

<p><b>Applicant:</b> Sarah Van Cleve</p> <p><b>Staff Coordinator:</b> Nancy Robison</p> <p><b>Property Owner:</b> MAHA LAXMI LLC</p> <p><b>Parcel ID#:</b> 21:012:0093</p> <p><b>Acreage:</b>0.54</p> <p><b>Number of Properties:</b> 1</p> <p><b>Number of Lots:</b>1</p> <p><b><u>ALTERNATIVE ACTIONS</u></b></p> <ol style="list-style-type: none"> <li><b>Continue</b> to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is June 5, 2024, 5:00 P.M.</i></li> <li><b>Deny</b> the requested Conditional Use Permit. <i>This action <u>would not be consistent with the recommendations of the Staff Report. The Planning Commission Administration should <u>state new findings.</u></u></i></li> </ol>	<p><b>Current Legal Use:</b> The current legal conditional use is a motel in the General Commercial (CG) Zone.</p> <p><b>Relevant History:</b> This facility opened as a motel in 1997. It operated as such until approximately 2018.</p> <p><b>Neighborhood Issues:</b> No neighborhood issues have been raised.</p> <p><b>Summary of Key Issues:</b></p> <ul style="list-style-type: none"> <li>The building is being used as housing for extremely low income disabled or domestic violence tenants.</li> <li>Provo City Housing Authority signed a 5-year lease on August 1, 2021.</li> <li>Provo City Housing Authority was not aware of the need for a conditional use permit at the time.</li> <li>Provo City Housing Authority is asking for a Temporary Conditional Use Permit that would expire when their lease expires with the property owners.</li> </ul> <p><b>Staff Recommendation:</b> Staff recommends approval of the conditional use permit for a Residential Facility for Persons with a Disability (SLU 1292) with the following conditions:</p> <ol style="list-style-type: none"> <li>The CUP shall expire on September 1, 2026.</li> <li>Occupancy shall be limited to one tenant per room.</li> </ol>
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## **OVERVIEW**

The property at 1625 W Center was built in 1997 and operated as a motel until approximately 2018. Provo City Housing Authority started using the units to provide housing for extremely low income or no income tenants, all of whom are disabled or victims of domestic violence. Twenty-seven (27) units have single occupy. Provo City Housing Authority was not aware that the facility could not be used as a Residential Facility for Persons with a Disability (SLU 1292) without having a Conditional Use Permit. To come into compliance, they are asking for a temporary CUP to be issued until September 1<sup>st</sup>, 2026, when their lease will expire.

## **FINDINGS OF FACT**

- The zone for this property is General Commercial (CG).
- Motel is a Conditional Use for General Commercial.
- A Residential Facility for Persons with a Disability is allowed only to the same extent that a dwelling unit may be occupied in the zone (Provo City Code 14.34.230(1)(d)).
- Provo City Housing Authority has 27 individuals with little or no resources that currently reside at this address.
- Provo City Housing Authority is asking for a Temporary Conditional Use until their lease expires on September 1<sup>st</sup>, 2026.
- By September 1<sup>st</sup>, 2026, Provo City Housing Authority will be relocating all the individuals housed on the property.

## **CONCLUSIONS**

Staff feel comfortable with issuing the Conditional Use Permit. Housing for some of the most vulnerable citizens of Provo is one of the highest goals we have. Providing this permit until September 1<sup>st</sup>, 2026, will hopefully give sufficient time to Provo City Housing Authority to relocate the individuals currently housed on the property.

