

Provo City Planning Commission

Report of Action

April 12, 2023

ITEM #1 Provo 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) 852-6404 aardmore@provo.org

The following action was taken by the Planning Commission on the above described item at its regular meeting of April 12, 2023:

CONTINUED

On a vote of 6:0, the Planning Commission continued the above noted application to August 2023.

Motion By: Andrew South

Second By: Robert Knudsen

Votes in Favor of Motion: Andrew South, Robert Knudsen, Lisa Jensen, Jeff Whitlock, Daniel Gonzales, Melissa Kendall. Lisa Jensen 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. After an overview of the staff report from planning staff, Sargent Grow gave additional background and updates on Police calls to the site associated with the dance hall and responded to questions from the Commission.

CITY DEPARTMENTAL ISSUES

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

NEIGHBORHOOD MEETING DATE

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

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was present /addressed the Planning Commission during the public hearing.
- The Neighborhood Chair was not present or did not address the Planning Commission during the hearing.
- This item was City-wide or affected multiple neighborhoods.
- Multiple Neighborhood Chair(s) were present or addressed the Planning Commission.
- 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:

- Suzanna and Alfredo (of Enigma Events) noted that the events they hold are family events and do not result in many issues. They stated that they would like to find a resolution for their business to continue and have a chance to resolve issues stemming from the other users on the site.

- Luis Castro (of Afuego Fridays) noted that he holds Friday dances that are meant to be 18 and older, drug-free, and as a safe place for young people to go on the weekend. He also stated that he has been confused about his ability to control issues in the parking lot but would like to be able to resolve issues.
- Evan Rye (representing the property owners) illustrated his recent purchase of the building and leases and showed a willingness to increase lighting and cameras to help resolve the issues. He stated that the lease with these users contract 151 parking stalls for events.
- Jon Sanchez has worked with the business owners and would like to see them continue the business, stating that they do their best to control the events inside the building with security.
- Dulce Navas related her experience from attending events at Afuego Fridays, stating that she feels safe and that they check for weapons and drugs at the door.
- Ezra Castro spoke on the need for an event space like Afuego Fridays and believes that they do all they can to make people feel safe at events, but they struggle to control people once they leave the venue.
- Alexandra Miranda related her experience working with the club and attending events and stated that the issues seem to be coming from the parking lot that isn't controlled by the business owners.
- Andreas (did not state last name) spoke on his experience working with Afuego Fridays and has seen the business owner try to run a clean and safe place and thinks the business continuing is important to the community.

APPLICANT RESPONSE

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

- Planning staff and Sargent Grow responded to the PC questions on the history of the use and what ability the commission has to work with the business and property owners to resolve the issues on the site.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Commission asked questions regarding the use and how many of the police calls are directly tied to the use, what attempted resolutions have been sought, how it compares to other dance halls in the city, and what standards the Commission would have to use as a basis for revocation.
- The Commission asked the business owners and property owner clarifying questions on the events, what measures have been taken, and how this revocation would impact them.
- The Commissioners discussed that there is a willingness to hire security for the parking lot from the business owners, and a willingness to increase lighting and security from the property owner; and that they should be given time to try these measures and see if it improves the number of calls and complaints at the site.
- The Commission detailed when the calls have come into the police, what the adjacent users were, and how some of the calls may not be directly tied to the events associated with the CUP.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

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

- That the business owners and property owners are willing to enhance security in the parking lot, lighting, and cameras at the site to reduce the number of police calls and disturbances on the property. A continuance of four months would allow them to install these measures and demonstrate to staff that things are improving. The next staff report should give more details on the police calls to pinpoint the cause of the calls.



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 Development Services, 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