ITEM 1 Seth Wright, representing White Shanty Events, requests approval of a Conditional Use Permit for SLU# 6299 (Reception & Events) located at 502 South 300 West in the Interim Transit Oriented Development (ITOD) Zone. Franklin Neighborhood. 16-0013CUP, Aaron Ardmore, 801-852-6404

The following action was taken on the above described item by an Administrative Hearing Officer, acting in behalf of the Provo City Planning Commission, on January 18, 2017:

APPROVED WITH CONDITIONS

Administrative Hearing Officer: Brian Maxfield

Includes facts of the case, analysis, and conclusions outlined in the Staff Report, with any changes noted. Administrative Hearing Officer determination is consistent with the Staff analysis and determination.

Conditions of Approval:
1. That all remaining CRC issues be resolved.
2. That all site improvements shown on the final approved plans, including landscaping and paving, be installed no later than May 1st, 2017.

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.

NEIGHBORHOOD AND PUBLIC COMMENT
The Neighborhood Chair was not present or did not address the Administrative Hearing Officer during the hearing. Neighbors or other interested parties were not present or did not address the Administrative Hearing Officer.

APPLICANT RESPONSE
Key points addressed in the applicant's presentation to the Administrative Hearing Officer included the following:
1. Applicant discussed options and process for moving forward.

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report for further detailed information. The Staff Report is a part of the record of the decision of this item.

Administrative decisions of the may be appealed by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, within fourteen (14) calendar days of the Hearing Officer'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
ITEM 1

Seth Wright, representing White Shanty Events, requests approval of a Conditional Use Permit for SLU# 6219 (Reception & Events) located at 502 South 300 West in the Interim Transit Oriented Development (ITOD) Zone and for off-site parking for the same address. **Franklin Neighborhood**. 16-0013CUP, Aaron Ardmore, 801-852-6404

**Applicant:** White Shanty, Seth Wright  
**Staff Coordinator:** Aaron Ardmore  
**Property Owner:** Pamela Field  
**Parcel ID#:** 04:004:0014, 04:004:0013  
**Current Zone:** ITOD  
**Proposed Zone:** ITOD  
**General Plan Designation:** TOD  
**Acreage:** 0.60  
**Number of Properties:** 2  
**Number of Lots:** 2  
**Total Building Square Feet:** 12,030

**Council Action Required:** No

**Current Legal Use:** Commercial property for manufacturing industrial furniture and showroom.

**Relevant History:** Previous use of the property was a welding and fabrication shop that closed in 2015. The applicant renovated the building and site during the summer of 2016 *without* approval from Provo City. The applicant applied for a Conditional Use Permit for receptions and events August 3rd, 2016. The item was continued from the October 5th Administrative Hearing because the applicant was not ready. At the December 7th Hearing, the applicant presented new information that staff needed to review, and the item was continued again.

**Neighborhood Issues:** There has been some concern among neighbors over safety and parking. The neighborhood chair likes the use for the area.

**Summary of Key Issues:**
- The Coordinator Review Committee is still reviewing this item.
- Initial plans submitted were lacking sufficient parking and landscaping details.
- New Plans have shown improvements requested by staff.

**Staff Recommendation:** That the permit for reception and events be approved, with the following condition:  
1. That all remaining CRC issues be resolved.  
2. That all site improvements shown on the final approved plans, including landscaping and paving, be installed no later than May 1st, 2017.
OVERVIEW

The applicant, Seth Wright, is requesting a Conditional Use Permit for a reception center at 502 South 300 West. He currently runs a furniture machine shop and showroom at the same address. Mr. Wright started this business in July of 2016, around which time he made improvements to the façade and grounds of the building and property.

The applicant applied for this Conditional Use Permit in order to allow groups to rent his space for receptions and gatherings during non-business hours. The application for the conditional use permit was reviewed by staff and review comments stating changes required were sent to the applicant’s email on August 24th, 2016.

At the October 5th, 2016 Administrative Hearing, this item was continued so the applicant could determine his best path forward after some discussion of what is needed with staff. From that time up until the following December 7th Hearing, staff had not received anything new from the applicant, but there had been continued events held without an approved conditional use permit. The day prior to the December 7th Hearing, staff received new plans that addressed some of the previous concerns, and the item was continued to allow staff to review the revised plans.

The applicant has addressed most the concerns at the time of this report and is moving towards final approval. The current proposal shows new paved parking that will meet Provo City Code (attachment #1). It is anticipated that the applicant will meet all remaining concerns from planning, storm water, and fire departments.

PLANNING REVIEW

1. Compliance with 14.02.040

The ordinance, in part, is as follows:

(1) The Planning Commission may, subject to the procedures and standards set forth in this Chapter, grant, conditionally grant, or deny an application for a Conditional Use Permit for uses allowed by the chapter for the applicable zone. The purpose of a Conditional Use Permit is to allow proper integration of uses into the community which may only be suitable in specific locations and may have potentially detrimental characteristics if not properly designed, located, and conditioned. (Responses in bold).

(2) 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. **Staff believes that the proposed conditions will limit any detriment to health, safety, or general welfare to persons or 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:

(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; **No unreasonable risks due to traffic or parking will be caused by the conditional approval of this proposal. Parking will be improved due to the proposed permit.**

(ii) if the proposed use will unreasonably interfere with the lawful use of surrounding property: **The surrounding property will not be unreasonably interfered with due to this permit, as the Fire Department has placed occupancy limits on events that will decrease parking demand for future events.**

(iii) if the proposed use will create a need for essential municipal services which cannot be reasonably met; **The proposed use will not create additional need for municipal services that cannot be reasonably met. Storm water services will need to be addressed.**

(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 sees no other way, with the proposed conditions, that this use would be detrimental to the health, safety, or general welfare or persons or property in the area.**

(c) A change in the market value of real estate shall not be a basis for the denial of a proposed conditional use.

(d) If a part of a proposed conditional use is found to be contrary to the standards described in this section, the applicant may propose or consent to curative measures which will make the proposed use not contrary to the standards described in this section.

2. **Landscaping** – The plans also show a new fence to obscure the manufacturing storage yard from the parking lot, and increased landscaping on the perimeter of the parking lot.

3. **Parking** – The proposed plan shows a new paved parking lot on the west of the property, providing fifteen spaces required for the existing manufacturing use. Those same spaces would satisfy the parking for the proposed event space, since the two businesses operate at different hours.

4. **Other Concerns** – Building inspection staff has requested changes to show accessible parking spaces and entrances.
CONCLUSIONS

Staff has seen that the applicant is moving forward and meeting the requirements of the zone. It is anticipated that the applicant will be able to finish the CRC process and have this plans approved by all City departments. This use gives more positive activity to a changing part of the City and is a good use for the land.

RECOMMENDATION

That the permit for reception and events be approved, with the following condition:

CONDITIONS

1. That all remaining CRC issues be resolved.

2. That all site improvements shown on the final approved plans, including landscaping and paving, be installed no later than May 1st, 2017.

ATTACHMENTS

1. Proposed Parking Plan
ATTACHMENT #1 – Proposed Parking Plan