

Planning Commission Staff Report

File #43C23

**Public Hearing and Consideration for a
Conditional Use Permit to Operate a Reception
Center**



Department of Community Development

Meeting Date:	November 14, 2023
Agenda Item:	Public Hearing and Consideration for a Conditional Use Permit to Operate a Reception Center
Subject Property Address:	4122 S 1785 W
Applicant:	Gregoria Gallegos
Applicant Agent:	N/A
Author:	Terryne Bergeson, Planner I
Zoning Designation:	Community Commercial (CC)
General Plan Designation:	Community Commercial (CC)
Parcel #:	21031280980000
Applicable Ordinances:	13.08.020, 13.23.200, 13.33
Agenda item #:	3

Attachments:

Exhibit A: Operation Details
Exhibit B: Site Photos
Exhibit C: Floor Plan
Exhibit D: Security Guard License

Exhibit E: Zoning Map
Exhibit F: General Plan Map
Exhibit G: Site Map
Exhibit H: Vicinity

Summary:

Eventos Villa Magnolia is a reception center that has been operating in Carriage Square for years. William Merlitch, previous owner, has maintained a business license since 2017. He is now transferring ownership to the applicant, Gregoria Gallegos. When a business changes owners, the new owner must apply for and maintain a business license in their name. This new application triggers the regular business license review process, including verifying compliance applicable ordinances, such as the permitted uses listed in the Taylorsville Land Development Code. Reception centers in the Community Commercial zone require the approval of a nonadministrative conditional use permit and there is no record of this approval on file for Eventos Villa Magnolia. The new applicant has applied for this permit to bring the operation into compliance with applicable ordinances.

Conditional Use Permits are governed by Utah State Code and must meet the provisions outlined in 10-9a-507. If the Planning Commission were to deny the CUP request it must be determined that *“reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied”*.

Adjacent Land Uses

North	South	East	West
Community Commercial (CC) - <i>Carriage Square and 4100 S</i>	Community Commercial (CC) - <i>Carriage Square</i>	Community Commercial (CC) - <i>Carriage Square</i>	Community Commercial (CC) - <i>Carriage Square Property and Carwash</i>

Public Comment

A public notice was mailed to property owners within 300 feet of the subject property on November 3, 2023. As of November 9, 2023, staff received no public comment.

Analysis

The parcel is zoned Community Commercial and has a General Plan designation of Community Commercial. The request is consistent with the General Plan and requires a non-administrative conditional use permit, which is being requested.

Section 13.33.050 of the LDC states the following related to the City's authority to impose conditions of approval on a conditional use permit application:

In order to achieve compliance with the standards set forth herein, the city may impose conditions that address:

- A. Size, configuration, and location of the site and the proposed site plan layout.*
- B. Proposed site ingress and egress to existing and proposed roads and streets.*
- C. The adequacy, provision, relocation, or protection of public facilities and amenities, including roads and streets, culinary water, secondary water, sanitary sewer, storm drainage, public safety and fire protections, and other utilities.*
- D. Design, location, and amount of off street parking, loading areas and solid waste disposal, and refuse collection areas.*
- E. Site circulation patterns for vehicular, pedestrian and other traffic.*

F. Massing, size, number, location, design, exterior features, materials, and colors of buildings, structures, and other facilities.

G. The location and design of all site features, including proposed signage, lighting, and site furnishings.

H. The provision of usable open space, public features, and recreational amenities.

I. Fencing, screening and landscape treatments, and other features designed to increase the attractiveness and safety of the site and protect adjoining property owners from noise, visual, and other impacts.

J. Measures directed at minimizing or eliminating possible nuisance factors including, but not limited to, noise, vibrations, smoke, dust, dirt, debris, plant materials, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation.

K. Measures designed to protect the natural features of the site including wetlands and drainageways, groundwater protection, soils, wildlife, and plant life.

L. The regulation of operating hours for activities affecting normal schedules and functions.

M. Identifying a time for regular review and monitoring, as determined necessary, to ensure the use continues to operate in compliance with all conditions and requirements of approval.

N. Measures to ensure compliance with all conditions and requirements of approval, including, but not limited to, bonds, letters of credit, improvement agreements, agreements to conditions, road maintenance funds, and restrictive covenants.

O. Such other conditions determined reasonable and necessary by the city to allow the operation of the proposed conditional use, at the proposed location in compliance with the requirements of this code.

