

Planning Commission Staff Report

File #19C23

Consideration of a Conditional Use Permit for a
Reception Center Located at 4156 S 1785 W



Department of Community Development

Meeting Date:	June 27, 2023
Agenda Item:	Consideration of a Conditional Use Permit for a Reception Center at 4164 S Carriage Square (4156 S 1785 W)
Subject Property Address:	4156 S 1785 W
Applicant:	Cassie Vallejo
Applicant Agent:	N/A
Author:	Terryne Bergeson, Planner I
Zoning Designation:	Community Commercial (CC)
General Plan Designation:	Community Commercial (CC)
Parcel #:	21031281140000
Applicable Ordinances:	13.08.020, 13.23.200, 13.33
Agenda item #:	5

Attachments:

Exhibit A: Zoning Map
Exhibit B: General Plan Map
Exhibit C: Subject Property
Exhibit D: Vicinity Map
Exhibit E: Owner Affidavit
Exhibit F: Floor Plan
Exhibit G: Site Photos
Exhibit H: Public Comment

Summary:

The applicant is requesting a Non-Administrative Conditional Use Permit (CUP) to operate a Reception Center in Carriage Square and an hours of operation extension. The applicant would like to host alcoholic receptions. The applicant's CUP application including the following request:

"My plan is to run a little event center for small events, birthday parties, baby showers, some work or family gatherings, private events, workshops. I would like to be able to let the guest bring their own alcohol not serve or sell. I would like my business hours to be from 8 am-1 am if possible, but if not, at least 12 am."

The property is in the Community Commercial (CC) zone and per the Land Use Table (13.08.020) a Reception Center requires a Non-Administrative Conditional Use Permit granted by the Planning Commission.

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"*.

A business license application was submitted, and the applicant was informed of the conditional use permit requirement. Code enforcement has received complaints that parties have been hosted at the center, but applicant has stated that these were family events. Through the complaints detrimental impacts have been identified and proposed conditions are addressed further in this report.

The Planning Commission will review the information presented in this staff report to determine if there are conditions that can be imposed to mitigate negative impacts on the following listed in [13.33.040 General Standards For All Conditional Uses:](#)

- 1. The health, safety, and welfare of the city and its present and future inhabitants and businesses.*
- 2. The prosperity of the city and its present and future inhabitants and businesses.*
- 3. The morals, peace and good order, comfort, convenience, and aesthetics of the city and its present and future inhabitants and businesses.*
- 4. The tax base.*
- 5. Economy in governmental expenditures.*
- 6. The state's agricultural and other industries.*
- 7. The urban and nonurban development.*
- 8. Access to sunlight for solar energy devices.*
- 9. Property values.*

Adjacent Land Uses

North	South	East	West
CC- Carriage Square	CC- Carriage Square	CC-Carriage Square	R-1-8- Residential

Public Comment

There were two comments received. The main concern is the noise from the events as well as hours of operation. Concerns about late hours on weeknights was a concern as well. The applicant spoke to both concerns, addressed in the analysis. Public comments can be read in exhibit H.

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. Additionally, per Taylorsville Land Development Code [Section 13.23.200](#), a business located within 250 feet of residential must receive approval from the Planning Commission to operate past 10 pm. The applicant has requested that hours of operation be extended to 1 am.

The address point assigned to the location on the county parcel viewer is 4156 S. 1785 W. Staff will refer to the property as the applicant listed in the application: 4164 S. Carriage Square. This is the posted address on the building and used as the mailing address. Like many of the Carriage Square properties, the posted address does not match the assigned address points. Staff discussed this with the GIS Planner. This issue is being addressed for the entire Carriage Square Shopping Center and solutions are being considered with the relevant agencies and property owners. Until the discrepancies are resolved, emergency services and post office are aware and have been able to provide services in spite of the discrepancies.

HOURS OF OPERATION:

The applicant is requesting to allow events to be held until 1 am on Friday and Saturday nights. The hours of operation on Sunday-Thursday will remain the standard 10 pm. [Section 13.23.200](#) states that the Planning Commission may approve requests for a business to operate after 10 pm when within 250 feet residential.

