**COTTONWOOD HEIGHTS CITY**
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

# ADMINISTRATIVE HEARING AGENDA

October 23, 2019

**NOTICE** is hereby given that the Cottonwood Heights Community and Economic Development Director or designee will hold an Administrative Hearing Meeting on **Wednesday, October 23, 2019, beginning at 12:00 p.m**. in Room 5 (Council Chambers) located at 2277 E. Bengal Blvd., Cottonwood Heights, Utah.

**12:00 p.m. ADMINISTRATIVE HEARING MEETING**

**1.0 Business Items**

1.1. **(Project CUP-19-014)**

Request from Larry & Laurie Heuple for a conditional use permit to operate a short-term rental at 3562 E. Wasatch Hills Ln.

1.2. **(Project CUP-19-015)**

Request from Utah's Best Vacation Rentals for a conditional use permit to operate a short-term rental at 3571 E. Lone Brook Ln.

1.3. **(Project CUP-19-016)**

Request from Brian Behle (Drop In Lodging LLC) for a conditional use permit to operate a short-term rental at 3581 E. Lone Brook Ln.

1.4. **(Project CUP-19-017)**

Request from Brian Behle (Drop In Lodging LLC) for a conditional use permit to operate a short-term rental at 3581 E. Rustic Spring Ln.

**2.0 Adjournment**

**Meeting Procedures**
Items will generally be heard 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. Community and Economic Development Director Deliberation
6. Community and Economic Development Director Decision

Administrative Hearing applications may be tabled if: 1) Additional information is needed in order to act on the item; OR 2) The Community and Economic Development Director feels there are unresolved issues that may need further attention before the Director is ready to make a decision. The Community and Economic Development Director 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 the Tuesday prior to the meeting at noon. Comments should be emailed to ahulka@ch.utah.gov. After the public hearing has been closed, the Community and Economic Development Director will not accept any additional written or verbal comments on the application.

**Notice of Compliance with the American 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)944-7021 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 Friday, October 18, 2019 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 State Public Meeting Notice website at http://pmn.utah.gov.

DATED THIS 18th Day of October, 2019
Paula Melgar, City Recorder

## Summary

**Project:**
CUP-19-014

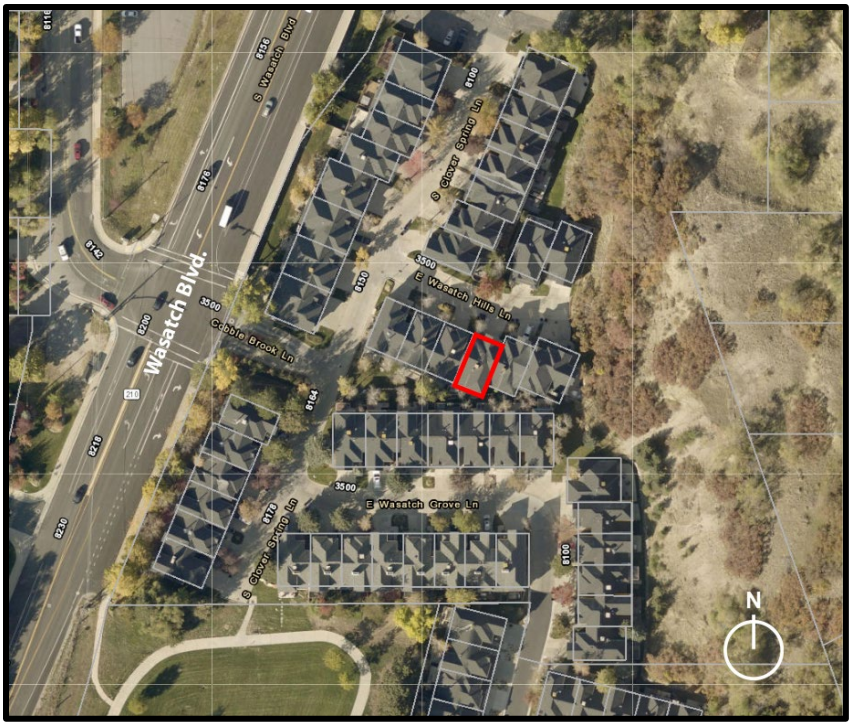
**Location:**
3562 E. Wasatch Hills Ln.

**Request:**
Conditional use application to obtain a short-term rental license.

**Owner:**
Larry & Laurie Heuple

**Applicant:**
Larry & Laurie Heuple

**Recommendation:**
APPROVE, with conditions.




## Analysis

### Adjacent Zoning & Land Use

NORTH: R-2-8 Residential Multi-family (The Oaks at Wasatch)
SOUTH: R-2-8 Residential Multi-family (The Oaks at Wasatch)
EAST: R-2-8 Residential Multi-family (The Oaks at Wasatch)
WEST: R-2-8 Residential Multi-family (The Oaks at Wasatch)

### Staff Analysis

The property is located in the R-2-8 (Residential Multi-family) zone. Short-term rentals may be approved as a conditional use in the R-2-8 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 Oaks at Wasatch PUD, which contains 107 units. The property fronts on Wasatch Hills Ln., which is a private street.

## 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. 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.
4. 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.
5. 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.