HOURS OF OPERATION: The location is within 250 feet of a residential zone which requires that the Planning Commission approve hours of operation past 10 pm. The applicant submitted a details about the operation including hours of operation. These are the same hours the business has been operating with and no changes are proposed with the change of ownership. The hours are Monday-Thursday from 12pm to 6 pm and Friday and Saturday from 12 pm to 12 am. Staff requested records related to calls at this location and verified that there have only been two minor incidents in the past 2 years. Considering the few calls to the location and the lack of response from adjacent property owners, staff has not identified negative impacts from allowing the hours of operation.

OCCUPANCY: A floorplan and site photos can be seen in exhibits B and C. The entire space has a total of approximately 5,875 square feet with fire sprinklers and three exits. The applicant provides moveable tables and chairs. The Building Official was consulted on an occupancy load and determined that 391 is the occupancy limit for the events that include tables and chairs as part of the arrangement, based on the 15 square feet per occupant ratio in the International Building Code.

ALCOHOL: Department of Alcohol Beverage Services issues permits for serving and selling alcohol. "If you do not charge your guests for alcoholic beverages and do not charge for admission to an event where alcohol is provided such as a hosted bar, and your event is not open to the general public, then you will not need a permit from the DABS or from a local jurisdiction to serve liquor and beer at your event... If you hold your event in an unlicensed location, the location must not be open or accessible to the general public."

The type of events held at the location fit the DABS's definition of private events and therefore do not require special permits for alcohol. The applicant informed staff that some events are held where alcohol is served. As stated by the applicant in exhibit A, Salones Magnolias Eventos has 5-8 employees who are present during events. The applicant stated that for events where alcohol is

served, the customer brings their own alcohol and certain certified employees serve the alcohol. One staff member is a licensed security guard, the license can be seen in exhibit D.

Findings

1. Gregoria Gallegos has recently become the owner of Eventos Villa Magnolia, now known as Salones Magnolias Eventos.
2. Salones Magnolias Eventos is an existing reception center located at 4122 S 1785 W.
3. The location is zoned Community Commercial.
4. Per 13.08.020 a Reception Center in the CC zone requires a Non-Administrative Conditional Use Permit granted by the Planning Commission.
5. As part of the business license process, the location must have an approved nonadministrative conditional use permit for a reception center.
6. The space is used for customers to rent the space and host private events.
7. The applicant will allow customers renting the space to bring their own alcohol. Per DABS, permits are not required for an event which is closed to the public. Tickets for entry cannot be sold and alcohol cannot be sold.
8. Applicant states that when an event allows alcohol, certified employees serve the alcohol.
9. The applicant provided an active license for a security guard on staff who is present at events.
10. Hours of operation are Monday-Thursday from 12 pm to 6 pm and Friday- Saturday 12 pm-12 am.
11. Conditional Use Permits are governed by Utah State Code and must meet the provisions outlined in 10-9a-507.

Staff Recommendation

Staff is recommending approval of the Reception Center with the conditions below:

Conditions of Approval

1. The applicant complies with requirements of all applicable reviewing agencies.
2. The Conditional Use Permit is subject to review and revocation upon substantiated complaint or citation.
3. Any changes to the structure will require a building permit.
4. The applicant shall remain compliant with all business licensing requirements.
5. The business must conform to Salt Lake County's noise ordinance.
6. The center may only be used for private events.
7. Alcohol use must be in compliance with DABS requirements and regulations.
8. Alcohol may only be served at private events by a person with active certification to serve alcohol.
9. The hours of operation are permitted to be extended on Friday and Saturday nights until 12 am.

Recommended Motion

I move that we approve File #43C23 for a request for a Conditional Use Permit to operate a Reception Center at 4122 S 1785 W.

Monday ^{Thursday} - ^{Friday}
HOURS: 12pm - 6pm ~~6pm~~ SATURDAY 12p-12Am

Employees: Food servers 5-8 persons

Types of Events: Family birthday parties
& Wedding

Noise: - keep back doors closed like
~~walls~~ - we have always controlled
the noise.