ALCOHOL:

Department of Alcohol Beverage Services provides permits for serving and selling alcohol. According to the applicant's letter, her space will only host private events and customers/hosts will not be permitted to sell alcohol. DABS does not require private event hosts obtain a permit. Permits are not required if an event is closed to the public and the alcohol is not available for purchase. According to information from the DABS website:

"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."

NOISE:

Public comment included a video for the purposes of demonstrating the noise that adjacent residents experience. The first video captures noise caused by children who went into the employee parking area via the west/ rear door (exhibit F, G). The applicant spoke to this and has taken steps to prevent attendees from using the rear door by changing the hardware, prohibiting access to the alley way that abuts residential. The second video has background music coming from the venue, but it is

unclear if the rear door was open or if the music was loud enough to be heard with the rear door closed. The applicant has stated that she expects the door remaining closed at all times will mitigate the noise.

OTHER :

Changes to the structure are not possible without significant cost to the tenant or property owner. The Building Official has reviewed the floor plan and recognizes that the total occupancy cannot exceed 48. The applicant plans to create a contract outlining specific rules that renters of the space must adhere to, to ensure that all attendees of events understand the requirements. Such as:

- Use of west door is restricted to emergency use only (applicant can speak to this- has not provided photos, can coordinate with building to ensure compliance with building/ fire codes).
- Approved event time
- Establish a time by which the venue must be completely empty (would apply to host for cleanup time)
- Any applicable rules surrounding alcohol use, if approved.

SECTION 13.33.050:

Taylorsville Land Development Code 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.

Findings

1. This application was initiated by Cassie Vallejo.
2. Per 13.08.020 a Reception Center in the CC zone requires a Non-Administrative Conditional Use Permit granted by the Planning Commission.
3. The space will be available for customers to rent the space and host private events.
4. The applicant will allow customers renting the space to bring their own alcohol. Per DABS, permits are not required for this type of use.
5. All events held at the center must be closed to the public. Tickets for entry cannot be sold and alcohol cannot be sold.
6. The location is within 250 feet of residential.
7. Planning Commission may grant a request for extended hours of operation within 250 feet of residential.
8. The applicant is requesting Planning Commission approval for extended hours to 1 am on Friday and Saturday nights.
9. Conditional Use Permits are governed by Utah State Code and must meet the provisions outlined in 10-9a-507.
10. Staff has conducted an analysis of the site and received public input.
11. Staff has identified a list of proposed conditions intended to mitigate effects on the surrounding sites.

Staff Recommendation

Staff recommends that the Planning Commission consider the information and findings presented in this staff report and exhibits. The Planning Commission may:

- Approve the request for the conditional use permit to operate a reception center at 4164 S Carriage Square (parcel ID # 21031281140000) and the applicant's request for extended operating hours on Friday and Saturday nights until 1 am, subject to the conditions of approval.
- Approve the request for the conditional use permit to operate a reception center at 4164 S Carriage Square (parcel ID # 21031281140000) and approve an amended request for extended operating hours on Friday and Saturday nights until 12 am, subject to the conditions of approval listed in this staff report.
- Approve the request for the conditional use permit to operate the reception center at 4164 S Carriage Square, with normal business operating hours, subject to the conditions of approval listed in this staff report.
- Deny the conditional use permit if the Planning Commission finds that conditions cannot be imposed to mitigate the negative effects to surrounding area, specifically to *"The morals, peace and good order, comfort, convenience, and aesthetics of the city and its present and future inhabitants and businesses."* as identified in [Section 13.33.040](#).

