ITEM 1  Scott Wiley requests a conditional use permit for a recording studio (SLU 4760) located at 2342 North University Parkway in the SC-3 Zone.  *Carterville Neighborhood.*  15-0018CUP, Josh Yost, 801-852-6408

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 November 4, 2015:

**APPROVE**

Administrative Hearing Officer: Bill Peperone

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. The applicant will comply will all departmental requirements through a project plan review.
2. The applicant will obtain a building prior to beginning any construction.

**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.

The subject property is located at 2342 North University Parkway within the Plum Tree shopping center, directly north of the drive access to University Parkway. The shopping center contains dining, retail and entertainment uses consistent with the Regional Shopping Center Zone. The Subject property is a former tire and automotive center. The applicant requests a conditional use permit to use the building as an audio recording studio. The proposed use is not anticipated to have any adverse effect on the surrounding business or structures. The proposed recording studio use will generate fewer vehicle trips, decrease parking demand and produce less outside noise than the previous automotive center use.

**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**

The applicant concurred with the staff presentation and recommendation:

Administrative Hearing Officer

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 Scott Wiley requests a conditional use permit for a recording studio (SLU 4760) located at 2342 North University Parkway in the SC-3 Zone.  

Applicant: Scott Wiley  
Staff Coordinator: Josh Yost  
Property Owner: SFP C LIMITED PARTNERSHIP  
Parcel ID#: 190010118  
Current Zone: Regional Shopping Center (SC3)  
Proposed Zone: SC3  
General Plan Designation: Mixed use  
Acreage: 0.57  
Number of Properties: 1  
Number of Lots: 1  
Total Building Square Feet: 6,636  

Current Legal Use: The building has been vacant for some time but it was previously used as an automotive center  
Relevant History: The Plumb Tree shopping center was developed in the early 1990s. This building was constructed in 1992 as a tire and automotive center.  
Neighborhood Issues: None received.  
Summary of Key Issues: The proposed recording studio use will generate fewer vehicle trips, reduced parking demand and less noise than the previous automotive center use. According to applicable city code, 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. A conditional use should be granted for the proposed use as it will not result in any of the detrimental effects enumerated by the ordinance.  
Staff Recommendation: Approve the conditional use permit for a recording studio located at 2342 North University Parkway in the SC-3 Zone.

Alternative Actions:  
1. **Approve** the requested Conditional Use Permit, **with conditions.** *This action would be consistent with the recommendations of the Staff Report*  
2. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is November 18, 2015, 5:00 P.M.*  
3. **Deny** the requested Conditional Use Permit. *This action would not be consistent with the recommendations of this Staff Report. The Planning Commission should state new findings.*
OVERVIEW

The subject property is located at 2342 North University Parkway within the Plum Tree shopping center, directly north of the drive access to University Parkway. The shopping center contains dining, retail and entertainment uses consistent with the Regional Shopping Center Zone. The Subject property is a former tire and automotive center. The applicant requests a conditional use permit to use the building as an audio recording studio. The proposed use is not anticipated to have any adverse effect on the surrounding business or structures. The proposed recording studio use will generate fewer vehicle trips, decrease parking demand and produce less outside noise than the previous automotive center use.

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.

   (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.

      (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;

         The proposed recording studio use will generate fewer vehicle trips and exhibit decrease parking demand than most of the other businesses with the shopping center.

         (ii) if the proposed use will unreasonably interfere with the lawful use of surrounding property;

         All use of the property will be contained within the building and parking will be contained within the site boundaries.

         (iii) if the proposed use will create a need for essential municipal services which cannot be reasonably met;

         The proposed use will not create a need for essential municipal utilities substantially different from the previous auto center use.
(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 does not anticipate that the proposed use will be detrimental in any manner listed above. The use will be contained within the building, will generate little visible activity and generally have a negligible impact on its surroundings.

(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.

The proposed use is compliant with the ordinance and will not result in any of the prohibited impacts stated in the ordinance above.

2. Project Plan Approval
   Any changes to the exterior of the site will require project plan review prior to the issuance of a building permit.

3. Design Review
   Staff does not anticipate that this project will be subject to Design Review Committee approval.

4. Landscaping
   The issuance of a condition use permit will not require any changes to the site landscaping.

5. Trash Container Enclosure
   A compliant trash container enclosure currently exists on the site.

6. Fencing
   No additional fencing is required in this location.

7. Parking
   The currently provided 22 parking stalls are compliant with the off-street parking standards for “Uses Not Specified” per Provo Code 14.37.070.

8. Signage
   A separate building permit will be required before the installation of any signage.

9. Transitional Development Standards
   Not applicable in this location.

10. Design Corridor
    The subject property is not with a design corridor.

11. Other Concerns
    No other concerns.
BUILDING INSPECTION REVIEW

Skip Tandy, Commercial Plans Examiner

A recording studio is considered "B" Occupancy and the occupant load would be a total of 67 persons based upon the square footage; however, how will the building be divided? Would there ever be a full orchestra and would a dance ever be held here?

Plans must be submitted depicting the interior changes: How the building will be divided? How many exits from each area? If dance were ever to be held, the overall occupant load would change and a fire sprinkler system could be required.

OTHER CITY DEPARTMENTS

Ty Nielsen, City Forester:

    Tree preservation plan required.

Lynn Schofield, Fire Marshall

    Will require fire protection plan and information on soundproofing.

CONCLUSIONS

The proposed use is compliant with the ordinance and will not result in any of the stated prohibited impacts. The ordinance states that such compliant conditional uses shall be granted.

RECOMMENDATION

Approve the conditional use permit for a recording studio located at 2342 North University Parkway in the SC-3 Zone.

CONDITIONS OF APPROVAL

The applicant will comply with all departmental requirements through a project plan review.

The applicant will obtain a building prior to beginning any construction.