

COTTONWOOD HEIGHTS CITY ADMINISTRATIVE HEARING AGENDA

January 8, 2025



Notice is hereby given that the **Cottonwood Heights Hearing Officer** will convene on **Wednesday, January 8, 2025**, at **Cottonwood Heights City Hall** (2277 E. Bengal Blvd., Cottonwood Heights, UT 84121) for an **Administrative Hearing Meeting**.

The meeting will begin at **12:00 p.m.** in the City Hall Room 5 (Council Chambers).

12:00 p.m. ADMINISTRATIVE HEARING MEETING

1.0 Business Items

1.1 Project CUP-24-018

Request by Annaje Van der Toolen, to operate a home business (Massage Therapy Practice) at 7345 S. Sunhill Rd.

1.2 Project CUP-24-020

Request by Drew Rothkopf, Alpenglow Property Rentals, on behalf of Matt Russell, to operate a short-term rental at 7430 S. Wasatch Blvd. J-4.

2.0 Consent Agenda

2.1 Approval of Administrative Hearing Officer Minutes from January 8, 2025

(The Administrative Hearing Officer will approve the minutes of the January 8, 2025, meeting after the following process is met: The City Recorder will prepare the minutes and email them to the Hearing Officer. The Hearing Officer will have five days to review the minutes and provide any changes to the Recorder. If, after five days there are no changes, the minutes will stand approved. If there are changes, the process will be followed until the changes are made and the hearing officer is in agreement, at which time the minutes shall be deemed approved.)

3.0 Adjourn

Meeting Procedures

Items will generally be considered in the following order:

1. Staff Presentation
2. Applicant Presentation
3. Open Public Hearing (if item has been noticed for public hearing). Each speaker during the public hearing will be limited to three minutes.
4. Close Public Hearing
5. Administrative Hearing Officer Deliberation
6. Administrative Hearing Officer Decision

Administrative Hearing applications may be tabled if: 1) Additional information is needed in order to act on the item; OR 2) The Hearing Officer feels there are unresolved issues that may need further attention before the Officer is ready to make a decision. The Hearing Officer may carry over agenda items to the next regularly scheduled meeting.

Submission of Written Public Comment

Written comments on any agenda item should be received by the Cottonwood Heights Community and Economic Development Department no later than 12:00 p.m. MST on Tuesday, January 7, 2025, the day before the meeting. Comments should be emailed to planning@ch.utah.gov. After the public hearing has been closed, the Community and Economic Development Department will not accept any additional written or verbal comments on the application.

Notice of Compliance with the Americans with Disabilities Act (ADA)

In compliance with the Americans with Disabilities Act, individuals needing special accommodations or assistance during this meeting shall notify the City Recorder at (801) 944-7022 at least 24 hours prior to the meeting. TDD number is (801) 270-2425 or call Relay Utah at #711.

Confirmation of Public Notice

On Monday, December 16, 2024, a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices. The agenda was also posted on the City's website at www.cottonwoodheights.utah.gov and the Utah public notice website at <http://pmn.utah.gov>.

DATED THIS 24th DAY OF DECEMBER 2024

Attest: Maria Devereux, City Recorder

COTTONWOOD HEIGHTS CITY ADMINISTRATIVE HEARING STAFF REPORT

January 8, 2025



Summary

Project #:
CUP-24-018

Subject Property:
7345 S. Sunhill Rd.

Action Requested:
Conditional use approval to
operate home business with
clients (Massage Therapy
Practice – Annaje’s Massage
Therapy)

Applicant:
Annaje Van der Toolen

Recommendation:
Approve, with conditions



Aerial View

Context

Property Owner:
Garyl & Julie Van der Toolen

Address & Parcel #:
7345 S. Sunhill Rd.
22-27-280-002-0000

Acres:
0.19



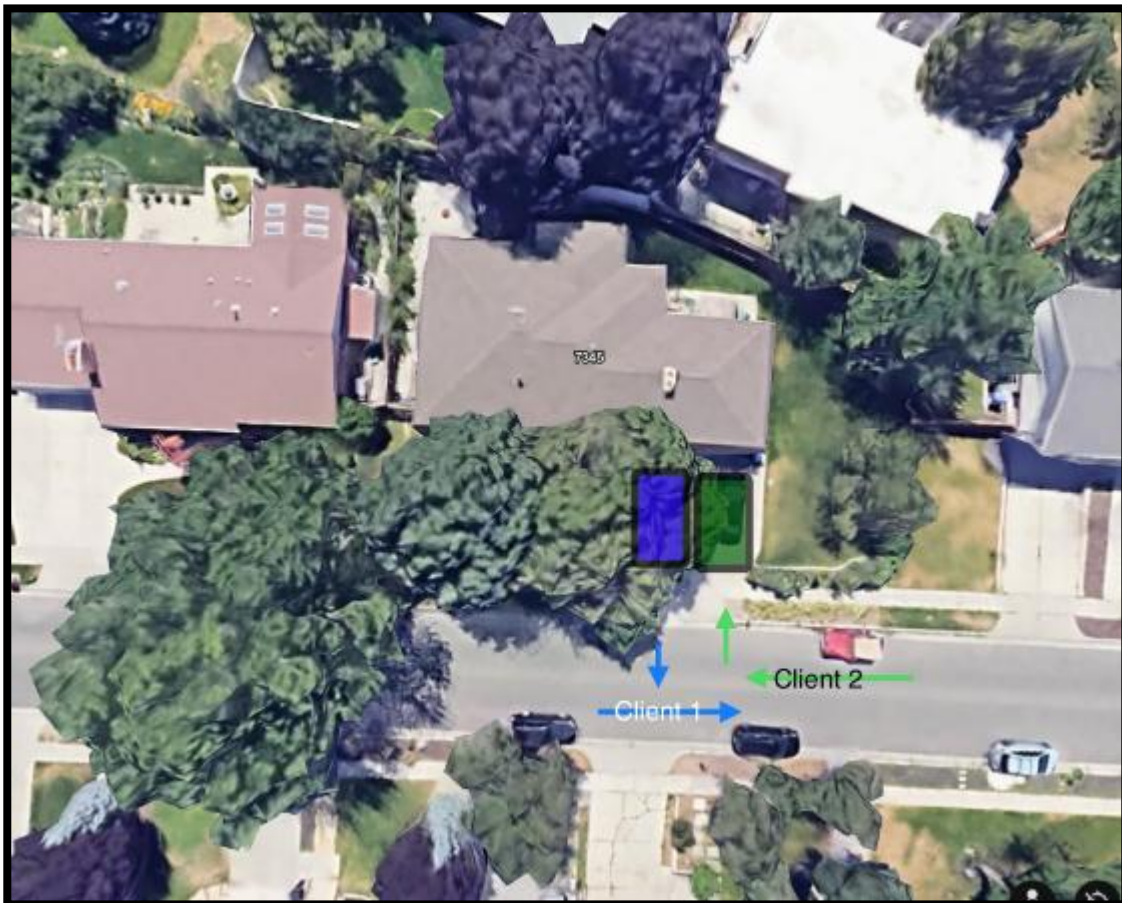
View of driveway and parking

Request

The applicant is seeking approval to operate a home-based business within their residence, offering massage therapy services to clients. According to the applicant's narrative, massage services will be available during two time slots on weekdays (Monday through Friday): 10:00 AM to 1:00 PM and 3:00 PM to 7:00 PM. On Saturdays, services will be offered from 8:00 AM to 1:00 PM, with the business remaining closed on Sundays. All appointments will be scheduled online through a booking website that displays available services and hours. Walk-in clients are not allowed.