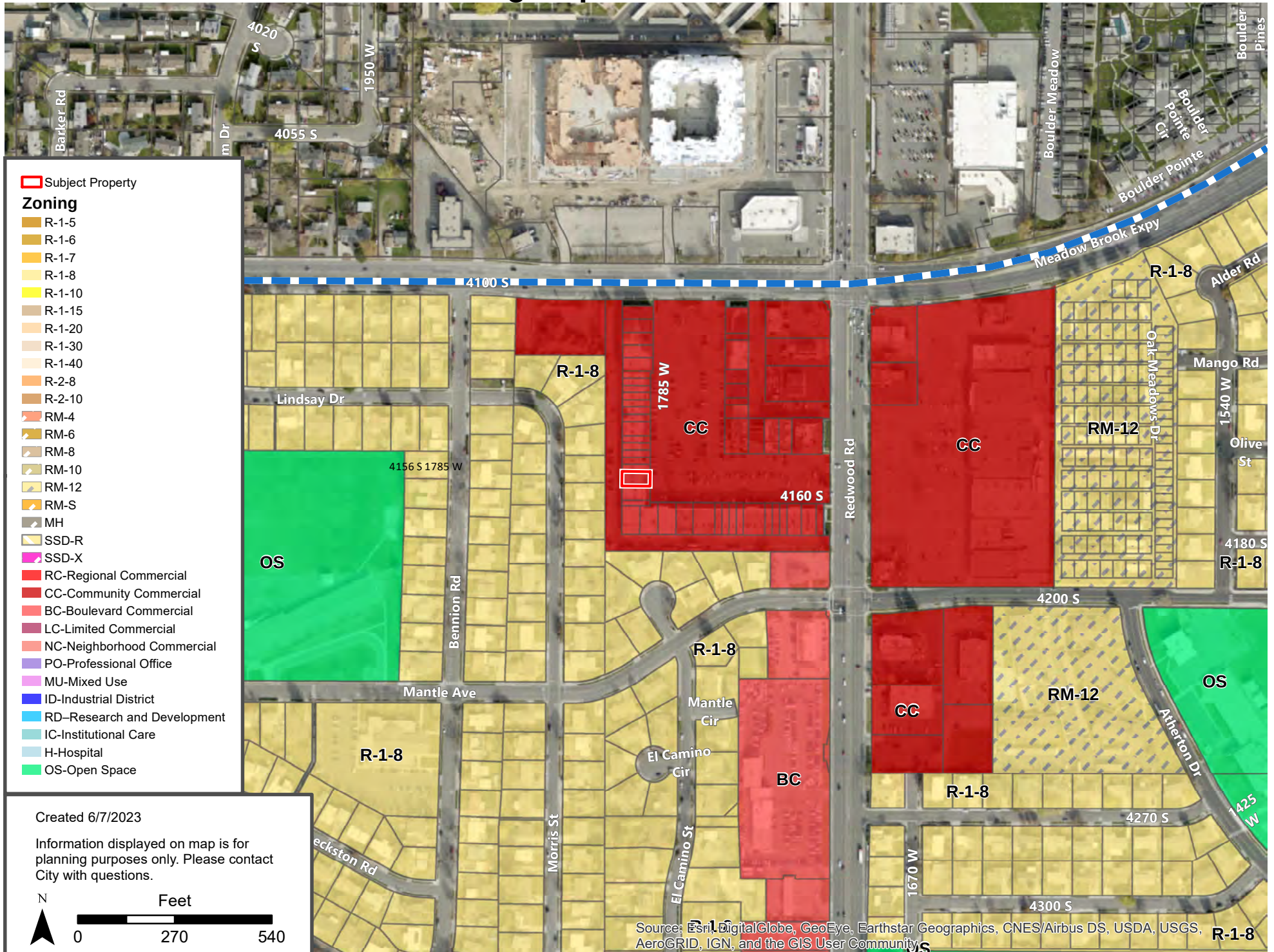
Conditions of Approval

1. The applicant complies with all 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. Compliance with applicable building and fire codes must be maintained.
5. The applicant shall remain compliant with all business licensing requirements.
6. The business must conform to Salt Lake County's noise ordinance.
7. Customers/ hosts may serve alcohol according to DABS rules for private events only.
8. The sale of alcohol or hosting of public events is prohibited.
9. The Planning Commission shall determine the approved hours of operation.