Former business:

Events Villa Magnolia

Owner: William Mertlich











Galaxy S23+

STATE OF UTAH DEPARTMENT OF COMMERCE ACTIVE LICENSE		REFERENCE NUMBER(S), CLASSIFICATION(S) & DETAIL(S)
 David Antonio Lara		12538207-6302 Armed Private Security Officer
EFFECTIVE 07/28/2023	EXPIRATION 11/30/2024	SIGNATURE OF HOLDER

IMPORTANT LICENSURE REMINDERS:

- Your license is valid until the expiration date listed on this form. Approximately 60 days prior to this expiration you will receive a renewal notice by email.
- Please note the address listed below is your public address of record for the Division. All future correspondence from the Division will be either mailed to this address or emailed to the email on record. If you move or change your email, it is your responsibility to keep DOPL informed. Maintaining a current address AND email with DOPL is the easiest way to ensure continuous licensure.

DAVID ANTONIO LARA
454 N 800 W #2
SALT LAKE CITY UT 84116

Please visit our web site at
www.dopl.utah.gov should you have any
questions in the future.

**STATE OF UTAH
DEPARTMENT OF COMMERCE
DIVISION OF PROFESSIONAL LICENSING**

ACTIVE LICENSE



EFFECTIVE DATE: 07/28/2023
EXPIRATION DATE: 11/30/2024
ISSUED TO: David Antonio Lara

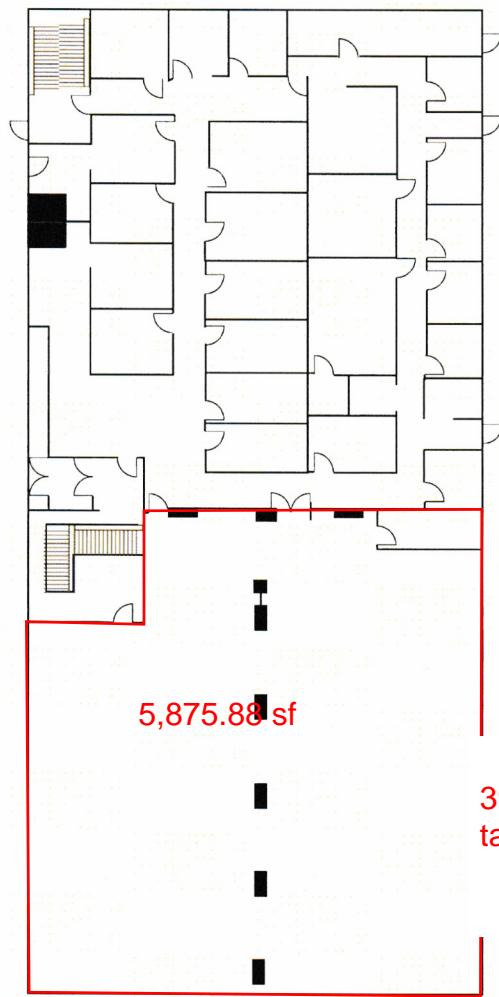
REFERENCE NUMBER(S), CLASSIFICATION(S) & DETAIL(S)