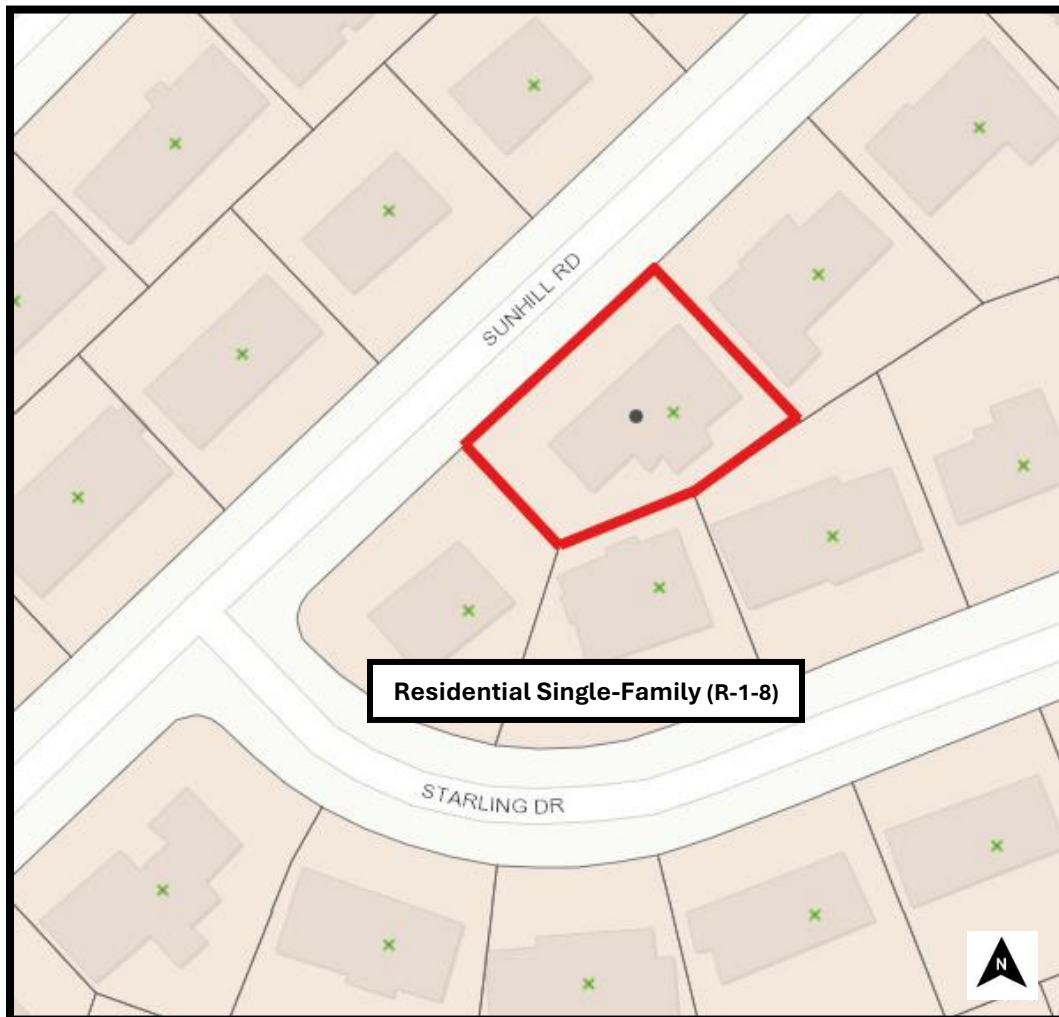
The massage therapy practice will take place in a designated room located on the main floor of the applicant's residence. The business will not produce excessive odors, and no loud equipment will be used, ensuring a calm and uninterrupted atmosphere during massage sessions. All activities will remain confined to the designated area. Additionally, the property's has two off- street parking spaces for client use, in the existing driveway.

Site Plan



Site Plan

Zoning and Land Use



Zoning Map

Analysis

Zoning

The zoning designation of the property is R-1-8 (Residential Single-Family). Home occupations with clients are listed as a conditional use in the R-1-8 zone, as referenced in §19.26.030. C. Home occupations are allowed only if the proposed business is clearly secondary and incidental to the primary use of the property as the applicant's permanent and full-time place of residence. Home Occupations are regulated in §19.76.040 Land Use:

F. Home occupations.

1. "Home occupation" means, (unless otherwise provided in this code) any use conducted entirely within a dwelling and carried on by one person residing in the dwelling unit and one additional person who may, or may not, reside in the dwelling unit, which use is clearly

incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes, and in connection with which there is no display nor stock in trade, "stock in trade" being any item offered for sale which was not produced on the premises.

- 2. The home occupation shall not include the sale of commodities except those produced on the premises; provided, however, that original or reproductions of works of art designed or created by the artist operating a home occupation may be stored and sold on the premises. "Reproduction of works of art" includes, but is not limited to printed reproduction, casting, and sound recordings.*
- 3. The home occupation shall not involve the use of any accessory building, yard space or activity outside the main building if the use of accessory buildings or outside activity, for the purpose of carrying on a home occupation, violates the rule of the use being clearly incidental and secondary to the use of the dwelling or dwelling purposes.*
- 4. The director shall determine whether additional parking, in addition to the two spaces required per dwelling unit, is required for a home occupation and shall also determine the number and location of such additional parking spaces.*
- 5. The director will review all home occupations for compliance with the above items. If the proposed home occupation cannot meet any one of the above items, the director shall not approve the home occupation.*
- 6. "Minor home occupation" means a home occupation which complies with the requirements of Chapter 5.54 of this code and which will not otherwise have an offsite impact which, when combined with the impact of the primary residential use of the dwelling, exceeds the impact of the residential use alone. A minor home occupation is a permitted use in any zone which allows home occupations.*
- 7. "Home occupation with clients" means a home occupation, not otherwise expressly prohibited by this code, where one or more persons visit the dwelling to conduct business on more than a very occasional, sporadic basis. A home occupation with clients requires a conditional use permit.*

Noticing

Property owners within 300 feet of the subject property were mailed notices at least 10 days prior to the public hearing, as required by 19.84.050.

Impact

The applicant has two designated parking spaces available in the driveway. The proposed home-based business will offer massage therapy services in a dedicated room within the property. Business hours are as follows: weekdays (Monday through Friday) from 10:00 AM to 1:00 PM and 3:00 PM to 7:00 PM, and Saturdays from 8:00 AM to 1:00 PM. Services will be provided to one client at a time, with a 30-minute interval between appointments to ensure thorough cleaning and sanitization. The business is expected to serve a maximum of two clients per weekday and three clients on Saturdays. There will be no additional employees working in the home, and no remodeling or additions are proposed for this business.

Attachments

1. Applicant Narrative
2. Parking and Floor Plan
3. Owner Consent Form

Conclusions – Recommended Findings for Approval

- The applicant’s narrative addresses client parking, employees, hours of operation, and business floorplan. Based on the materials submitted with the application, staff finds that the proposed home occupation will be incidental and secondary to the use of the property as a residence.
- An administrative hearing will be held in accordance with local and state requirements.

