



Administrative Hearing Staff Report Hearing Date: September 16, 2020

ITEM #2 Curtis Miner requests Conditional Use Permits for a third story to a commercial building and a reception center located at approximately 4878 N University Ave in the Neighborhood Commercial (SC1) zone. Riverbottoms Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLCUP20200152

Applicant: Curtis Miner

Staff Coordinator: Aaron Ardmore

Property Owner: Q Investments LLC

Parcel ID#: 20:027:0200

Acreage: 1.88 acres

Number of Properties: 1

Number of Lots: 1

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is October 7th, at 5:00 P.M.*
2. **Deny** the requested conditional use permit. *This action would not be consistent with the recommendations of the Staff Report. The Administrative Hearing Chair should state new findings.*

Current Legal Use: The property is currently vacant commercial land, but there is a related Project Plan request for a commercial center on this property.

Relevant History: This property was changed to the SC1 zone in 2013.

Neighborhood Issues: A neighborhood meeting was held on this proposal on May 12, 2020. There have been concerns regarding the second story patio on the north end of the project.

Summary of Key Issues:

- The Conditional use is for two items:
 - A third story on the north building up to 45 feet tall, and
 - The conditional use of a reception center in the SC1 zone.
- The nearest residential neighbor is a condo project seventy feet to the north wall to wall.
- The transitional height requirements reduce the building height down to twenty-eight feet on the north end.

Staff Recommendation: Staff recommends that the Conditional Use Permit is approved with the following conditions:

1. That the building not be taller than 45 feet high at any point.
2. No musical instruments, stereo-ponic equipment, sound amplifier or similar device shall be operated in such a manner as to create a noise or vibration disturbance across a real property boundary.

OVERVIEW

Curtis Miner is requesting a conditional use permit for a building height increase and a reception center for a related project to be built at 4800 N University Avenue. The project, a multi-tenant commercial development, is proposed to be built on the property as shown below on the site plan (attachment #1). Within this development plan there are two issues that require the approval of a conditional use permit.

The first relates to the proposed height of the north building. The SC1 zone restricts building height to two (2) stories or a maximum thirty-five (35) feet in height in Section 14.18.100, Provo City Code. However, in paragraph two of that section the code explains that there is opportunity for a three (3) story building up to forty-five (45) in height for the Planning Commission (or their designee) to approve provided it meets additional distance requirements.

The second request is for one of the proposed uses in the project plan. A reception center (or dance hall) is a conditional use in any nonresidential zone. In order to market that space and obtain a business license in the future, a conditional use permit must be approved for the property.

STAFF ANALYSIS

The conditional permits that the applicant has proposed are needed to allow the proposed project to develop. Planning staff sees the value of completing this remaining lot on the intersection of 4800 North and University Avenue into a commercial and office center to serve the needs of the area.

Since the height proposed matches the buildings in the area and along the corridor, staff does not see any adverse impacts of allowing a third story. There seems to be more public concern on the second story deck and conditional use of a dance hall, but staff feels that it will be properly mitigated by both the distance of the building from adjacent residential uses and the added condition for noise.

FINDINGS OF FACT

1. The property is in the SC1 zone.
2. The adjacent property to the north is in the R3PD (residential) zone.
3. The adjacent property to the east is in the RA (residential agricultural) zone.

4. The nearest residential building is 70 feet from the nearest proposed commercial building.
5. The General Plan for the property is commercial.
6. The following standards shall apply to any request for a Conditional Use Permit:

(a) A proposed conditional use shall be granted unless the subject use will be detrimental to the health, safety, or general welfare of persons residing in the vicinity or injurious to property in the vicinity.

(b) A proposed conditional use shall be detrimental to the health, safety, or general welfare of persons residing in the vicinity or injurious to property in the vicinity: **(responses in bold)**

(i) if the proposed use will cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes;

The additional story will not cause unreasonable risk. The reception center will cause an increase of traffic, but should not cause unreasonable risk to the people in the vicinity.

(ii) if the proposed use will unreasonably interfere with the lawful use of surrounding property;

The surrounding properties are developed with separate access, this proposal should not interfere with the lawful use.

(iii) if the proposed use will create a need for essential municipal services which cannot be reasonably met; or

Staff has reviewed the proposed plans and feel it can be adequately served by municipal services.

(iv) if the proposed use will in any other way be detrimental to the health, safety or general welfare of persons residing in the vicinity or injurious to property in the vicinity.

Staff does not see any other way in which the conditional uses proposed would cause detriment to the health, safety, or welfare of those in the vicinity.

CONCLUSIONS

Staff finds that the proposed conditional uses are appropriate for the area and the proposed development and should be approved to run with the land.