## **APPLICANT AGREEMENT TO CONDITIONS**

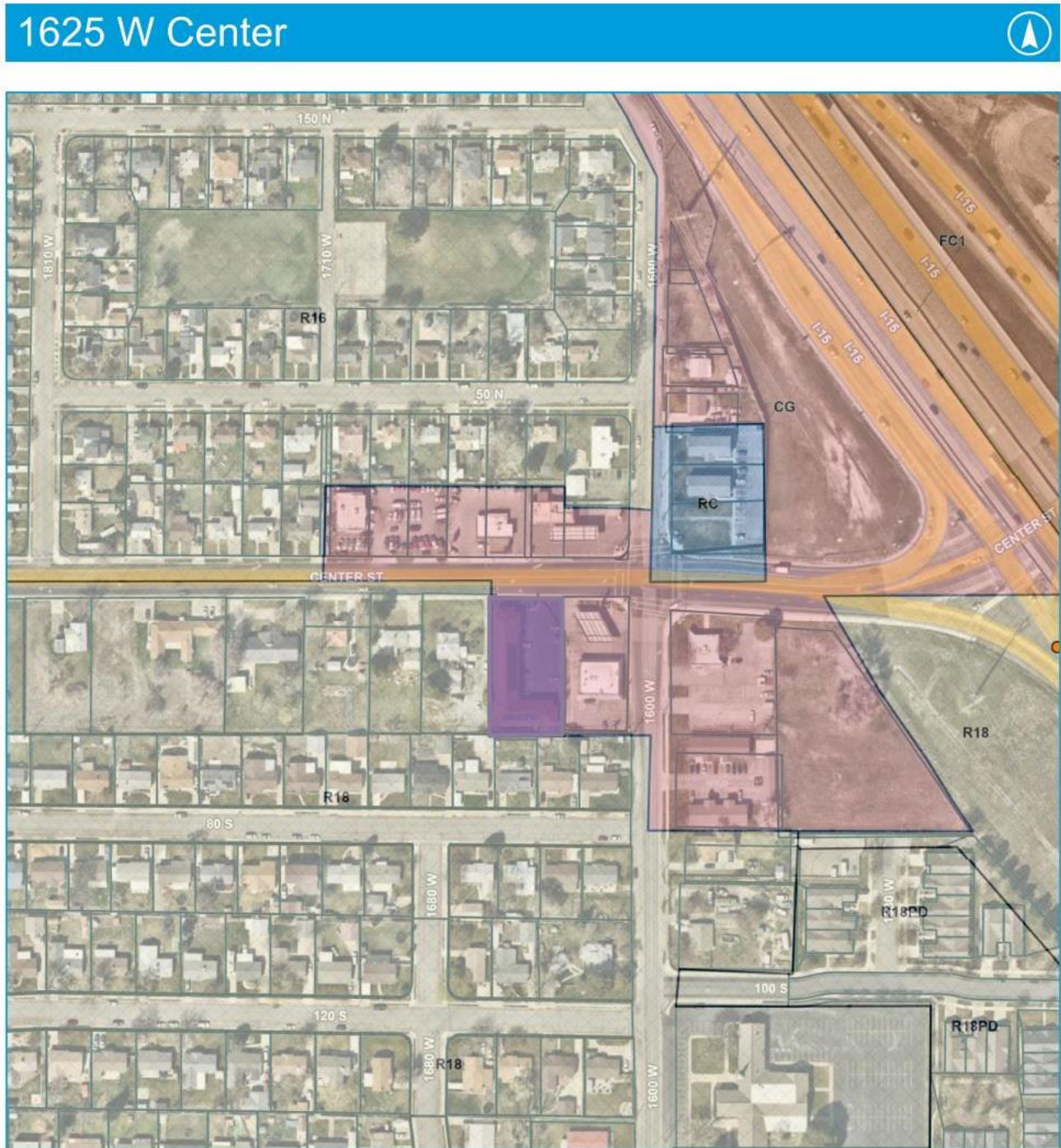
Pursuant to Section 14.04.050 of the Provo City Code, relating to Staff Action on Planning Commission Matters, by signing below, the applicant agrees to the recommended conditions. If the applicant does not agree to the recommended conditions, the applicant may request to have the item heard by the Planning Commission.

(x) \_\_\_\_\_ Date \_\_\_\_\_

## **ATTACHMENTS**

1. Property Map
2. Property Photos
3. Written Statement by Applicant

# ATTACHMENT 1 - PROPERTY MAP



**ATTACHMENT 2 - PROPERTY PHOTOS**



### **ATTACHMENT 3 - WRITTEN STATEMENT BY APPLICANT**

The J&J hotel has been under a master lease for long term housing since August 1, 2021. The J&J Apartments are providing housing for extremely low income to no income tenants, all of whom are disabled or victims of domestic violence. There are 27 units under a master lease with the owner Maha Laxmi LLC and Utah Regional Housing (URH), the nonprofit arm of Provo City Housing Authority. The area is zoned for "commercial" use only and long term leasing does fit that criteria. URH was unaware that the J&J owners did not modify the use of the property to allow for long term leasing. UHA does not own the property but is financially responsible for the property and property needs. UHA does not have the resources to petition the city to change the zoning rules nor are we requesting that. We are requesting a "Conditional Use Permit" (CUP) until the building is no longer under a master lease with Maha Laxmi LLC and URH. The lease is due to expire September 1, 2026 and which time URH will decline the renewal. This will require URH to relocate the 27 individuals with little or no resources, but the CUP will allow for more time for URH to make other arrangements for those individuals. URH entered into the 5-year lease in good faith and had no intention of violating city code. It was URH's understanding and confirmed by the owner that the J&J has offered long term leasing for a number of years, prior to URH taking over operations of the property. With the current lack of units in Provo and the State of Utah we are hoping the approval of the CUP will give us needed time for the relocation process.