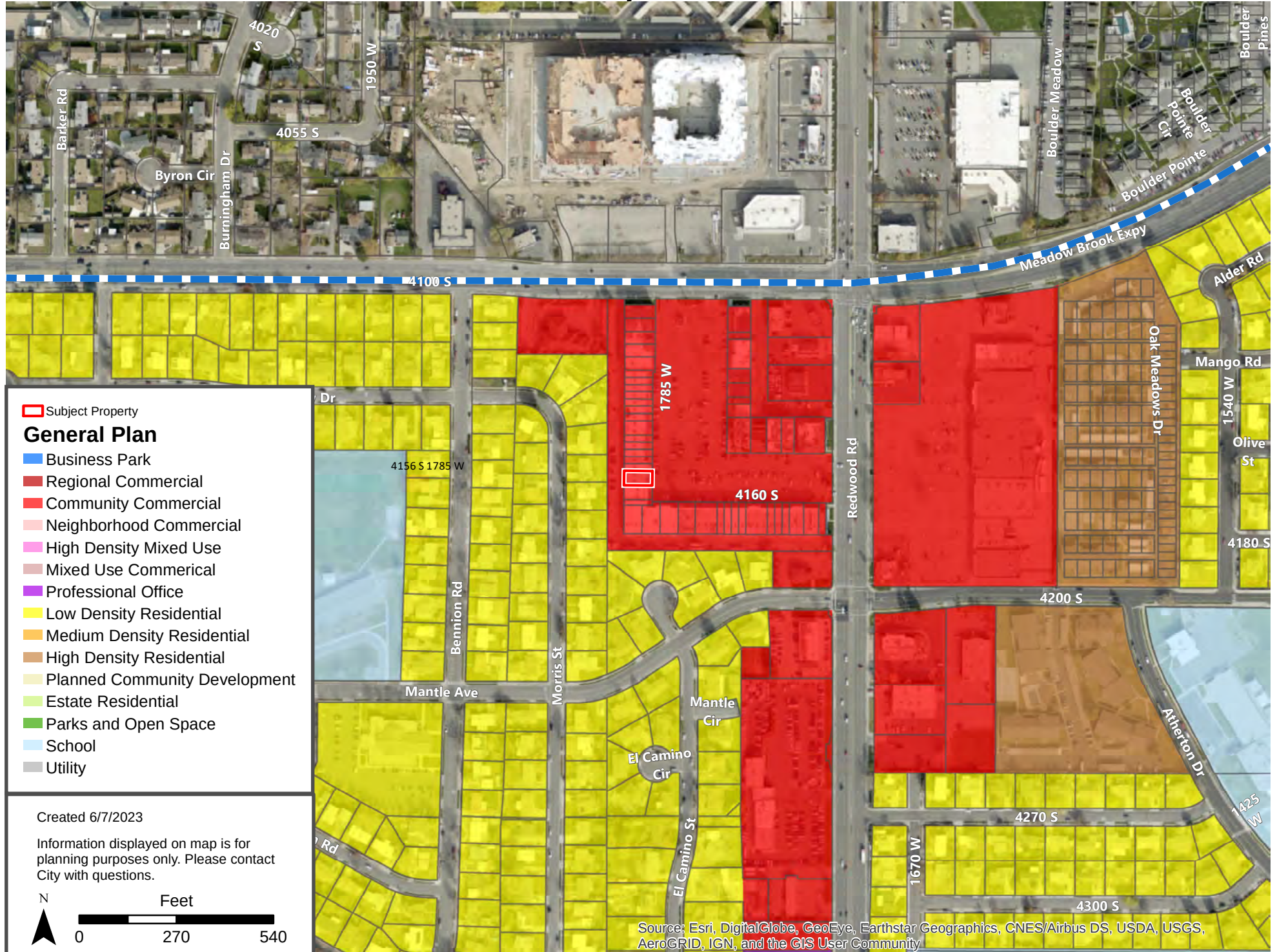
Possible Motions

- Move to approve File #19C23 request for a Conditional Use Permit to operate a Reception Center at 4164 S Carriage Square (parcel ID# 21031281140000) and an hours of operation extension to operate until 1 am, subject to the conditions of approval.
- Move to approve File #19C23 request for a Conditional Use Permit to operate a Reception Center at 4164 S Carriage Square (parcel ID# 21031281140000) and an hours of operation extension to operate until 12 am, subject to the conditions of approval.
- Move to approve File #19C23 request for a Conditional Use Permit to operate a Reception Center at 4164 S Carriage Square (parcel ID# 21031281140000) with normal hours of operation until 10 pm, subject to the conditions of approval.
- Move to deny the conditional use permit File #19C23 request for a Conditional Use Permit to operate a Reception Center at 4164 S Carriage Square (parcel ID# 21031281140000). The Planning Commission finds that conditions cannot be imposed to mitigate the negative effects to surrounding area, specifically to *"The morals, peace and good order, comfort, convenience, and aesthetics of the city and its present and future inhabitants and businesses."* as identified in [Section 13.33.040](#).

