Washington City
Where Dixie Began

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Washington City Planning Commission
Regular Meeting Agenda
December 4, 2024

PUBLIC NOTICE is hereby given that the Planning Commission of Washington City will host a public electronic meeting on **Wednesday, December 4, 2024** at 6:00 P.M. The Planning Commission will be held in the Council Chambers of Washington City Hall located at 111 North 100 East, Washington, Utah. The meeting will be broadcast via Youtube Live linked online at **https://washingtoncity.org/meetings**

1. **APPROVAL OF AGENDA**

2. **APPROVAL OF MINUTES**

    a. Approval of the Planning Commission Minutes from November 20, 2024

3. **DECLARATION OF ABSTENTIONS & CONFLICTS**

4. **PUBLIC HEARINGS**

    Public comments will be accepted at: washingtoncity.org/meetings, until 5:00 pm the day before the meeting. After that time only in person comments will be taken.*

    a. Public Hearing for consideration to approve Conditional Use Permit C-24-17 for a short term rental located at 405 E South Nichols Peak Road. Applicant: Mark Whitworth, Chris Boley.

5. **ADJOURNMENT**

POSTED this 25th Day of November, 2024
Bonnie Baker, Zoning Technician

In accordance with the Americans with Disabilities Act, Washington City will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by calling the Zoning Technician at 656-6325 at least 24 hours in advance of the meeting to be held.

WASHINGTON CITY
PLANNING COMMISSION MEETING
STAFF REVIEW

AGENDA ITEM:	4a
HEARING DATE:	December 04, 2024
ACTION REQUESTED:	C-24-17 - A request for a Conditional Use Permit to have a Nightly Rental, located at 405 East South Nichols Peak Rd.
APPLICANT:	Chris Boley - Wander Asset Management LLC
OWNER:	Mountain Top Oasis LLC / Mark Whitworth
REVIEWED BY:	Eldon Gibb - City Planner
RECOMMENDATION:	Recommend approval with conditions

Background

The applicant is requesting approval of a Conditional Use Permit to operate a nightly rental out of their residence located at 405 E South Nichols Peak Rd. Title 9 Chapter 14 Section 25 (Residential Rentals, Short Term) allows the applicant to use their residence for Nightly Rental if Conditional Use Permit is granted by the Planning Commission.

City code requires a minimum of 2 parking spaces and an additional parking space for every 2 guest bedrooms. The proposal includes 5 bedrooms which requires 4 parking spaces. The proposed parking is adequate for the proposal. As the residence sits today, the maximum occupancy for the nightly rental is 10 which the applicant will be required to comply with. The applicant is proposing to extend the nightly rental use into the detached garage by converting some of the garage space into a living unit. Staff feels this extension of the nightly rental into the detached garage could be problematic allowing double bookings for the property to take place. Staff has added condition 12 addressing this so that double bookings of the property shall not occur.

As shown on the map, the residence is perched on top of Nichols Peak and contains approximately 27 acres. The closest residence is directly to the north located at 2098 South Franklin Drive and is approximately 280’ feet away from the back patio of this application. The applicant feels this creates an adequate buffer from the nightly rental and have also identified

strict quiet hours from 10pm to 8am, provide meticulous property maintenance and waste management services, 24/7 support, regular property inspections and swift resolutions of any potential issues.

Recommendation

Staff has added conditions and feels if these conditions can be met, staff recommends the Planning Commission approve C-24-17 allowing for a nightly rental to be located at 405 East South Nichols Peak Rd, based on the following findings and subject to the following conditions.

Findings

1. The proposed use, at the particular location, provides a service or facility which will contribute to the general well being of the neighborhood and community; and

2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of the persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and

3. The proposed use will comply with the regulations and conditions specified in this title for such use; and

4. The proposed use will conform to the intent of the general plan.

Conditions

1. Any site improvements shall meet the requirements of City and State adopted codes and conform to all applicable health, safety, zoning and building codes

2. The maximum number of occupancy will be no greater than ten (10); unless the residence installs a fire suppression system that is approved and accepted by Washington City

3. Inspections by both the Building Department and Fire Department will need to be approved before the nightly rental operations begin.