Recommendation

Staff recommends approval of the application with conditions:

Conditions of Approval

-
1. The applicant shall obtain and maintain an approved business license with Cottonwood Heights.
 2. Customers must use provided parking. Customers must be made aware of these parking restrictions. On-street parking for business use shall not be permitted.
 3. The business hours shall adhere to the applicant’s narrative.
 4. Approval of this home occupation is subject to review upon complaint.
 5. No more than one non-resident employee is permitted at this business.
 6. Any business activity conducted outside the dwelling shall not violate the rule of the use being clearly incidental and secondary to the use of the dwelling for dwelling purposes.

Model Motions

Approval

I move to approve project CUP-24-018, based upon the recommended findings for approval outlined in this staff report:

- List any other findings or conditions of approval...

Denial

I move to deny project CUP-24-018, based on the following findings:

- List findings for denial...

Project Narrative for Annaje's MT

This business will be an in-home massage studio servicing one client at a time with 30 minutes in between/dead time for cleaning and proper sanitizing. This business will focus on the health and overall well-being of clients through relaxation, skin and muscle manipulation, along with energy work. This business is expected to see two clients maximum per weekday and three on Saturdays. Walk-in clients are not welcome or allowed, all appointments must be scheduled in advance. All appointments are made online using a booking website that displays all services and hours. The clients can't confirm their first appointment without filling out an online medical history and client questionnaire provided to the client when booking. Advertising will be through word of mouth and referrals. No outside signage will be displayed. The weekday client hours will be from 10:00 am -1:00 Pm and then reopening at 3:00 pm - 7:00 pm. Saturday the client hours will be from 8:00 am to 1:00 Pm. Client hours refer to the times clients will be on-site at the business. The business will be closed on Sundays.

A Set of services will be offered including:

- Swedish massage; A massage technique using effleurage (long gliding strokes), petrissage (kneading technique), tapotement (tapping/hitting movements), Friction (fast back and forth movement in place), and Vibration (shaking or jostling of tissues).
- Reflexology will be offered; these will be shorter sessions focusing on feet and hands. Specific techniques are offered in these sessions with the focus on looking at the feet and hands as connected to channels in the body.
- Sports massage therapy will be offered: these sessions will use techniques such as MET (muscle energy technique), Trigger point therapy, Positional Release, and pre-activity warmup massage.
- Injury recovery; this is area-focused work that will target the antagonistic muscle groups and protagonist groups to help with recovery. Techniques used will vary depending on the injury and area.
- Lymphatic massage; this will use light pressure and sweeping strokes to gently activate the lymphatic system and move fluids to help with bloating and swelling.

Sub-services will be included as well and these can be added to any of the above services:

- Hot Stones- skin-safe and temperature-controlled hot stones used to gently massage large surface areas with effleurage strokes. Hot stones are used to relax and warm up tissues for better overall relaxation during tissue manipulation.
- Myofascial cupping- this service will use Myofascial cups to move the Myofascial tissues and lymphatic fluid for better flow and tissue health. Myofascial cupping is very light cupping that can bring blood flow to areas. This type of cupping doesn't leave bruises and is gentle on the skin.
- Rosemary oil scalp massage- Using massage techniques, diluted rosemary oil will be applied to the scalp and hair to promote hair growth and strength.
- Dry Brushing- this is a technique where a dry textured exfoliating brush is used on large surface areas to bring blood flow to under the skin better known as vasodilation. The brush is used in fast upward sweeping movement just barely touching the skin

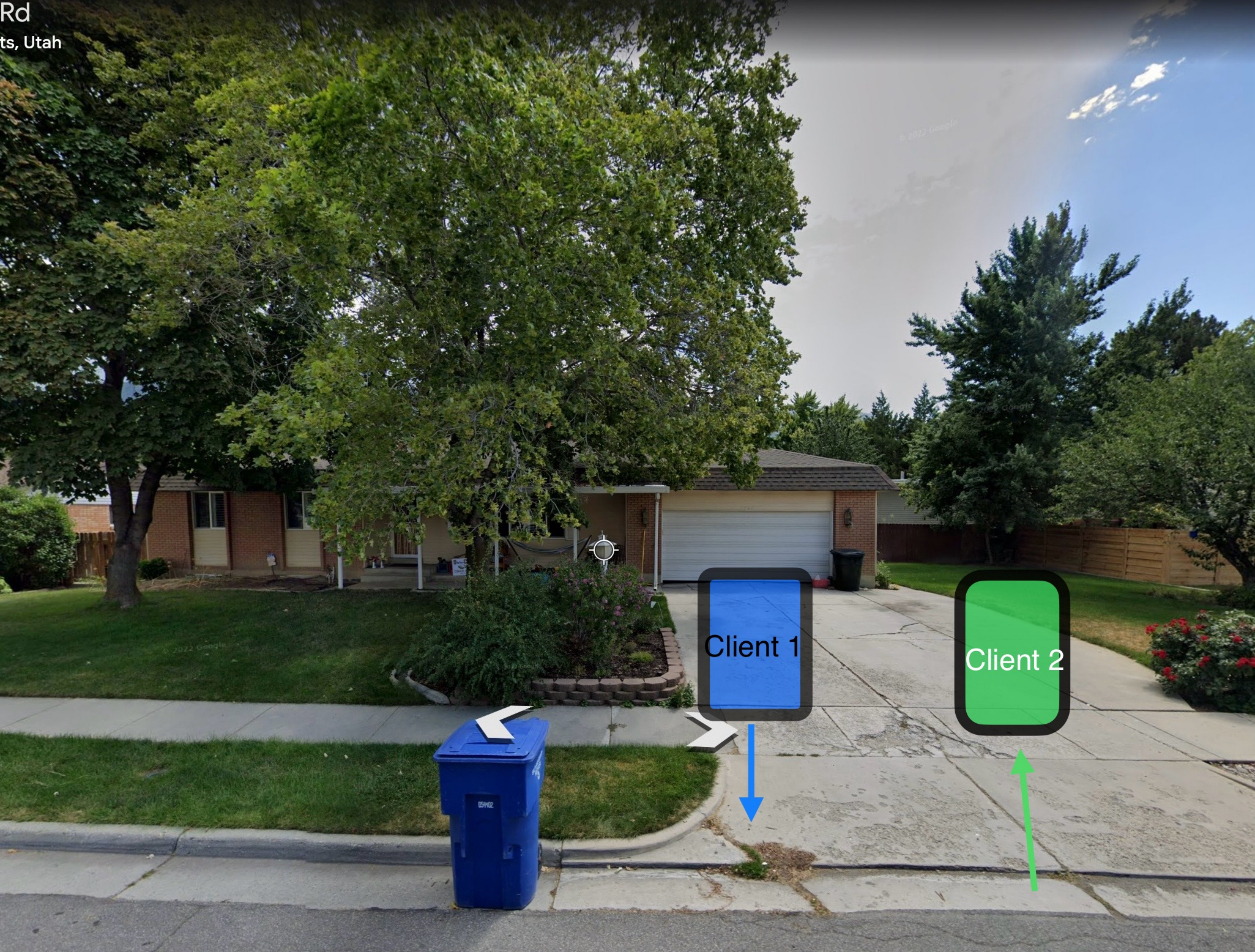
I am the sole owner and employee of this business, it is a personal practice that I am running out of my current residence. I live in the home and will run the business out of it as well. There will only be me as an employee while working out of my home. If the practice were to ever expand and need another employee. The practice would move to an official non-residential location before hiring. I the Owner and sole employee am licensed by the state of Utah to practice massage therapy, I am registered with DOPL and have my Utah sales tax license along with my federal Tax ID. I completed over seven hundred hours worth of school along with one hundred and fifty hours of supervised clinical hours working with the public. I am CPR and First Aid certified with the Red Cross and have a national collegiate CPR and First Aid certification. I have a yearly background check done for my seasonal job where I teach cheerleading to high schoolers around the states. I Have another yearly background check from being employed by Canyons school district as a high school coach. I take continuing education classes yearly for massage therapy. I worked part time with the Real Salt Lake men's soccer team as a massage therapist in the off season during the winter in 2023 receiving my sports massage therapist certification hours.