Zoning Map: 4156 S. 1785 W.



General Plan Map: 4156 S. 1785 W.



Site Map: 4156 S. 1785 W.



Vicinity Map: 4156 S. 1785 W.

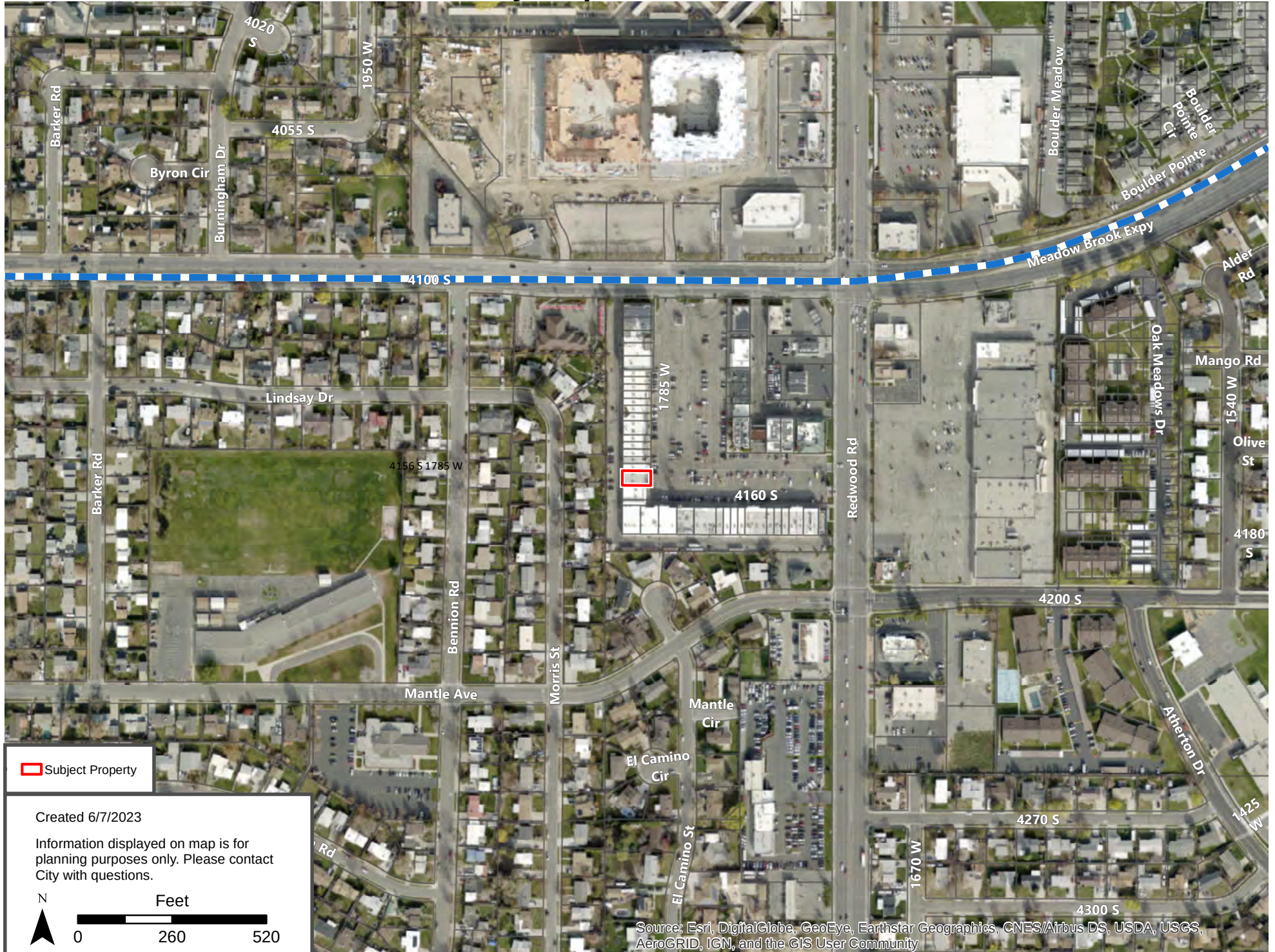


Exhibit E

Property Owner's Affidavit

I (we) Amy Mulugeta Choyam, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

Owner's Signature

Owner's Signature (co-owner if applicable)

Subscribed and sworn to before me this 24th day of May, 2023.