4.The property shall not be changed in a way that removes the residential character (structurally or aesthetically including landscaping)

5. The nightly rental shall be controlled by a local property management person or company whose residence or place of business shall be within twenty (20) miles of the short term residential rental property

6. The nightly rental shall have adequate off street parking, allowing for only two (2) vehicles

plus one additional vehicle for every two (2) guest bedrooms. Parking requirements shall not include parking on public (or private) streets

7. The owner or property manager of each short term residential rental property shall obtain a short term residential rental property business license as required by this Code prior to commencing the use.

8. The nightly rental shall permanently post, in a conspicuous place, the rules and regulations as it relates to the approved conditions of this particular conditional use permit.

9. The nightly rental shall have strict quiet hours from 10pm to 8am

10. The nightly rental shall provide meticulous property maintenance and waste management so as to not burden (nuisance) the surrounding properties, neighbors and /or community

11. Automatic Termination: Notwithstanding anything to the contrary in chapter 17, "Conditional Uses", of this title, a conditional use permit granted, pursuant to this section shall automatically terminate (or in the alternative shall be terminable by the city), if any of the following occur:

- The residence or structure is devoted to a use other than as a short term residential rental (excluding the occupancy of the residence by the applicant); or
- There is change of ownership of the property; or
- The residence or structure fails to comply with applicable health, safety, or building codes; or
- There has been a violation of this section, or a violation of chapter 17, "Conditionals Uses", of this title; or
- Other activity has occurred at, or related to the short term residential property, which the City reasonably determines is clearly contrary to the purpose and intent of this section.

12. The residence shall not be double booked during the same timeframe. The property is viewed as a single residence and shall be rented as a single residence to be used by one group of the same party for the nightly rental timeframe.

Wander Asset Management LLC
98 San Jacinto Blvd. Suite 400
Austin TX, 78701

Property: 405 E Nichols Peak Rd Washington, UT 84770

Dear Washington City Planning Office,

Please accept this letter on behalf of Mark Whitworth and Mountaintop Oasis LLC, the property owner at 405 E Nichols Peak Rd , Washington, UT 84780, and Wander Asset Management. We'd like to take this opportunity to motivate why we are an exceptional candidate for a conditional use permit as a short-term rental. Here are three brief points demonstrating our alignment with Washington City's goals of welcoming visitors while minimizing potential risks.

Exceptional Property Features:
This property is a 27-acre estate perched above surrounding neighbors, offering unparalleled privacy and minimal impact on the community. As the owner of multiple adjoining parcels, I can ensure a buffer zone that further reduces any potential disturbances. The home is designed to blend seamlessly with the natural environment, enhancing the neighborhood's aesthetic. With its spacious layout and stunning views, it provides an ideal retreat for short-term renters seeking both luxury and tranquility after exploring the area's attractions.

Support for Local Economy:
The property will be managed by Wander Asset Management, a luxury short-term rental platform and concierge service with an existing database of high-end guests. These discerning guests, typically professionals and families, possess a penchant for supporting small businesses and frequently patronize local hospitality, commercial, and recreational establishments, thereby positively contributing to the local economy. As a small business owner and long-time resident of Utah myself, I am deeply committed to fostering economic growth in our community.

Commitment to Compliance and Quality:
Wander Asset Management currently represents over 100 properties across more than 20 states and boasts a record of zero violations nationwide. In partnership with me as the owner, Wander is committed to adhering to all Washington City ordinances and implementing a comprehensive "Good Neighbor" policy, including:

- Strict quiet hours from 10 PM to 8 AM
- Meticulous property maintenance and waste management
- 24/7 support for both guests and neighbors
- Regular property inspections
- Swift resolution of any potential issues

We will ensure that our guests respect the community and maintain the overall peace and decorum of the neighborhood. Our commitment to responsible management aims to create a model for short-term rentals that aligns with Washington City's values and regulations.

In addition, Wander will build out a local team not only to ensure the highest of standards for guests but to serve as a point of contact to be available to respond to any questions or concerns. The contact information along with the occupancy and day of garbage pick-up will be posted and clearly visible in the unit.

The contact currently for this role will be:

Chrissie Owen
(435) 669-4484
dcowenllc@gmail.com
2470 S 2310 E Circle, St. George, UT. 84790

In conclusion, we hope that our stellar reputation, strict adherence to community standards, and positive guest profile will be favorably looked upon in support of granting a conditional use permit. We are confident that this will be a valuable asset to Washington City's rental market and a positive addition to the community.