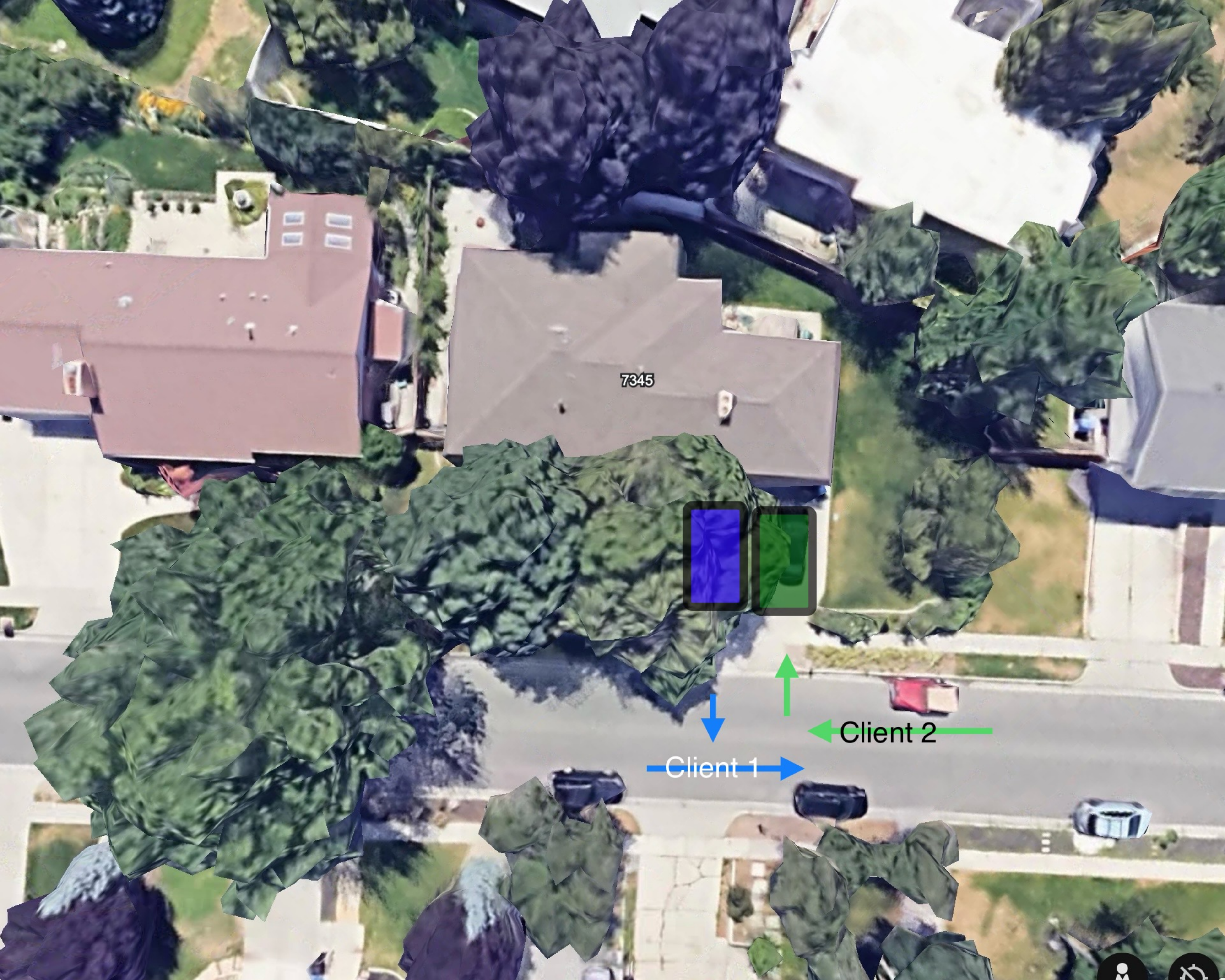
The massage practice will be done solely indoors, and the outdoor areas will be for parking on the residential home property. The areas that will be used inside are as follows: main entrance, main bathroom, hallway, and massage studio. The massage studio is on the main floor on the north side of the house. It includes a massage table, a lounge chair, massage equipment (sheets, hot stones, essential oil diffuser, Myofascial cupping equipment, sound system, and salt lamp), a floor lamp, and a roller stool. The massage room is on the far side of the house so as not to disrupt the normal flow of the household. The hallway connecting to the massage room has two storage closets, a door to the master bedroom, a door to a guest room/ office, and a door to the main bathroom. The clients will have direct undisturbed access to the main bathroom on the first floor. The bathroom includes a fully stocked shower, toilet, and sink. The hallway leads to the main entrance of the home where clients can hang up coats and remove shoes before entering the massage studio. The outdoor areas that will be used are the driveway, sidewalk under the awning, and the front/main entrance. The clients will be instructed to park in the main driveway. From there they will be instructed to use the main entrance where I will greet them.

Massage environments are peaceful and quiet, limited noise will come from these appointments. No loud equipment is used as it disrupts the atmosphere and the entire massage. A small amazon echo device will play calming spa music at a low level volume. Smells will be limited, strong smells can affect the clients and the therapist disrupting the environment. Client odor will be dealt with by providing body-safe disposable cleansing wipes in the room. The studio has an essential oil diffuser to keep the environment smelling pleasant during massage sessions. Lotions and oils used are unscented to help with client sensitivity. Services are done solely inside and have no impact on the surrounding neighbors and the clients will be parking on site and not in the street to not impede the flow of traffic. All appointments have a thirty-minute time in between clients, clients never overlap. One client at a time in the residence only as proper sanitizing and cleaning are required after each appointment, along with redressing the table with clean sheets, blankets, and towels. For proper sanitizing the used linens are placed in

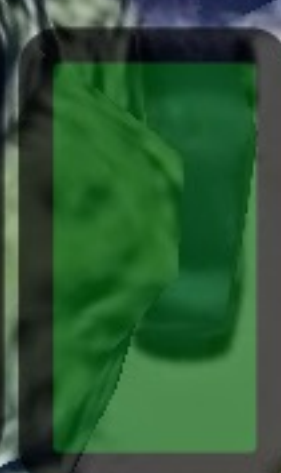
a washable bag located in massage room. The bag is then taken to the laundry room where the linens and bag are then washed on a sanitation cycle with non scented laundry detergent. They are all dried in a dryer and then refolded and stored in the massage room. After the table is stripped of linens, a solution of disinfectant and water is sprayed on the water proof protective cover on the massage table and any padding used during the sessions along with the chairs in the room. The disinfectant is then wiped off the tables and other sprayed objects using a disposable wipe that is then thrown away. Once the table is clean and disinfected, new clean sheets, blankets, and towels are placed on the table for the next client. The floor is sanitized and cleaned daily along with the rest of the room. Linens are thrown away after two months of use to keep the quality and cleanliness of the room up to recommended standards. Any linens that come into contact with bodily fluids are put into a hazardous waste bag and properly disposed of immediately. These sanitization efforts are published on the website and available to the public. These procedures are in place to effectively keep clients, public, and employee safe from harm.

