

**ITEM #3** Jared Moore requests a Conditional Use Permit for a Dance Hall, located at 265 W Center Street in the General Downtown (DT1) zone. Downtown Neighborhood. Brandon Larsen (801) 852-8408 jblarsen@provo.org PLCUP20210042

## **OVERVIEW**

Jared Moore is requesting two (2) conditional use permits for the following:

- A dance hall located at 265 W Center Street
- Required off-street parking for the dance hall, which parking is located across a public street

The applicant is proposing to establish an events center—for rent by the public—on the subject property. The center would have two (2) halls with a floor area of approximately 4700 SF. The center would be used for weddings, wedding receptions, company parties, dance lessons, dance socials, and other similar uses. A conditional use permit—granted specifically by the Planning Commission—is required for dance halls.

One (1) off-street parking space is required for each four (4) occupants—based on maximum occupancy load, or as otherwise determined by the Planning Commission. The applicant has submitted documentation identifying a maximum occupancy load of 940 occupants. With such maximum occupancy, 235 parking spaces are required. The parking requirements of the DT1 Zone provide that each lot or parcel shall provide 75-percent (75%) of the off-street parking required in Chapter 14.37 of the City Code.

The subject property has 38 on-site parking stalls. The applicant contracted with Nu Skin for an additional 139 spaces adjacent or across the street from the subject property. In other words, the applicant is proposing to provide 177 parking spaces, which is 75-percent (75%) of the requirement in Section 14.37. He also notes there are over 650 public, off-street parking spaces within 350 feet of the proposed events center.

The applicant has worked to address the bicycle parking requirements, but has proposed a bicycle parking rack style that requires Planning Commission approval. The styles explicitly allowed by the Code are shown in Attachment 5 and the proposed style is shown in Attachment 6.

## **STAFF ANALYSIS**

The proposed event center would provide the City an additional place for events, such as weddings, parties, and dancing. The applicant must follow through with a few code requirements relative to parking, as noted in the recommended conditions.

Staff believes other recommended conditions will help to alleviate concerns, such as noise and security. Recommended Condition 5 deals with security and proximity to neighboring residences. Subsection 14.34.250(3)(c)(vii)(C) of the City Code requires as follows:

*(C) Designated off-street parking may be located nearer than two hundred (200) feet to a one- or two-family dwelling in the area described in Subsection (3)(c)(vii)(A) of this Section; provided, that:*

*(I) One (1) full time security person is on duty at the parking lot for each one hundred (100) automobiles parked;*

*(II) Parking lots will be closed and vacated within thirty (30) minutes of closing of the dance hall by dance hall security personnel; and*

*(III) The dance hall operator is responsible for control of noise, conduct and litter in the designated parking areas from one (1) hour before opening until one (1) hour after closing of dance hall operations.*

The applicant has asked that these provisions only apply or be required when a large event is held. It appears the requirement for a security guard does not apply until 100 or more vehicles are parked at an event. It appears the applicant would need to anticipate parking demand in order to have a security guard on duty.

### **FINDINGS OF FACT**

1. The property is in the DT1 zone.
2. All adjacent parcels lie in the DT1 Zone.
3. The nearest residential building is approximately 300 feet from the proposed dance hall.
4. The General Plan for the property is *Downtown Planning Area*.
5. 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 events center will cause an increase of traffic, but should not cause unreasonable risk to the people in the vicinity. A security guard is required for larger events. Recommended Condition No. 6 helps to address noise.**

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

**Recommended Condition No. 2 would address an access issue with the property owner to the west (the events center has a door that opens onto an adjacent property).**

(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 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.