Thank you for considering this request. We understand that approval involves a formal process and is not guaranteed. However, we would be extremely grateful for the opportunity to present our case to the committee. We look forward to the possibility of discussing this proposal in more detail and addressing any concerns you may have.

Sincerely,

Mr. Mark Whitworth & Wander Asset Management I Inc.

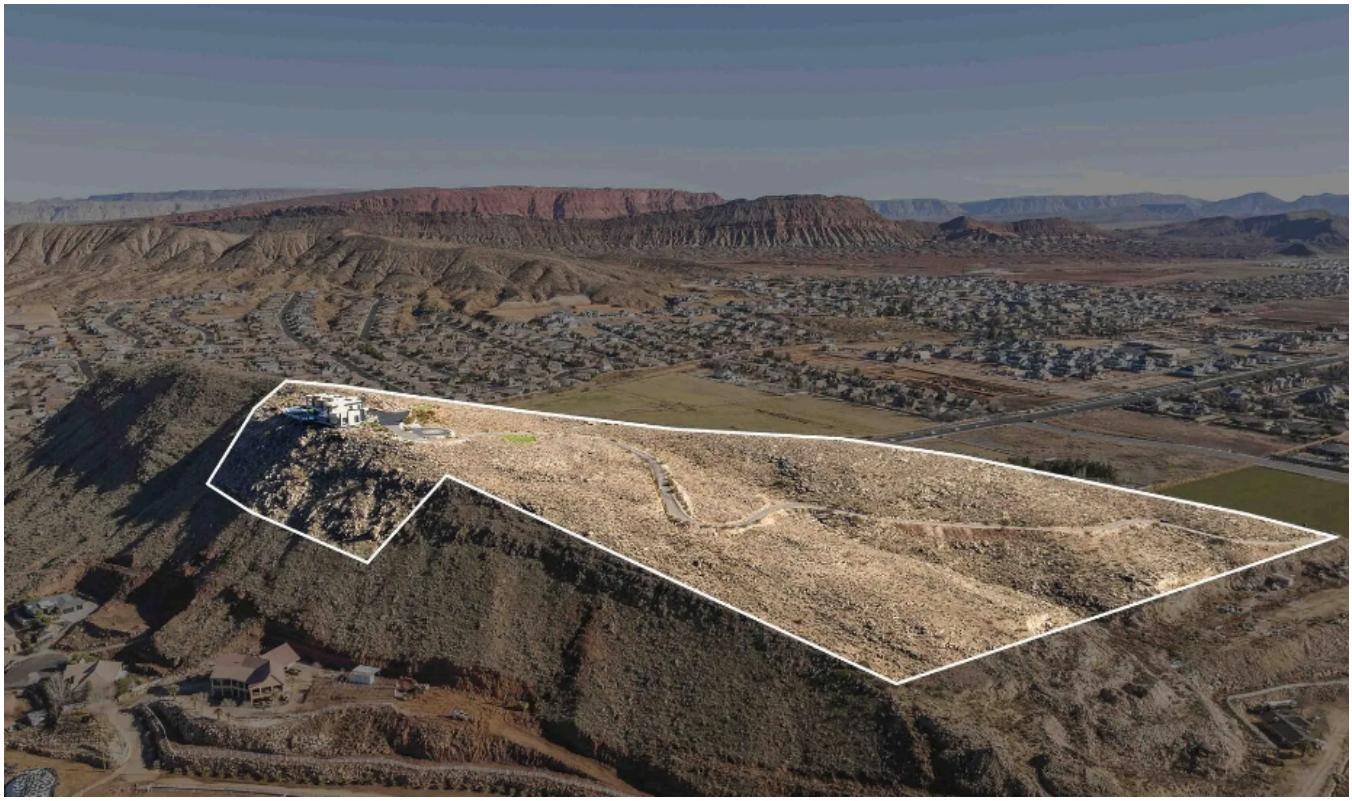
permits@wander.com | 214.458.4251

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PROJECT FLOW CARD: CUP-24-17 405 Nichols Peak - Conditional Use Permit for Nightly Rentals

Planning	Reviewed. Ok to move forward	
Fire Dept.	As a nightly rental property that is not sprinklered, the occupancy limit is 10 or less.	















3 car attached garage + parking spots #4 & # 5.