Brittany Kempff-Quispe Notary Public

Residing in Utah

My commission expires: 10/24/2026

Agent Authorization

I (we), _____, the owner(s) of the real property located at _____, Taylorsville, Utah, do hereby appoint _____ as my (our) agent to represent me (us) with regard to this application affecting the above described real property located in the City of Taylorsville, and authorize _____ to appear on my (our) behalf before any City Board or Commission considering this application.

Owner's Signature

Owner's Signature (co-owner if applicable)

On the _____ day of _____, 20____, personally appeared before me _____ the signer(s) of the above Agent Authorization who duly acknowledged to me that they executed the same.

Residing in _____ Notary Public

My commission expires: _____

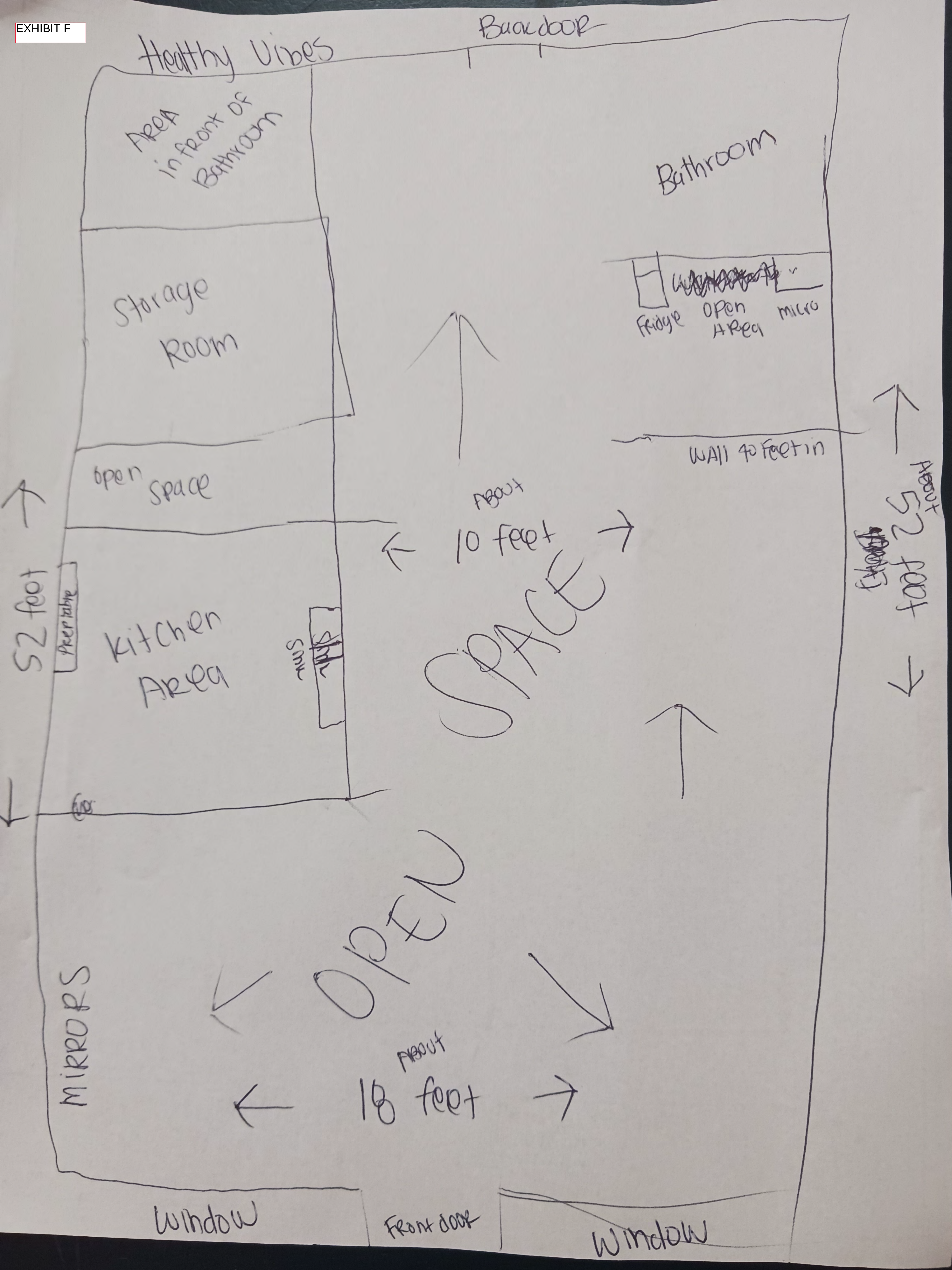


EXHIBIT G







EXHIBIT G



EXHIBIT G



Public hearing

Tandie Nunez <tandienunez1@gmail.com>

Sat 6/17/2023 2:12 PM

To: Terryne Bergeson <tbergeson@taylorsvilleut.gov>

 2 attachments (24 MB)

IMG_7949.MOV; IMG_7574.MOV;

Hello I'm writing concerning the hearing for 4156 s 1785 w reception center!!!

My self at 4143 s Morris street and my neighbor at 4151 s Morris st Kristine Edwards,are wanting to let you know we DO NOT approve this not one bit. It has been a month now I have wrote back and forth with Cassie owner and two phone calls about noise complaints and I have called police twice. She apologized first time very sincerely but then soon after noise continued on weekends very loud even by closing windows still hear the boom boom sound . Then the last straw for me and neighbor was two weeks ago children in alley past 12am popping balloons running around screaming my kids ran in here scared it was gun shots!!! woke everyone up ridiculous. I texted Cassie again and she sent me message saying how we were upset and tired of all this. That place is very small and noise coming from there is so loud and sounds like it's crowded probably over limit of people should be there. I do want to mention bill the event owner on north side has been amazing over the years he has went above and beyond to fix the problems when the noise was there it's been 7 yrs and he's still doing great. But this lady opening up a event center and to top off wants extended hours till 1 am is not ok with us. It's not fair we have the right to a peaceful neighborhood and to be able to sleep at night. If you are going to approve her request then you guys need to put higher walls so we're not hearing all noises in alley some type of sound barrier.if that even helps. I have lived here for 16 yrs and my neighbor who told me to include her on this is older doesn't email she's been her for 25+ yrs.

