

Provo City Planning Commission

Report of Action

April 28, 2021

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

The following action was taken by the Planning Commission on the above-described item at its regular meeting of April 28, 2021:

APPROVED WITH CONDITIONS

On a vote of 7:1, the Planning Commission approved the above-noted request with conditions.

Motion By: Lisa Jensen

Second By: Laurie Urquiaga

Votes in Favor of Motion: Dave Anderson, Daniel Gonzales, Brian Henrie, Lisa Jensen, Ally Jones, Robert Knudsen, Laurie Urquiaga

Votes against Motion: Deborah Jensen

Dave Anderson was present as Chair.

APPROVED

On a vote of 7:1, the Planning Commission approved a conditional use permit for required off-site parking for the above-noted dance hall.

Motion By: Lisa Jensen

Second By: Laurie Urquiaga

Votes in Favor of Motion: Dave Anderson, Daniel Gonzales, Brian Henrie, Lisa Jensen, Ally Jones, Robert Knudsen, Laurie Urquiaga

Votes against Motion: Deborah Jensen

Dave Anderson 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.

CONDITIONS OF APPROVAL FOR

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-ponic equipment, sound amplifier or similar device shall be operated in such a manner as to [exceed the applicable noise limits set forth in the Provo City Code.](#) ~~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~~ [The required bike racks installed by the applicant shall utilize the bike rack designs in Subsection 14.37.105\(1\) of the Provo City Code.](#)

STAFF PRESENTATION

Staff presented information from the staff report and highlighted pertinent requirements related to dance halls and providing parking across a public street.

NEIGHBORHOOD AND PUBLIC COMMENT

Staff received an emailed correspondence, a couple of days prior to this Planning Commission meeting, from Rickie Taylor—an adjacent business owner. Staff relayed information from this correspondence to the Planning Commission. Rickie expressed frustration with past experiences with other businesses that have operated near his business—including a particular business he believes was similar to the one proposed. Ne noted concerns with parking, access to the back of his property, loitering, litter, graffiti and fire concerns. Mr. Taylor explicitly stated he is opposed to the granting of the requesting conditional use permit.

APPLICANT RESPONSE

The applicant expressed a willingness to abide by the conditions of approval. He explained dealings with Nu Skin on a parking agreement. The applicant explained the history of and his dealings with a similar business he operates a couple of blocks to the east. He expressed a desire to operate a “clean” business.

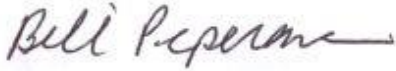
PLANNING COMMISSION DISCUSSION

- The Planning Commission expressed concerns about quantifying noise requirements by which the applicant would need to abide by and noted the vagueness of noise requirements specifically related to dance halls.
- The Planning Commission would like the applicant to provide racks that match the design styles illustrated in the bike parking requirements of the City Code.

- Questions about the permanency of the parking arrangements were discussed. Staff recommended a perpetual parking agreement.
- Commissioner Deborah Jensen was opposed to the granting of the conditional use permit for a dance hall and parking for the dance hall across a public street. She felt the parking situation was very less than ideal. Ms. Jensen also exclaimed that a conditional use permit that needs seven (7) conditions to be achieved is absurd.



Planning Commission Chair



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, 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