#1 - #3
3 car garage
30.63 ft
60.05 ft
29.5 ft
21.7 ft
11.69 ft
11.13 ft
66.18 ft
30' clearance
30.57 ft
Front Driveway
6,045.9 sq ft
20'
10'
7
6
5
4
11.85 ft
15.33 ft
14.41 ft
35'
69.98 ft
8
28.6 ft
9
12
25.6 ft
Helipad
2,843.82 sq ft
10
13
18.81 ft
11
25 ft
20.11 ft
23.39 ft

CASITA AND RV GARAGE	
LIVING SPACE	898
GARAGE	776
COV. ENTRY/STORAGE	61
ROOF TOP DECK	639
TOTAL FLOOR AREA	2,374

MAIN HOUSE	
MAIN LEVEL LIVING	5,140
UPPER LEVEL LIVING	4,493
TOTAL FLOOR AREA	9,633
GARAGE/MECH	1,291
ENTRY PORCH	75
COVERED PATIO	1,527
DECKS	951
TOTAL FLOOR AREA	13,477

FIRE PLACE NOTES:

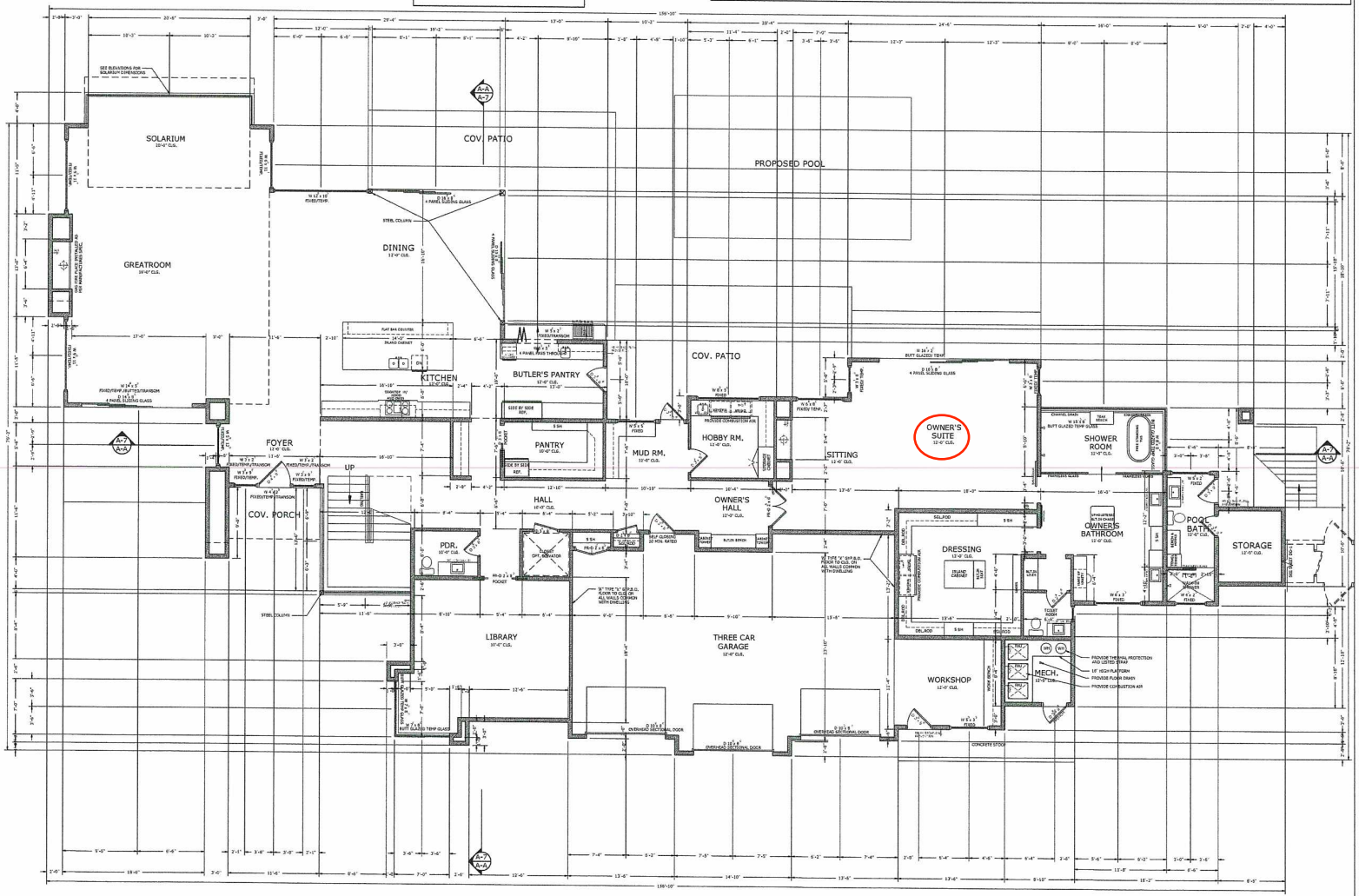
IF FIREPLACES ARE INSTALLED, ENSURE THAT VENTILATION AIR IS PROVIDED DIRECTLY TO THE FIREPLACE COMBUSTION CHAMBER. PROVISIONS SHALL BE MADE TO ENSURE THE FIREPLACE WILL NOT BE BACKSMUTTED BY OTHER EXHAUST FANS IN THE HOME.