#8c22-CUP-000192-2022

Tyler Mott <tylermott81@gmail.com>

Sun 6/18/2023 6:24 PM

To:Terryne Bergeson <tbergeson@taylorsvilleut.gov>

Hello, I am the neighbor just to the south of this facility at 3214w Blueridge Dr Taylorsville, UT 84129.

We have lived in this residence for over 25 years. As we love to see the local community and business thrive. There should be limitations in hours of operation if there is continuous disruptive behaviors. The loud noise, drinking alcohol and children playing in the road till after midnight has me concerned for the safety and peaceful nature of our neighborhood. We are grandparents with young children that have school during the day and myself having work early. With the business pushing the hours of operation to midnight already without permit approval. If this is approved and hours are pushed to 1am and then wrapping up by 3am is a huge concern that our family won't be able to get enough rest throughout the week.

Our grandchildren range from 3 months to 12 years of age.

I have included some information about the importance of sleep for children from the CDC. If this business can insure that families in neighboring home won't suffer from their operation, great but what we have seen so far is not promising. We will continue to stand against this purposal until they stop this disruptive behavior.

Please reach out to me if you have further questions about our concerns. Thanks

The Castanon family.

Importance of Sleep

Children and adolescents who do not get enough sleep have a higher risk of obesity, diabetes, injuries, poor mental health, and problems with attention and behavior.¹⁻⁴

How much sleep someone needs depends on their age. The American Academy of Sleep Medicine has recommended that children aged 6–12 years should regularly sleep 9–12 hours per 24 hours and teenagers aged 13–18 years should sleep 8–10 hours per 24 hours.¹

<https://www.cdc.gov/healthyschools/features/students-sleep.htm#:~:text=The%20American%20Academy%20of%20Sleep,10%20hours%20per%2024%20hours.>