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

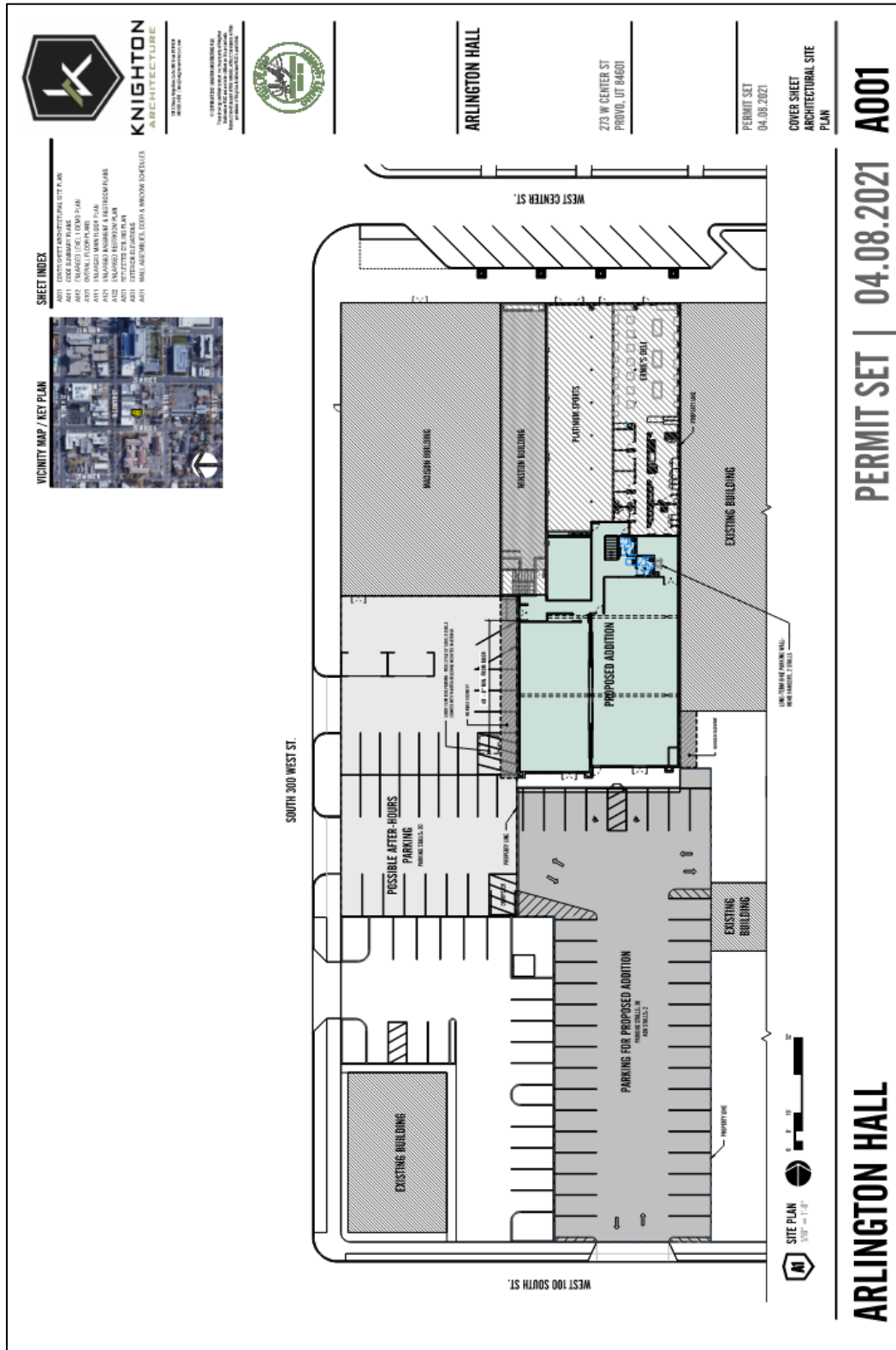
**ATTACHMENTS**

1. Recommended Conditions of Approval
2. Proposed Site Plan
3. Proposed Floor Plans
4. Proposed Parking Plan
5. Bike Rack Styles Allowed by Code
6. Proposed Bike Rack Style