No products will be sold in the home, only the services that were listed above. No remodels or additions are proposed for this business as the rooms have been updated recently with new flooring, lighting, and paint when remodeling of the space took place last year.



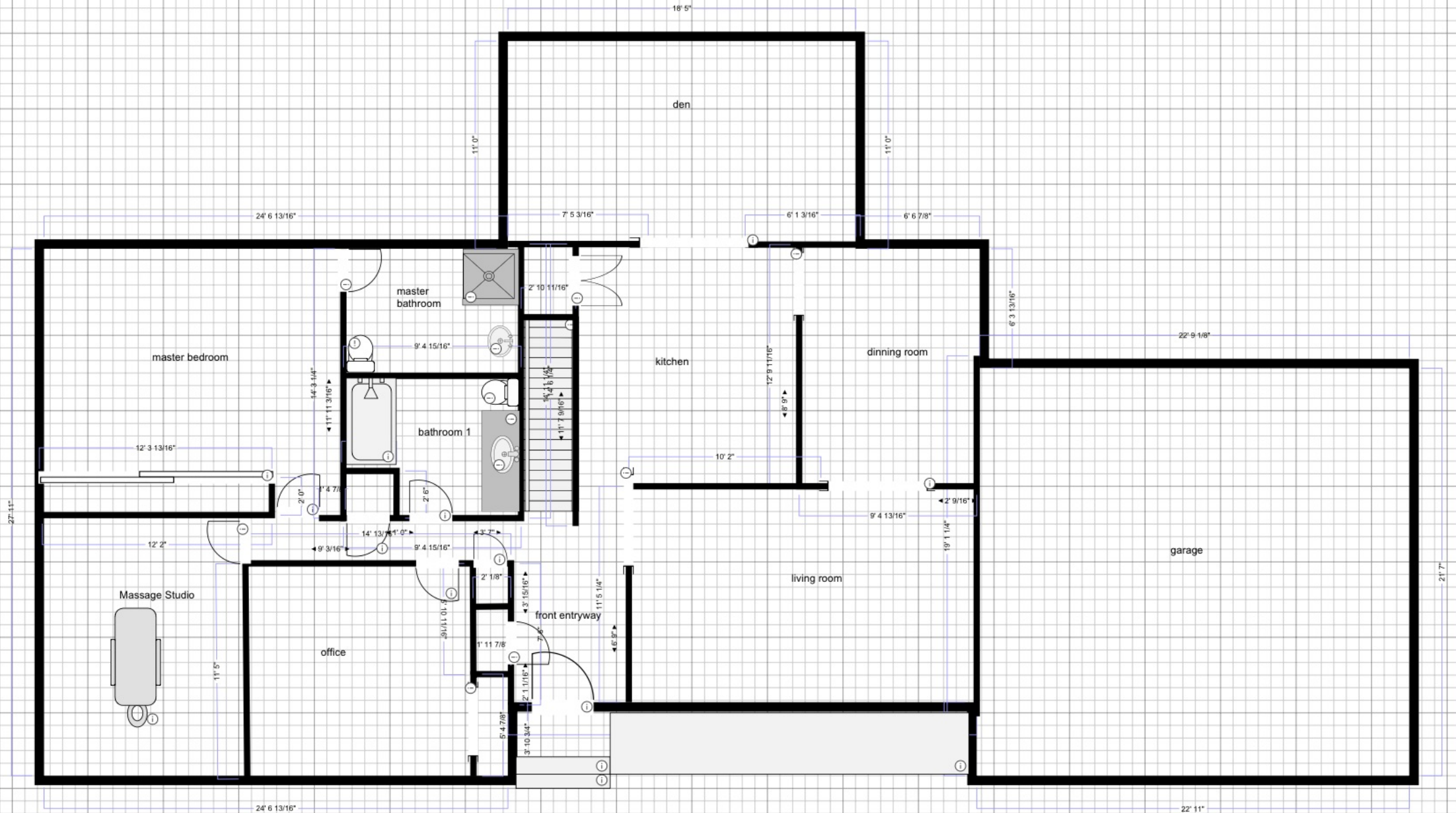


7345



Client 1

Client 2

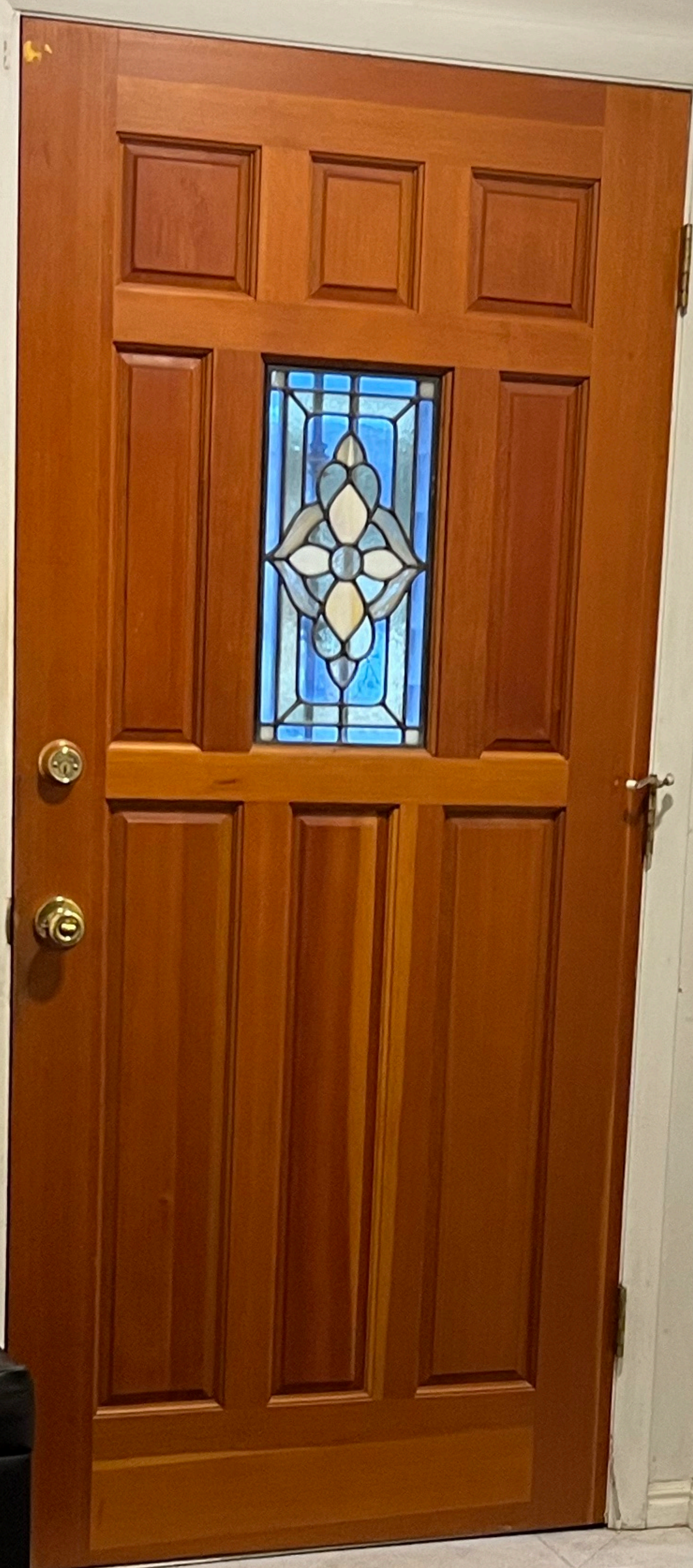
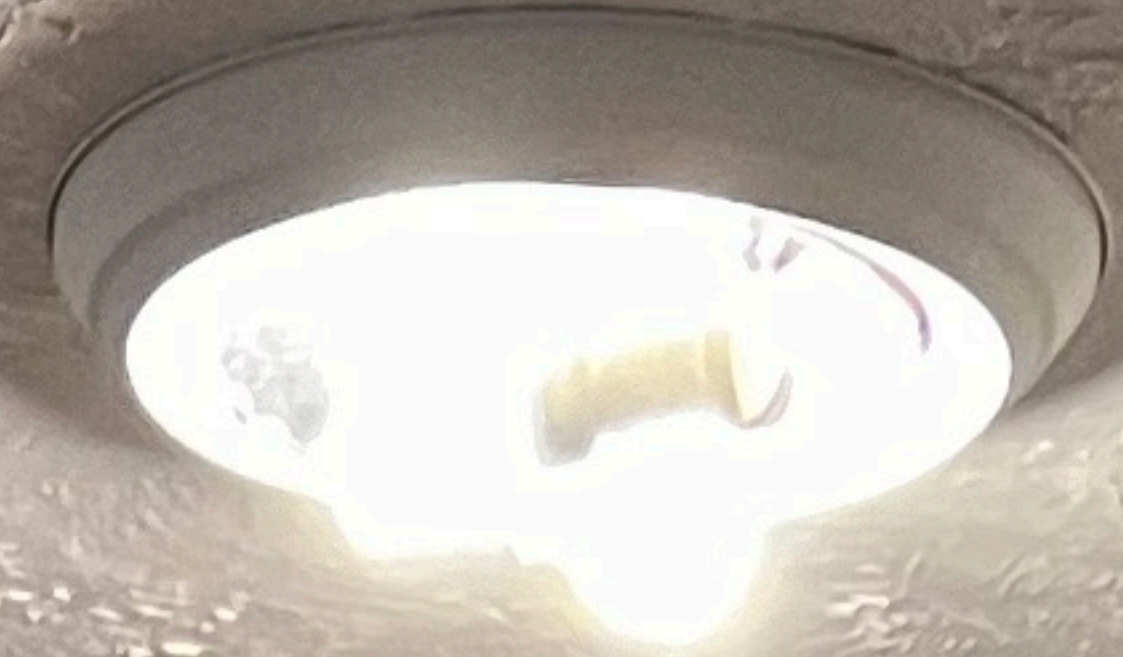


front door









OWNER'S CONSENT FORM

I/we, the Undersigned, do hereby grant permission to:

Annaje Van der Toolen

To act on my/our behalf for the purpose of the following application:

Massage Therapy

Owner(s): Gary + Julie Vander Toolen

Address(es): 7345 S. Sunhill Road, Cottonwood Heights
Utah 84121

Telephone Number(s): 801-916-9436 , 801-755-5767

Signature of Owner: [Signature] Date: 11/18/24

Signature of Owner: Julie Vander Toolen Date: 11/18/2024

Signature of Owner: _____ Date: _____

State of UTAH
County Of: Salt Lake City } ss.

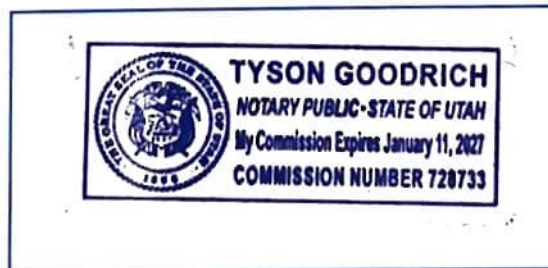
On this 18th day of November, 2024 before me, the undersigned Notary Public, personally appeared Annaje Vander toolen ✓, personally known to me, or whose identity I verified on the basis of their _____, or on the oath of _____, a credible witness whose identity I verified on the basis of their _____, to be the person(s) whose name(s) is/are subscribed to in this instrument and acknowledged that they executed the same.

Tyson J Goodrich

Notary Public

January 11, 2027

Notary Commission Expiry Date



COTTONWOOD HEIGHTS CITY ADMINISTRATIVE HEARING STAFF REPORT



January 8, 2025

Summary

Project #:

CUP-24-020

Subject Property:

7430 S. Wasatch Blvd. Unit J-4

Action Requested:

Conditional Use Permit
(Short-Term Rental)

Owner:

Matt Russell

Applicant:

Drew Rothkopf, Alpenglow
Property Rentals

Recommendation:

Approve, with conditions



Aerial View

Analysis

Adjacent Zoning & Land Use

- **NORTH:** MU Mixed Use (Canyon Centre)
- **SOUTH:** R-1-8 Single-Family Residential (Brighton Point 4)
- **EAST:** R-1-8 Single-Family Residential (Prospector Hills 5)
- **WEST:** R-1-8 Single-Family Residential (Apple Valley 5)

Staff Analysis

