

Provo City Planning Commission

Report of Action

May 8, 2024

ITEM 1 Development Services requests a Conditional Use Permit Revocation of PLCUP20190309 for a dance hall in the CG (General Commercial) Zone, located at 1700 N State Street. Carterville Neighborhood. Aaron Ardmore (801) 8526404 aardmore@provo.org

The following action was taken by the Planning Commission on the above-described item at its regular meeting of May 08, 2024:

CONTINUED

On a vote of 7:0, the Planning Commission continued the above noted application to August 28, 2024.

Conditions of Continuance: 1. That operators of the Enigma and Afuego Fridays observe the hours of operation as listed in Section 6.15.060; 2. That a meeting be held with the dance hall operators, the property owners or managers and appropriate city staff to discuss parking lot security; 3. That staff should report back to the Planning Commission the results of this meeting on May 22, 2024; and 4. That this item will be reconsidered by the Planning Commission on August 28, 2024 which will include a report of police statistics from the Provo Police Dept.

Motion By: Lisa Jensen

Second By: Jonathan Hill

Votes in Favor of Motion: Lisa Jensen, Jonathan Hill, Robert Knudsen, Dan Gonzales, Jeff Whitlock, Melissa Kendall and Barbie Desoto.

Dan Gonzales 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.

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

Not applicable

RELATED ACTIONS

None

APPROVED/RECOMMENDED OCCUPANCY

Not applicable

APPROVED/RECOMMENDED PARKING

Not applicable. The existing on-site parking will be used which exceeds what would be required for a dance hall.

DEVELOPMENT AGREEMENT

- Does not apply at this stage of review or approval.

TEXT AMENDMENT

Not applicable.

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

- The Provo Police Department asked that this item be brought back to the Planning Commission due to the number of calls the police were responding to. This item was heard by the Planning Commission on April 12, 2023 and was continued.

NEIGHBORHOOD MEETING DATE

- No neighborhood meeting was required.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood District Chair was not present.
- The public that was present were related to the Enigma Dance Hall or to Afuego Fridays.
- The operator of Afuego Fridays had the most input which centered around their inability to control the parking lot.
- One of the security guards spoke of their ability to control patrons inside the venue but their inability to control what happens outside the venue, primarily in the parking lot. It was represented that there are six security guards.
- It was claimed that the venue operators did not have permission from the property owner to monitor the parking lot and that they needed a way to secure the parking lot so they could check cars as they enter.

PLANNING COMMISSION DISCUSSION

- Planning Commission members observed, based on police statistics, that most of the police calls are related to Afuego Fridays.
- It was also noted that most of the police calls took place after midnight. The Planning Commission suggested starting earlier and closing the venue by midnight.
- The Planning Commission has the authority to revoke a Conditional Use Permit but this is widely discretionary, unlike other Planning Commission actions that are mandatory, by code.
- The Planning Commission wanted to involve the property owner to see if better parking lot security is an option.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

The Planning Commission continued this item with the following conditions: 1. That operators of the Enigma and Afuego Fridays observe the hours of operation as listed in Section 6.15.060; 2. That a meeting be held with the dance hall operators, the property owners or managers and appropriate city staff to discuss parking lot security; 3. That staff should report back to the Planning Commission the results of this meeting on May 22, 2024; and 4. That this item will be

reconsidered by the Planning Commission on August 28, 2024 which will include a report of police statistics from the Provo Police Dept.



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 Development Services Department, 445 West Center Street 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