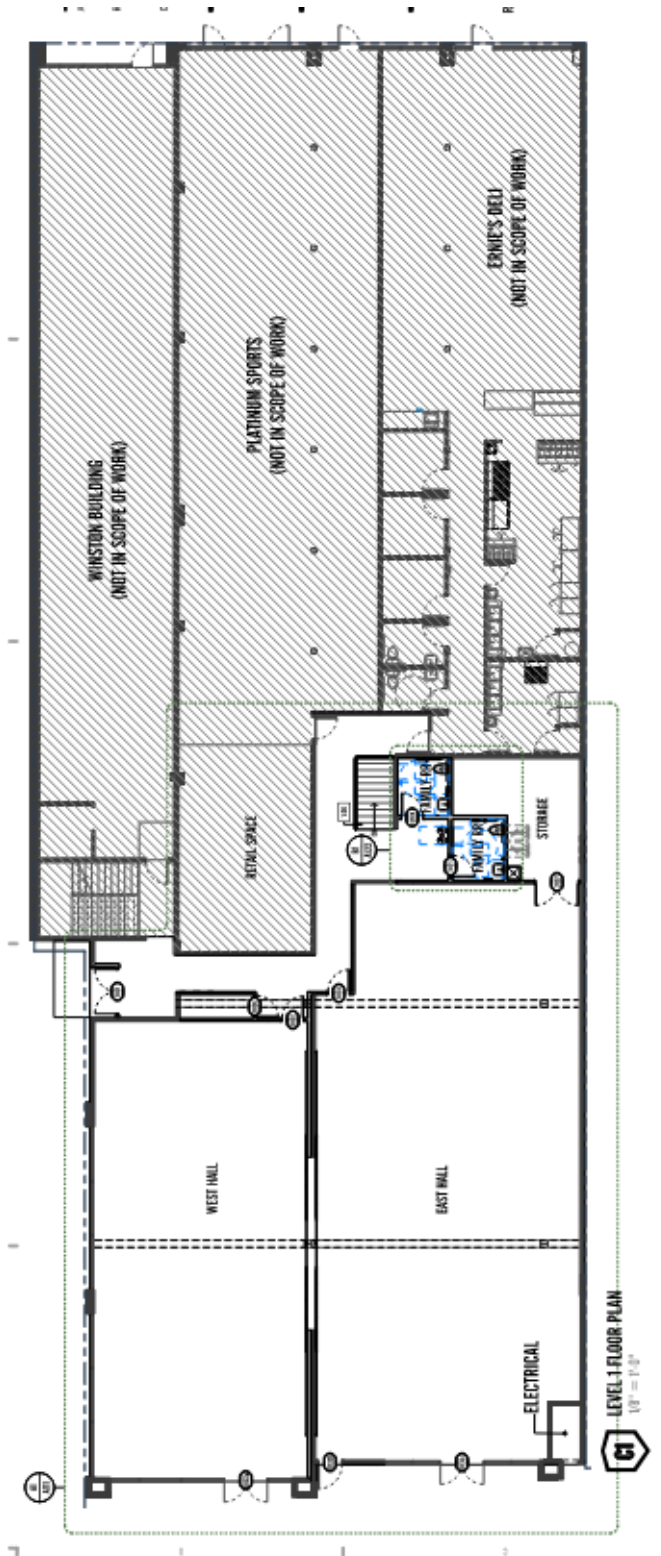
#### ATTACHMENT 1 – RECOMMENDED CONDITIONS OF APPROVAL

1. That the subject event center/dance hall complies with the requirements of Chapter 6.15 of the Provo City Code, or successor requirements.
2. That the applicant/property owner provide for review a copy of a perpetual, recorded lease agreement for use of the applicable, off-site parking spaces owned by entities other than the property owner. The joint use (daytime/nighttime) of parking facilities of any property must be addressed in the applicable agreement, as per Subsection 14.37.080(4), Provo City Code.
3. That the applicant/property owner obtain, and record with the Utah County Recorder, an access easement for the door on the westside of the building addition, which ingress/egress opens into a neighboring property.
4. That the conditional use for a dance hall—with off-street parking across the street—only be approved if the Planning Commission also grant a conditional use for the off-site parking.
5. That the requirements of Subsection 14.34.250(3)(c)(vii)(C) of the Provo City Code, related to off-street parking nearer than two hundred (200) feet to a one- or two-family dwelling, are continuously met through the life of the business, or until the requirements are repealed by the Provo City Council.
6. No musical instruments, stereo-phonics 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.
7. That the applicant obtain approval from the Planning Commission for the proposed style of bicycle rack, as per Subsection 14.37.105(1), Provo City Code.

ATTACHMENT 2 – PROPOSED SITE PLAN



ATTACHMENT 3 – PROPOSED FLOOR PLANS





ATTACHMENT 4 – PROPOSED PARKING PLAN



Location	Stalls	Address	Distance	
Onsite	38	265 W Center	0	Onsite
Rock Church	12	244 W 100 S	0	West - adjacent
NuSkin Lot	127	257 W 100 S	50 ft	South - cross 100 S
NuSkin Garage	450	140 W 100 S	350 ft	South East - cross 100 S and Freedom
Provo City	216	400 W 100 S	300 ft	West - cross 300 W
Total	843			

ATTACHMENT 5 – BIKE RACK STYLES ALLOWED BY CODE (§14.37.105)