The unit contains three bedrooms. The applicant is proposing to accommodate up to 8 guests at a time. Occupants will have access to the property manager's cell phone 24/7 to resolve concerns or issues. The property is located in the RM (Residential Multi-Family) zone. Short-term rentals may be approved as a conditional use in the RM zone, provided that the property is part of a planned unit development or condominium project that contains at least eight units and fronts on a private street. The subject property is a part of the Canyon Racquet Club Condo Project, which contains 40 units, and the property is accessed via an internal private road.

Recommended Conditions of Approval

Staff recommends approval, with conditions as outlined below:

1. The applicant must complete necessary steps to obtain a business license through the city of Cottonwood Heights. Obtaining a business license will indicate final approval of the short-term rental application. The short-term rental property will not be considered legal until a business license is obtained.
2. The short-term rental property is required to maintain compliance with all sections and subsections of Chapter 19.89 and Chapter 5.85 of the Cottonwood Heights Municipal Code, as hereafter amended from time to time, and all other legal requirements and applicable laws.
3. The Operators shall provide a 24/7 hotline to resolve issues. Operators shall respond (in person, if appropriate) to telephonic complaints within one hour after such complaint is made. Inappropriate and/or non-response to such complaints shall constitute a violation.
4. Occupancy in any short-term rental property shall not exceed the lesser of: (a) up to two adults (persons aged 18 and above) and two related children (persons under age 18) per bedroom, or (b) a total occupancy (adults and children) of no more than 12 persons in the entire short-term rental property. It is prohibited to create artificial divisions or partitions for the purpose of increasing available occupancy of an otherwise standard dwelling unit.
5. This short-term rental property will be approved for no more than four (4) bedrooms. The term “bedroom” means a room designated and used primarily for sleeping and rest on a bed.
6. Upon issuance of a business license and conditional use permit, the applicant must display a copy of the business license inside the main entry of the property.