PROVIDE INSTALLATION OF A SCOPE FROM THE FIRE BOX TO THE EXTERIOR OF THE HOME. EITHER THOUGH DIRECT VENT SHALL OR VERTICALLY THOUGH THE ROOF.

* ALWAYS INSTALL AS PER MANUFACTURERS SPECS
* BUILDER TO VERIFY INSTALLATION INSTRUCTIONS

GENERAL NOTES

1. ALL DIMENSIONS ARE TO THE FACE OF FRAMING MATERIAL. OR FACE OF THE SHEATHING - EXTERIOR SHEATHING ALIGNS WITH THE FACE OF THE FOUNDATION.
2. WALLS NOTED OTHERWISE . . . .
   EXTERIOR WALLS = 2x4
   INTERIOR WALLS = 2x4
   PLUMBING WALLS = AS NOTED
3. ALL WOOD IN CONTACT WITH CONCRETE IS TO BE PRESERVATIVE TREATED.
4. ALL WINDOW FRAMES AND EXTERIOR BASE PLATES ARE TO BE SET IN A SOLID BED OF POLYMER FLASH SEALANT.
5. ALL CONSTRUCTION SHALL COMPLY WITH THE 2018 I.R.C. AND APPLICABLE LOCAL ORDINANCES.
6. VERIFY LOCATIONS OF ALL UTILITY LINES BEFORE PROCEEDING WITH ANY WORK THAT MAY AFFECT THEM.
7. ALL NEW CONCRETE WALKS HAVE A MINIMUM OF 2% CROSS SLOPE TO DRAIN AWAY FROM BUILDING.
8. PROVIDE A 4" MINIMUM LAYER OF GRANULAR 3/4" DIA. FILL UNDER WALKS & CURBS, UNLESS SHOWN OTHERWISE.
9. PROVIDE SOLID BLOCKING AT SIDES OF GLAZING FOR WINDOW TREATMENT ANCHORS.
10. FIREPLACE TYPE & SIZE TO BE CSBD APPROVED AND OWNER/BUILDER VERIFIED.
11. FLOOR COVERINGS, BASE AND TRIM, MOULDINGS, AND CABINETRY TO BE DETERMINED BY OWNER.
12. FLOOR GRATES TO BE INSTALLED AS REQUIRED.
13. HOSE BIBBS LOCATIONS TO BE VERIFIED BY OWNER, HOSE BIBBS SHOULD HAVE BACKFLOW PROTECTORS.
14. WINDOW AND DOOR HEADERS TO BE (2) 2x10'S UNLESS NOTED OTHERWISE, SEE ENGINEERS SPECS.
15. ALL PLUMBING TO BE IN ACCORDANCE WITH CURRENT IPC AND LOCAL CODES.
16. ATTIC ACCESS TO BE A MINIMUM OF 22"x 30" 30" OF HEAD ROOM ABOVE ACCESS. 1 HR. FIRE-RESISTANT CONSTRUCTION & LATCH REQUIRED IN GARAGE ACCESSES AS PER CURRENT I.R.C.
17. SEISMIC T2B-DOWNS TO BE PROVIDED AT ALL WATER HEATERS AS PER CURRENT I.R.C.
18. PROVIDE A MINIMUM CLEARANCE OF 30" IN FRONT OF ALL WATER HEATERS.
19. PROVIDE A MINIMUM CLEARANCE OF 30" IN FRONT OF FURNACE FOR SERVICING.