12538207-6302 Armed Private Security Officer

SIGNATURE OF HOLDER

Floor Plans

First Floor



391 occupants with
tables and chairs

Second Floor

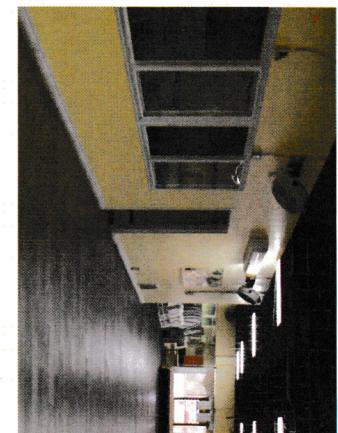
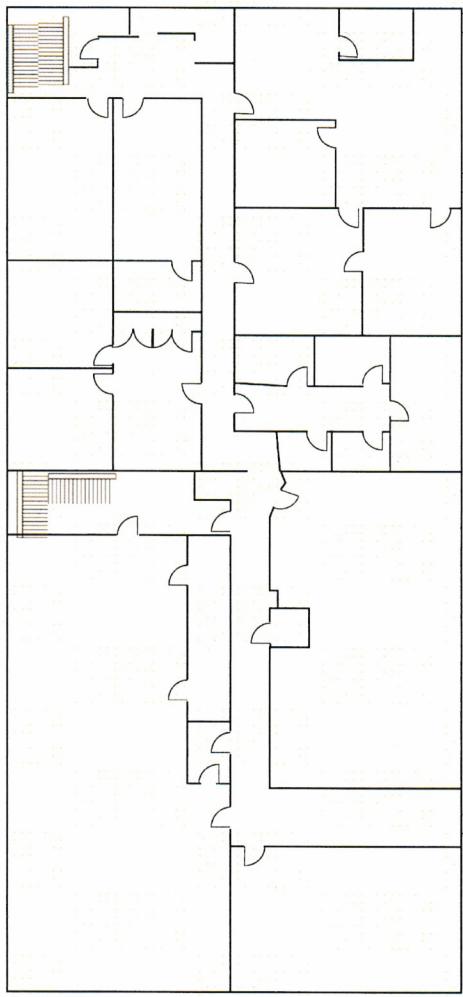
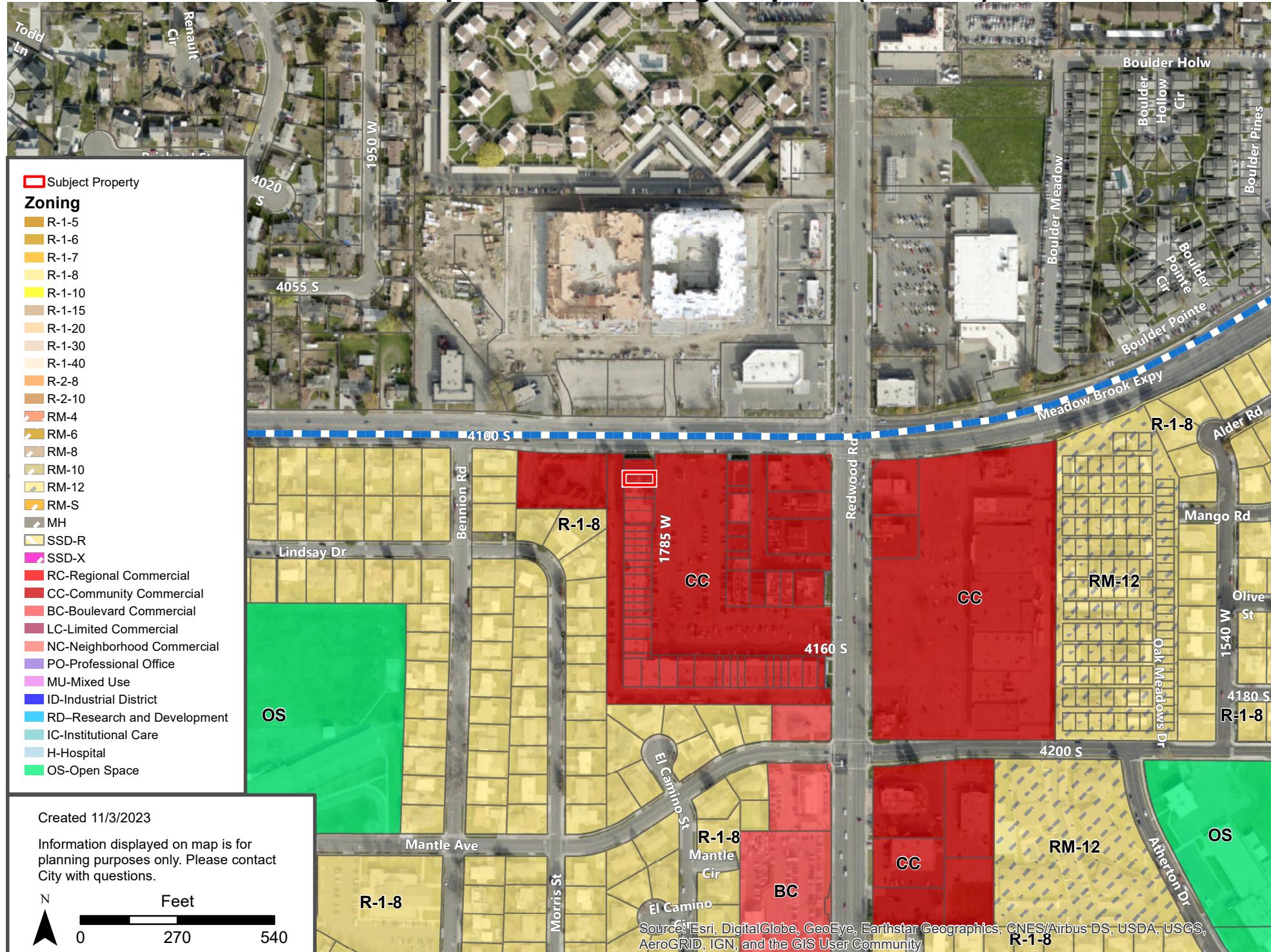