Findings for Approval

This recommendation is based on the following findings:

1. The proposed short-term rental meets the applicable provisions of Chapter 19.89 and Chapter 5.85 of the Cottonwood Heights Municipal Code.
2. That the proposed project will continue to meet the applicable provisions of Chapter 19.84, “Conditional Uses,” of the zoning code:
 - a. That the proposed use is one of the conditional uses specifically listed in the zoning district in which it is to be located (19.89.050);
 - b. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity;
 - c. That the use will comply with the intent, spirit and regulations of this title and will be compatible with and implement the planning goals and objectives of the city;
 - d. That the use will be harmonious with the neighboring uses in the zoning district in which it is to be located;
 - e. That nuisances which would not be in harmony with the neighboring uses will be abated by the conditions imposed;
 - f. That protection of property values, the environment, and the tax base for the city will be assured;
 - g. That the use will comply with the city’s general plan;

- h. That the property will be required to comply with all conditions of approval in perpetuity, in accordance with Sections 19.89.160 – Inspections and 19.89.190 – Violations and penalties of the Cottonwood Heights Municipal Code.

Model Motions

Approval

I move to approve item CUP-24-020 pursuant to the conditions of approval outlined in the item's staff report

- Add any additional conditions of approval...

Denial

I move to deny item CUP-24-020 based on the following findings..."

- List reasons for denial...

