



Provo City Planning Commission

Report of Action

September 10, 2025

ITEM 1 Claudia Estaba requests a Conditional Use Permit for a dance hall (SLU 7396) for space within an existing building in the DT2 (Downtown Core) Zone, located at 86 N University Ave, Suite 110. Downtown Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.gov PLCUP20250233

The following action was taken by the Planning Commission on the above described item at its regular meeting of September 10, 2025:

CONTINUED

On a vote of 6:1, the Planning Commission continued the above noted application.

Motion By: Barbara DeSoto

Second By: Matt Wheelwright

Votes in Favor of Motion: Barbara DeSoto, Matt Wheelwright, Jonathon Hill, Melissa Kendall, Lisa Jensen, Joel Temple

Votes Against the Motion: Daniel Gonzales

Jonathon Hill was present as Chair.

- New findings stated as basis of action taken by the Planning Commission or recommendation to the Municipal Council; Planning Commission determination is not generally consistent with the Staff analysis and determination.

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. Staff gave an overview of the staff report and responded to Planning Commission questions regarding residential uses/zones in the area, uses in the building, and differences between similar event uses and how they are administered in Provo. Staff also verified sound and security provisions in the code for this use and discussed potential conditions that could be placed on this permit.

CITY DEPARTMENTAL ISSUES

- The Coordinator Review Committee (CRC) has reviewed the application and given their approval.

NEIGHBORHOOD MEETING DATE

- The Neighborhood District Chair determined that a neighborhood meeting would not be required.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood District Chair was not present or did not address the Planning Commission during the hearing.
- 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:

- The Commission Chair noted that the Planning Commission received letters from David Warren, Mark Roney, Mark Hedengren, Michelle Blake, Brad Moss, Vanessa DeHart, Dirk DeHart, Jo Ann Knight, Eddie Goitia, Stephanie & Matthew Lewis, Wesley Eames, Greg & Annette Krainik, Art Wing, Gary Pryor, Scott Stornetta, and Michelle & Chris Markarian.
- Vanessa DeHart commented on her concerns with the Staff Report and potential noise to the residents of the building, noting past users of the suite.

- Brad Moss detailed the different ownerships of the building and questioned whether the parking space allocation for the proposed use was accurate. He also mentioned the exemptions listed under PCC 6.15.040 and wondered if the use could fit under these exemptions.
- Mark Hendengren noted his experiences with other venues at other locations and the crime associated with that business. He stated his concerns with the proposal and its impact on Provo downtown.
- Greg Krainik questioned the ingress/egress on the suite and the security of the other parts of the building. He also noted concerns with food preparation, alcohol service, and sound.
- John Singler doesn't believe that the sound regulations will be adhered to with this proposal and has concerns with bathroom availability and security for events.
- Dirk DeHart has concerns with sound coming through the building and vibrations through the steel beams and detailed past experiences with noise issues from past users of the space.

APPLICANT RESPONSE

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

- Claudia Estaba (architect/applicant) provided additional information and details about the space to be used for the dance hall/event center and responded to Planning Commission questions regarding noise, efforts to block the noise, and ingress/egress from the suite. She indicated that sound testing could be done to verify the location could work. She described that the space would be primarily focused on corporate events but also open to weddings and other events.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioners verified with the applicant that the space would be more of an event center than a night club, and that there are no outside spaces associated with the use.
- Commissioners were concerned about how the parking/occupancy would be managed (the applicant did not know the plan for this).
- Commissioners talked with staff about adding conditions to the use and what options they have, verifying that there are no standards for vibration in the code.
- Commissioners discussed security provisions in the code and that the adjacent property owners are within the building and any impact on them could be an issue.
- Staff verified with the Commission that the parking that was allocated by the Harris Investment group.
- Commissioners were concerned about the number of occupants, noting that building code and/or fire code could restrict the occupancy beyond what parking counts would provide.
- The Commission discussed options for securing the space to the rest of the building, proposing "emergency exit only" on doors that could pose a concern.
- The Commission verified with the applicant that the plan does not show a food preparation area, and she also indicated that a sound study could show what improvements to the space could occur to offset noise impacts to the rest of the building. Ms. Estaba also clarified that the upper floors are only accessible to people with a fob to access those areas.
- Commissioners stated frustration that the owner of the building and/or the proposed business were not in attendance to address questions on the use and help address concerns.
- The Commission discussed the things that make them feel uncomfortable approving the CUP, specifically, the noise impacts on the above residential units, how the parking and occupancy would be managed, when security would be used, and what the food and drink services would be.
- Daniel Gonzales expressed his desire to turn the CUP down because he believes it would be detrimental to the general welfare of those in the vicinity (residential units on upper floors) and did not think it is an appropriate location. He needs objective evidence that the use won't have negative impacts.
- Commissioners discussed the risk of the proposal interfering with the lawful use of the adjacent properties (within the building). They expressed a desire to get a sound test done so they could know what conditions could mitigate the noise.
- Jonathon Hill floated the idea of verifying compliance with sound standards prior to a certificate of occupancy for the unit. Others supported this idea but would also support a continuance to verify there is no sound issue.
- Barbara DeSoto suggested that staff research separating a dance hall use from other event center uses in the future.

- Commissioners discussed the hesitation to approve something that may not work and just get shut down shortly after opening, they would rather verify it can meet the standards first and then come back for approval.
- Discussion about the need to verify details with the business led to listing things that the commission would want answered at the next hearing for this item.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

The Planning Commission identified the following findings as the basis of this decision or recommendation:

That there were not enough details on the proposal to make a decision. They listed the following items as requests to the business owner and applicant to come back with:

1. That a decibel study at property lines is conducted and reported on (with doors open and closed);
2. How the parking and occupancy will be managed;
3. How and when security would be used for events; and
4. Details of the planned food and beverage service.



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 W 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