



Provo City Planning Commission

# Report of Action

April 25, 2018

Matt Swain requests an Ordinance Text Amendment to Section 14.14A.070 to increase the height limit for Assisted Living Facilities in the Low Density Residential (LDR) Zone from 30 feet to 40 feet. Although this project is in the Riverbottoms neighborhood, the proposed amendment has City-wide implications. Dustin Wright (801) 852-6414 PLOTA20180054

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The following action was taken by the Planning Commission on the above described item at its regular meeting of January 24, 2018:

## RECOMMEND APPROVAL

On a vote of 6:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Dave Anderson

Second By: Andrew Howard

Votes in Favor of Motion: Dave Anderson, Andrew Howard, Ed Jones, Shannon Ellsworth, Deborah Jensen, Jamin Rowan

*Deborah 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.

### **DEVELOPMENT AGREEMENT**

- Does not apply.

### **PLANNING COMMISSION RECOMMENDED TEXT AMENDMENT**

14.14A.070. Building Height

(1) Maximum building height: thirty (30) ft. **The maximum building height of an Assisted Living Facility may be forty (40) ft. if the assisted living structure is more than 200 ft. from the nearest detached, single family structure.**

### **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**

- CRC approval.

### **NEIGHBORHOOD MEETING DATE**

- A neighborhood meeting was held on February 15, 2018.
- City-wide application; all Neighborhood Chairs received notification.

## **NEIGHBORHOOD AND PUBLIC COMMENT**

- This item was City-wide or affected multiple neighborhoods.
- Multiple Neighborhood Chair(s) were present or addressed the Planning Commission.
- 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:

- Concerned with this applying to all LDR zones and not just this site.
- Possibility for this to be four stories and not three, like the applicant proposed.
- Standard Land Use Code that could result in a drug rehab center in the future.
- Building elevation in other areas of the city resulting in higher structures in future LDR zones.
- Looking down at the rooftops is not desirable.
- Adjacent neighbors worry about it being too high.
- Need to improve Lover's Lane to help mitigate higher structure to the adjacent neighbors.
- Adding a level would not fit well in the area.

## **APPLICANT RESPONSE**

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

- The neighborhood meeting was helpful to address any concerns.
- This would only be five feet higher than the 35 feet allowed in other residential zones.
- Willing to help with costs to Lover's Lane to mitigate visual impacts on adjacent property owners.
- The original site was constructed to keep any new traffic out of the surrounding residential neighborhoods.
- A traffic light was added next to the charter school to help with traffic from this site.
- Willingness to work with the neighborhood to address any concerns.
- Only plan to do 3 stories.
- The third story will help make the project financially feasible. Rents are not as high as anticipated and filling vacancy takes longer than expected.

## **PLANNING COMMISSION DISCUSSION**

Key points discussed by the Planning Commission included the following:

- Any potential benefits to allow this height increase to apply to other use in the zone besides just assisted living facilities.
- The property to the east sits much higher up on a bluff than this site.
- The use fits well in this area and the amendment will help things move forward.
- Existing LDR locations should not be threatened by this amendment.
- Future LDR rezones will be aware of this amendment.
- Google Earth view of the site would be helpful in viewing the adjacent topography.
- The transitional developmental standards only require structures like this to be setback 20 feet, while this will be 200 feet.
- Future assisted living facilities in the LDR zone may not want to be 40 feet and the 200 foot buffer would not be required if they stay under 30 feet.
- The 200 foot buffer coupled with the limitation to assisted living really limits the likelihood of there being many more of these in the future.



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Planning Commission Chair



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Director of Community Development

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 Development 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**