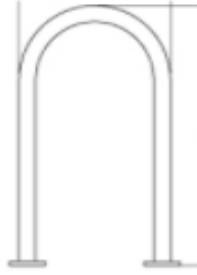


Figure 1. Inverted  
U-Rack

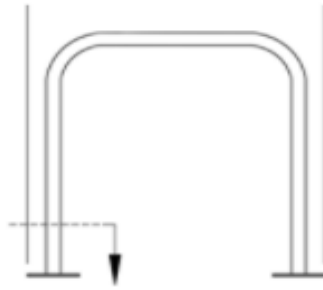


Figure 2. Bike Dock



Figure 3. Post and  
Ring Rack

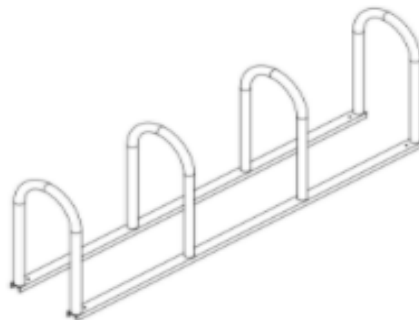


Figure 4. Bike Corral or Stadium  
Rack

ATTACHMENT 6 – PROPOSED BIKE RACK STYLE

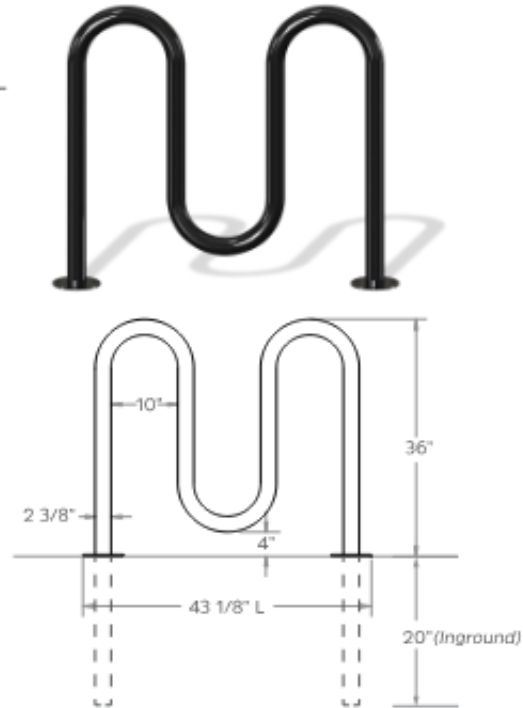
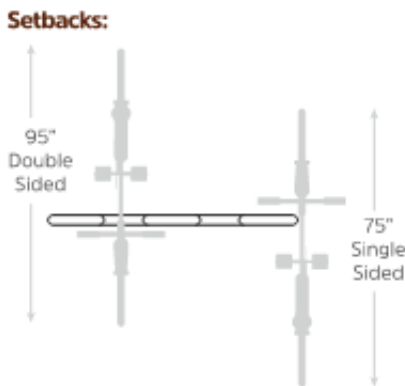
**Product**  
**Wave Style Bike Rack Heavy Duty**  
 Model: 543-1002, 1003, 1004, 1005, 1006, 1007

**Materials:**  
 2.0" Schedule 40 Steel Pipe (2.375" OD)

- Finishes:**
- Galvanized**  
 An after fabrication hot dipped galvanized finish is available
  - Powder Coat**  
 Our powder coat finish assures a high level of adhesion and durability by following these steps:
    1. Sanded down
    2. Washed and Dried
    3. Zinc Primer
    4. Powder Coat
    5. UV Clear Topcoat
  - SealGuard**  
 Polyethylene Thermoplastic applied by fluidized bed to maintain even and complete coating. UV stabilized, impact resistant, mold and mildew resistant, graffiti resistant.

- Color Options:**
- Standard Color**  
 Black
  - Colors**  
 Black | Burgundy | Burnt Red  
 Red | White | Ivory | Silver  
 Brown | Orange | Hunter Green

- Mount Options:**
- In-Ground**
  - Surface**



- Capacity:**
- 543-1002 Parks 5 Bikes 43" L
  - 543-1003 Parks 7 Bikes 68" L
  - 543-1004 Parks 9 Bikes 93" L
  - 543-1005 Parks 11 Bikes 117" L
  - 543-1006 Parks 13 Bikes 142" L
  - 543-1007 Parks 15 Bikes 167" L



\* These setbacks represent generally recommended distances. Be sure to consult local building and city codes before installing racks.