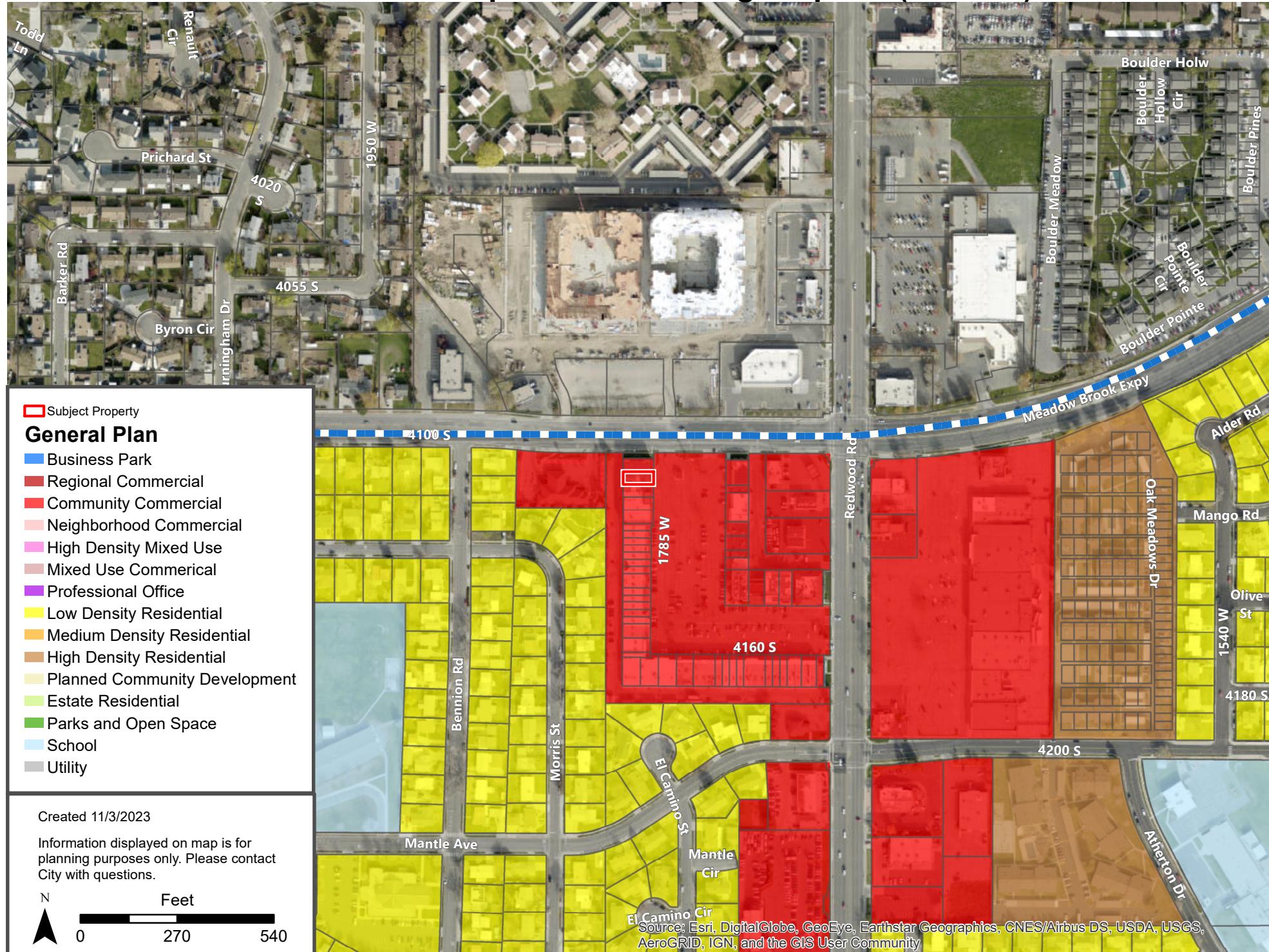


Exhibit A

Zoning Map: 4122 S. Carriage Square (1785 W.)



General Plan Map: 4122 S. Carriage Square (1785 W.)



Site Map: 4122 S. Carriage Square (1785 W.)



Vicinity Map: 4122 S. Carriage Square (1785 W.)