20. ALL PLUMBING VENTS THROUGH ROOF TO BE 2" PVC MINIMUM. ALL PENETRATIONS THROUGH ROOF SHALL BE 8'-0" MIN. FROM ANY PATTY WALLS AND SHALL BE 2'-0" ABOVE OR 10'-0" AWAY FROM ALL EXTERIOR AIR INTAKE OPENINGS.
21. FLUE AND EXHAUST VENTS WILL TERMINATE 4'-0" BELOW OR 4'-0" HORIZ. AND AT LEAST 1'-0" ABOVE A DOOR, OPENABLE WINDOW, OR GRAVITY AIR INLET.
22. GAS METER AND MAIN SHUTOFF TO BE LOCATED AS PER CURRENT I.M.C.
23. LICENCED CONTRACTOR TO VERIFY ALL DIMENSIONS AND SPECIFICATIONS ON SITE.
24. A BACK WATER VALVE IS REQUIRED TO PROTECT PLUMBING FIXTURES THAT ARE LOCATED BELOW THE NEXT UPSTREAM MANHOLE COVER. ALL LOWEST UNFINISHED FINISHED FLOOR LEVELS THAT ARE ABOVE THE ELEVATION LEVEL OF THE MANHOLE COVER SHALL NOT DISCHARGE THROUGH THE BACKWATER VALVE.
25. SHOWER STALLS AND BATHTUBS WITH SHOWER HEADS (WITH OR WITHOUT DOORS) SHALL HAVE WALLS FINISHED WITH A NON-ABSORBENT SURFACE FOR A HEIGHT OF 72" ABV. THE FLOOR. (I.R.C. R307.2)
26. FASTENERS INSTALLED INTO PRESERVATIVE TREATED WOOD ARE TO BE ZINC COATED OR TREATED AS REQUIRED BY IRC R317.3.
27. ALL GRADING AROUND THE HOME WILL SLOPE AT LEAST 5% AWAY FROM THE HOME FOR PROPER DRAINAGE AS REQUIRED BY IRC R401.3
28. BACKFILL IS NOT TO BE PLACED AGAINST BASEMENT WALLS UNTIL BRACING IS IN PLACE AS REQUIRED BY IRC R404.1.5
29. PROVIDE REQUIRED REPAIRTECH DRAINS FOR THE FOUNDATION WALLS PER IRC R405.1.
30. PROVIDE DAMP PROOFING AT THE BELOW GRADE FOUNDATION WALLS PER IRC R406.1.
31. MAXIMUM FLOW RATES PER SHOWER HEADS (2.5 gpm @ 80 PSI) LAVATORY (2.2 GPM @ 60 PSI). SINK FAUCETS (1.2 GPM @ 60 PSI). WATER CLOSETS (1.6 GAL PER FLUSH). FLOW RATES SHOULD MEET REQUIREMENTS OF IRC P2903.2.
32. ALL INJECTORS SHALL BE DETERMINED BY TESTING IN ACCORDANCE WITH NFPC 200 AND LABELED AS SUCH BY THE MANUF., PER SECTION 202.1.3 OF THE 2006 IECC (HEATING - CLIMATE ZONE 5 = 0.35, (NO, UTAH) U-FACTOR - CLIMATE ZONE 3 = 0.65, (SO, UTAH)
33. EXHAUST RATE FOR RANGE HOOD IS NOT TO EXCEED 400 CFM.
34. PROVIDE BACKING IN WALL FOR ALL SCHEDULED HARDWARE.



MAIN LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"