Attachments

1. Photos
2. Parking and Floor Plan
3. Owner Consent Form





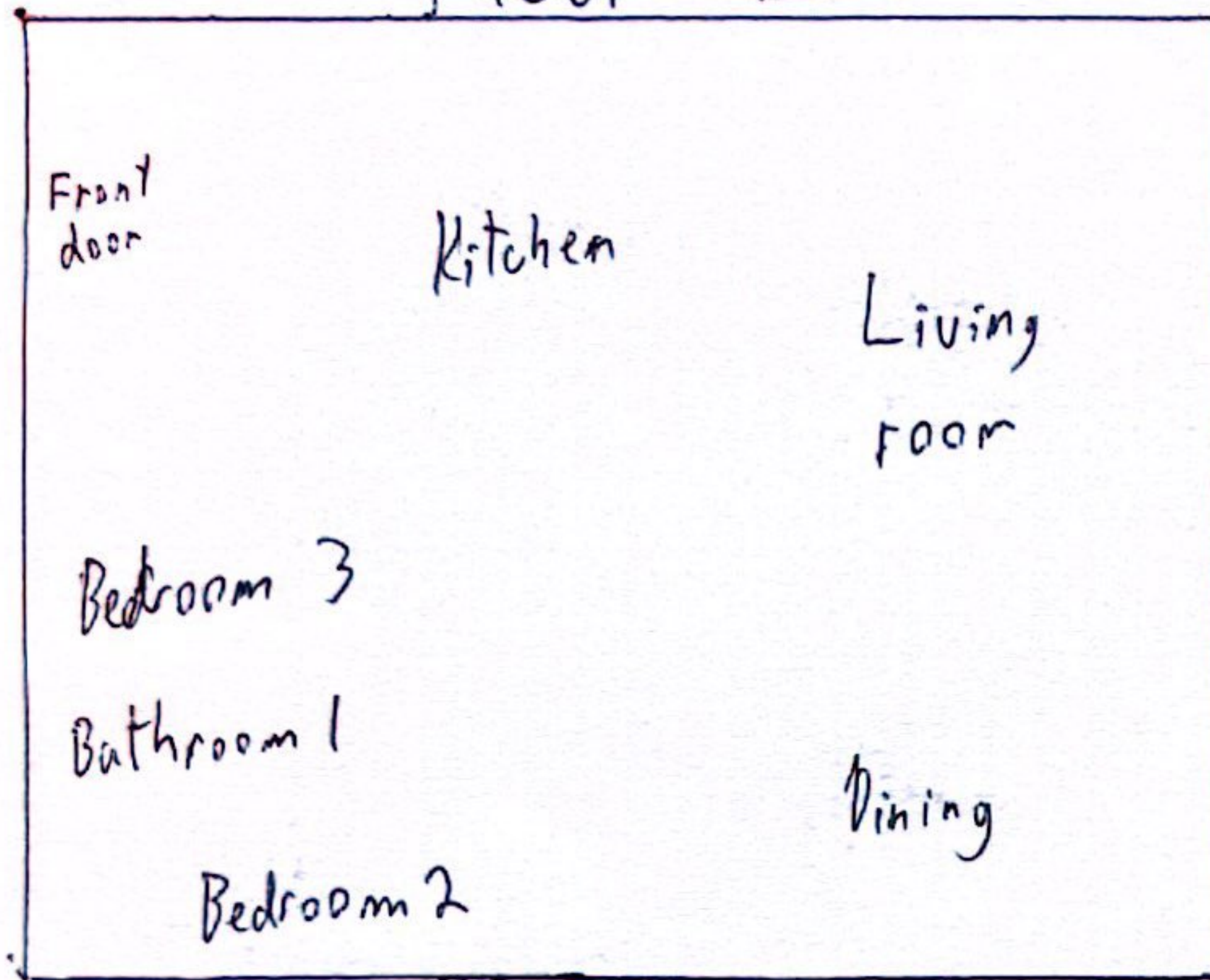




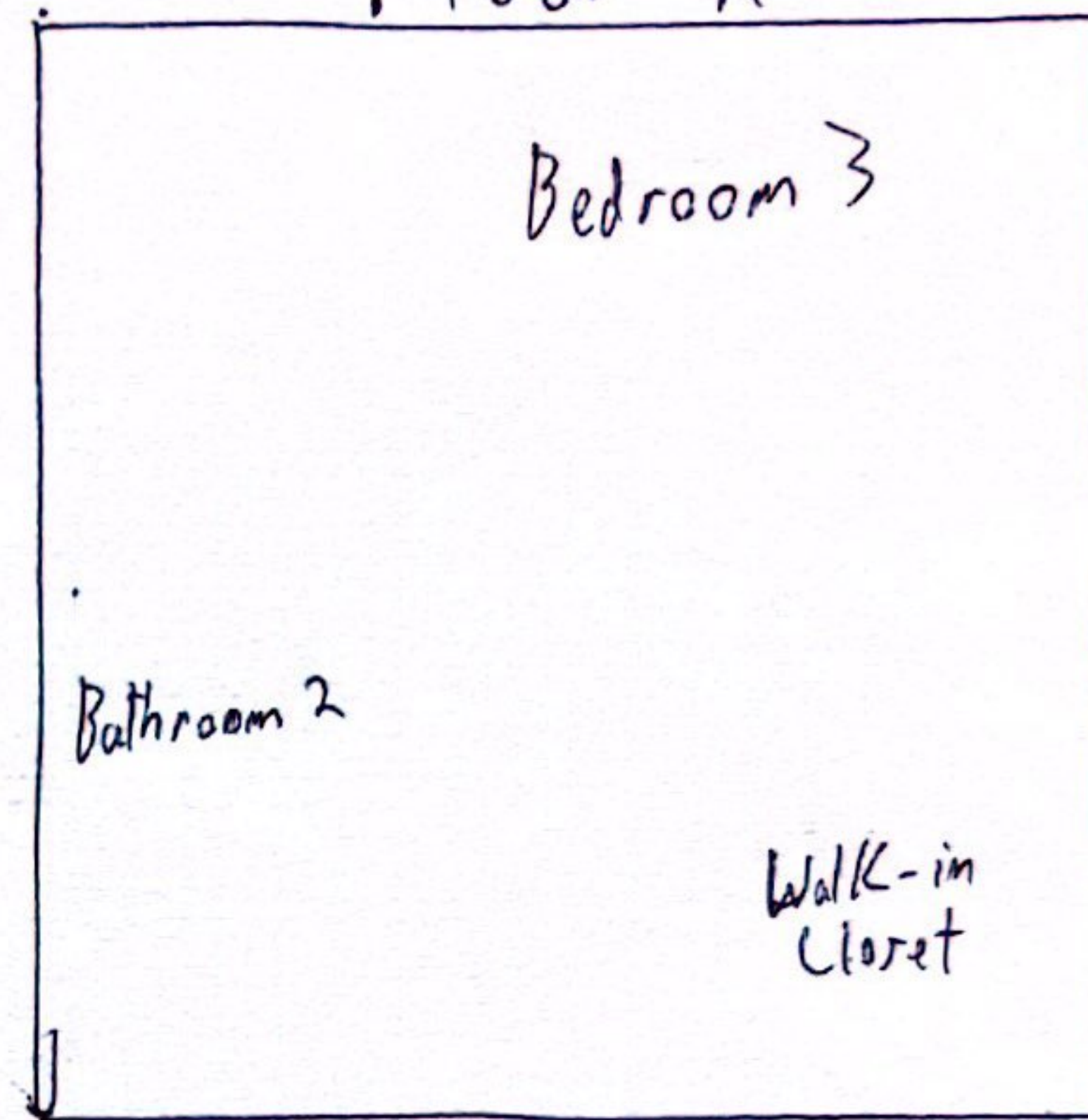




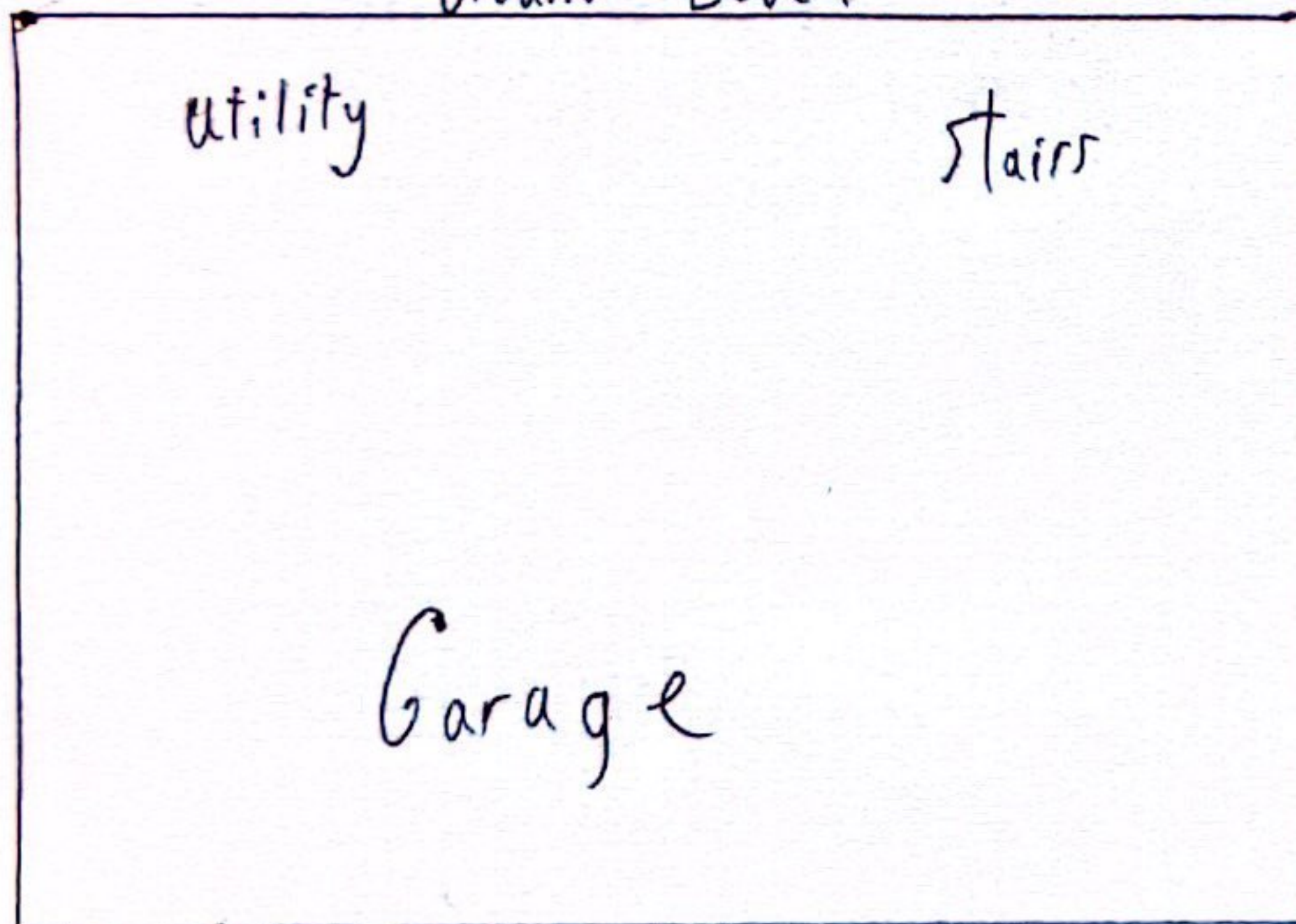
Floor 1



Floor 2



Ground Level



OWNER'S CONSENT FORM

I/we, the Undersigned, do hereby grant permission to:

DREW ROTHKOPF

To act on my/our behalf for the purpose of the following application:

PROPERTY MANAGER / SHORT TERM RENTAL

Owner(s): MATT RUSSELL - MAILING ADDRESS

Property Address:

Address(es): 2625 E. 3300 S.
SLC, UT. 84109

7430 S. WASATCH BLVD J4
COTTONWOOD HEIGHTS, UTAH 84121

Telephone Number(s): 801.209.2471

Signature of Owner: Matt Russell

Date: 12.5.24

Signature of Owner: _____

Date: _____

Signature of Owner: _____

Date: _____

State of UTAH

County Of: Salt Lake

ss.

On this 5th day of December, 2024 before me, the undersigned Notary Public, personally appeared Matthew T. Russell, personally known to me, or whose identity I verified on the basis of their Driver license, or on the oath of _____, a credible witness whose identity I verified on the basis of their _____, to be the person(s) whose name(s) is/are subscribed to in this instrument and acknowledged that they executed the same.

Notary Public

03/14/2027

Notary Commission Expiry Date



NOTARY PUBLIC
Jacob Davis
COMM. # 729921
My Commission Expires
03/14/2027
STATE OF UTAH