APPLICANT AGREEMENT TO CONDITIONS

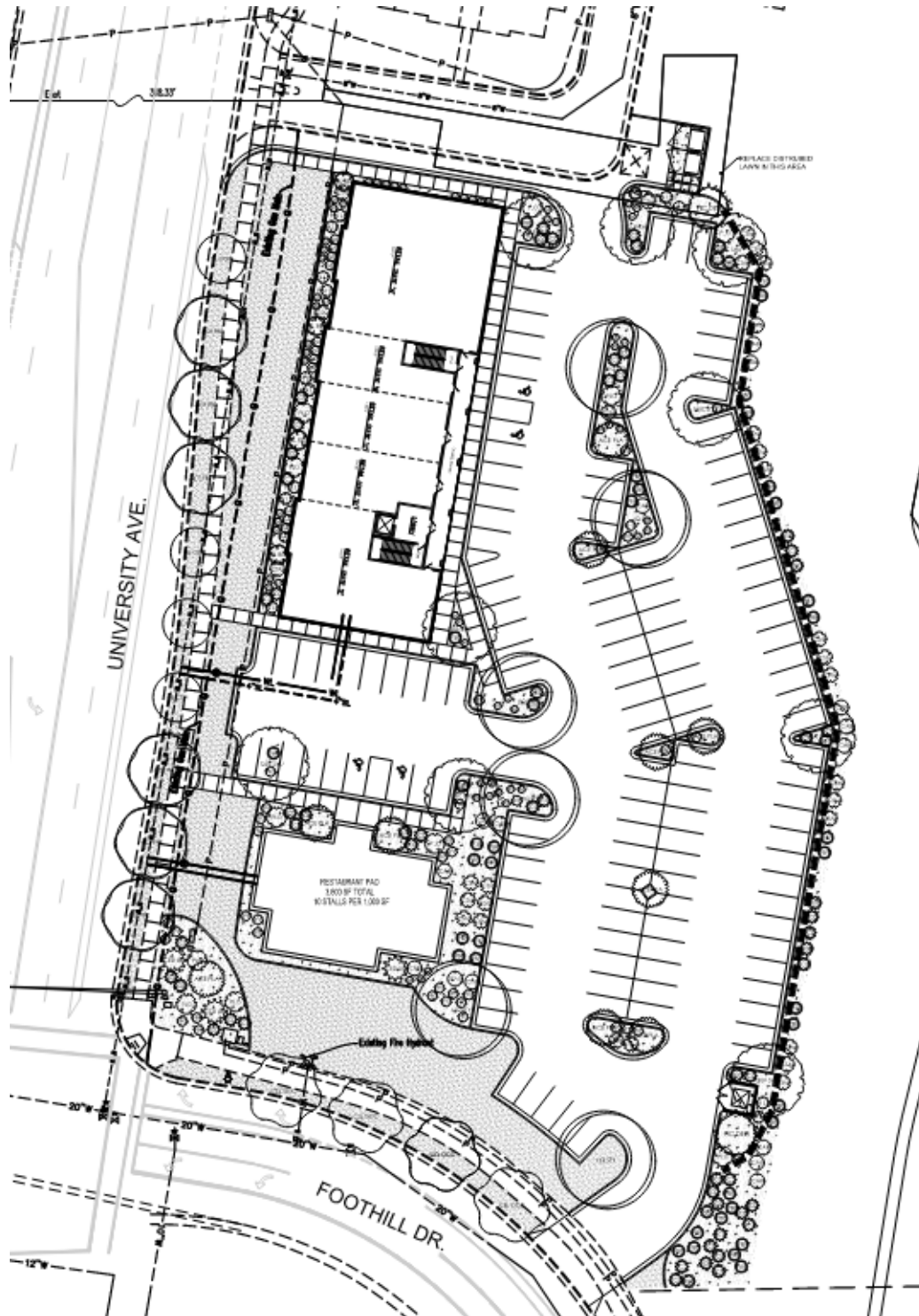
Pursuant to Section 14.04.050 of the Provo City Code, relating to Staff Action on Planning Commission Matters, by signing below, the applicant agrees to the recommended conditions. If the applicant does not agree to the recommended conditions, the applicant may request to have the item heard by the Planning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

(x) _____ Date _____

ATTACHMENTS

1. Proposed Site Plan
2. Proposed Elevations
3. Proposed Floor Plans

ATTACHMENT 1 – PROPOSED SITE PLAN



ATTACHMENT 2 – PROPOSED ELEVATIONS



WEST BUILDING ELEVATION



EAST BUILDING ELEVATION



NORTH BUILDING ELEVATION



SOUTH BUILDING ELEVATION

ATTACHMENT 3 – PROPOSED FLOOR PLANS