CORTNEY HASLEM DESIGNS

CUSTOM HOME PLANS
1240 E. 100 S., #7
ST. GEORGE,UT 84790
435-229-0395

MAIN LEVEL FLOOR PLAN

MATT FERGUSON
NICHOLS PEAK
WASHINGTON, UT

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2019

DATE: 1-2-19

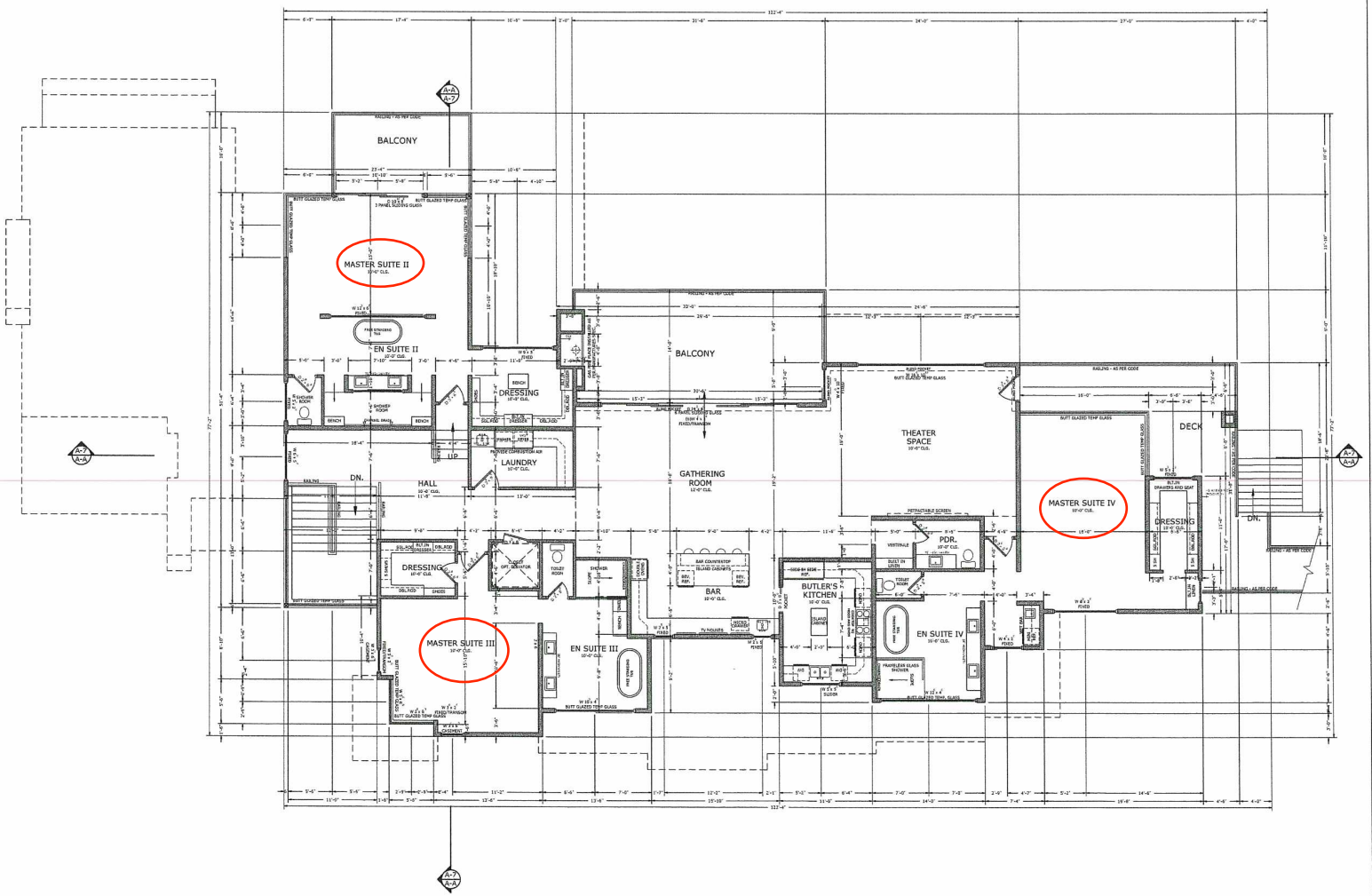
REVISED:

JOB #: NP-01

BY: C. HASLEM

A-1

SHEET SCALE: 1/4" = 1'-0"



UPPER LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"

CORTNEY HASLEM DESIGNS

CUSTOM HOME PLANS
1240 E. 100 S. #7
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UPPER LEVEL FLOOR PLAN

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2019

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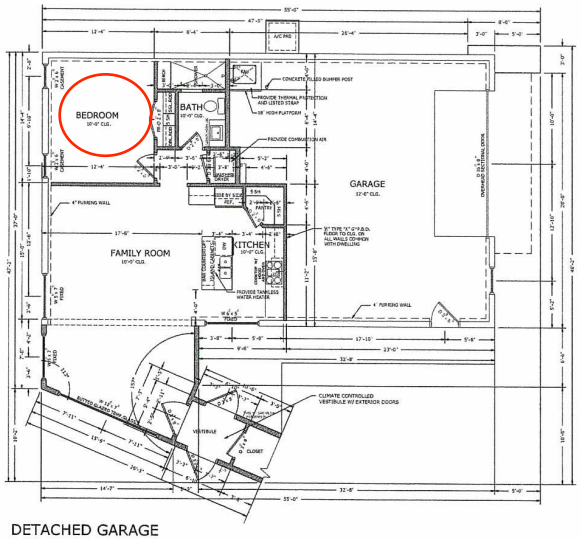
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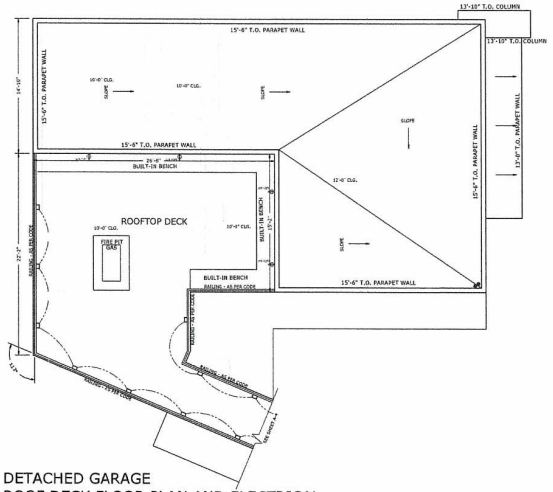
A-2

SHEET SCALE: 1/4" = 1'-0"



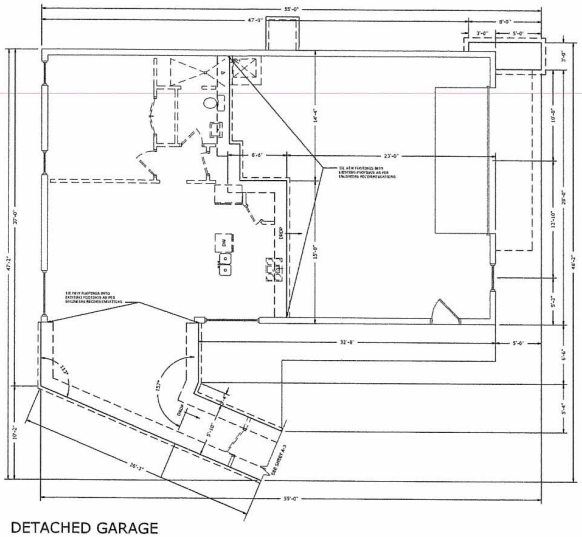
DETACHED GARAGE
MAIN LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"



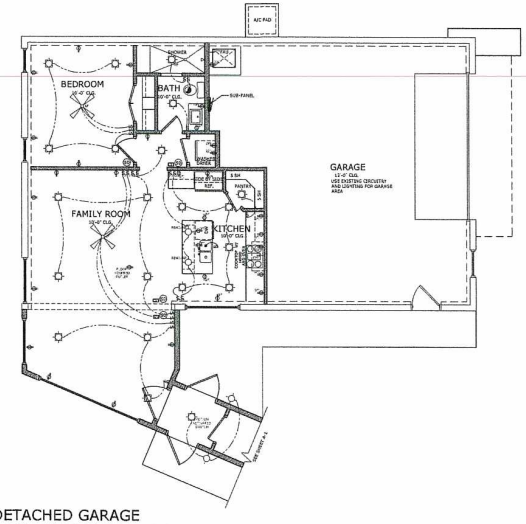
DETACHED GARAGE
ROOF DECK FLOOR PLAN AND ELECTRICAL
ROOF OVERVIEW

SCALE: 1/4" = 1'-0"



DETACHED GARAGE
FOUNDATION PLAN

SCALE: 1/4" = 1'-0"



DETACHED GARAGE
MAIN LEVEL ELECTRICAL PLAN

SCALE: 1/4" = 1'-0"

CORTNEY HASLEM DESIGNS

CUSTOM HOME PLANS
1240 E. 100 S. #7
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435-229-0395

DETACHED GARAGE

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WASHINGTON, UT

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2018

DATE: 12-17-18

REVISED:

JOB #: NP-01

BY: C. HASLEM

DG-1

SHEET SCALE: 1/4" = 1'-0"