## Summary

**Project:**
CUP-19-015

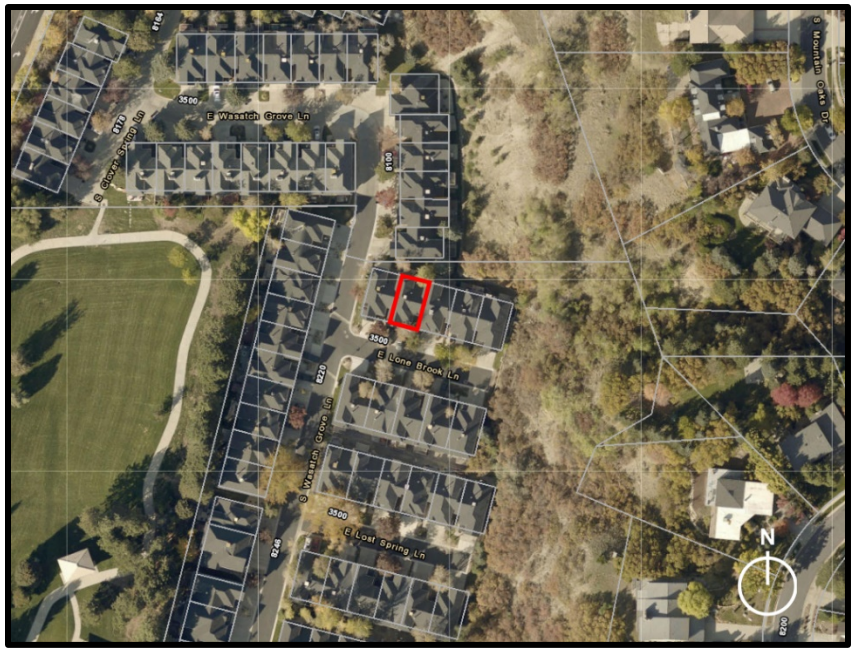
**Location:**
3571 E. Lone Brook Ln.

**Request:**
Conditional use application to obtain a short-term rental license.

**Owner:**
Scottie Hobbs

**Applicant:**
Utah's Best Vacation Rentals

**Recommendation:**
APPROVE, with conditions.




## Analysis

### Adjacent Zoning & Land Use

NORTH: R-2-8 Residential Multi-family (The Oaks at Wasatch)
SOUTH: R-2-8 Residential Multi-family (The Oaks at Wasatch)
EAST: R-2-8 Residential Multi-family (The Oaks at Wasatch)
WEST: PF Public Facility (Golden Hills Park)

### Staff Analysis

The property is located in the R-2-8 (Residential Multi-family) zone. Short-term rentals may be approved as a conditional use in the R-2-8 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 Oaks at Wasatch PUD, which contains 107 units. The property fronts on Lone Brook Ln., which is a private street.

## 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. 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.
4. 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.
5. 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.

## Summary

**Project:**
CUP-19-016

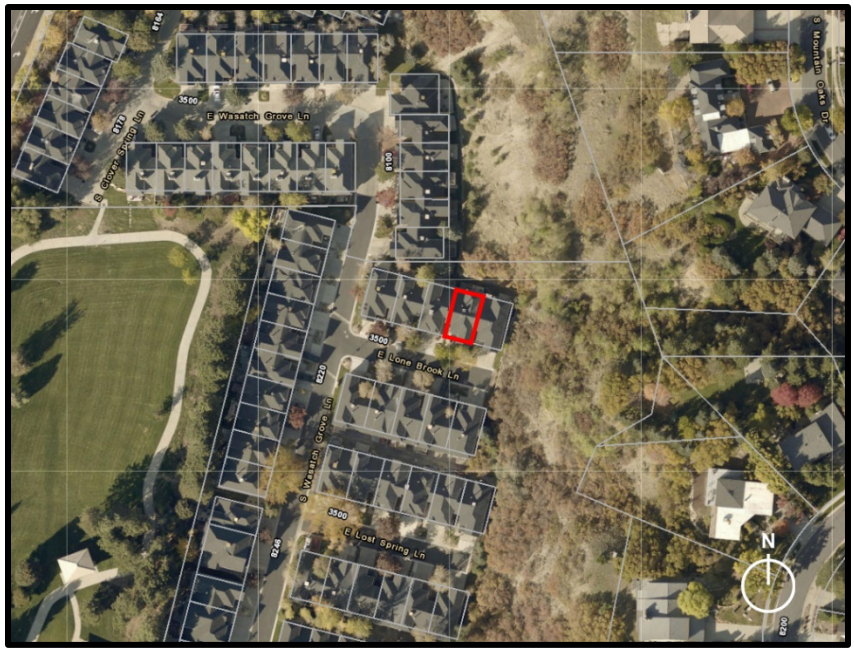
**Location:**
3581 E. Lone Brook Ln.

**Request:**
Conditional use application to obtain a short-term rental license.

**Owner:**
Brian Behle/Drop In Lodging LLC

**Applicant:**
Brian Behle/Drop In Lodging LLC

**Recommendation:**
APPROVE, with conditions.




## Analysis

### Adjacent Zoning & Land Use

NORTH: R-2-8 Residential Multi-family (The Oaks at Wasatch)
SOUTH: R-2-8 Residential Multi-family (The Oaks at Wasatch)
EAST: R-2-8 Residential Multi-family (The Oaks at Wasatch)
WEST: PF Public Facility (Golden Hills Park)

### Staff Analysis

The property is located in the R-2-8 (Residential Multi-family) zone. Short-term rentals may be approved as a conditional use in the R-2-8 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 Oaks at Wasatch PUD, which contains 107 units. The property fronts on Lone Brook Ln., which is a private street.

## 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.
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## Summary

**Project:**
CUP-19-017

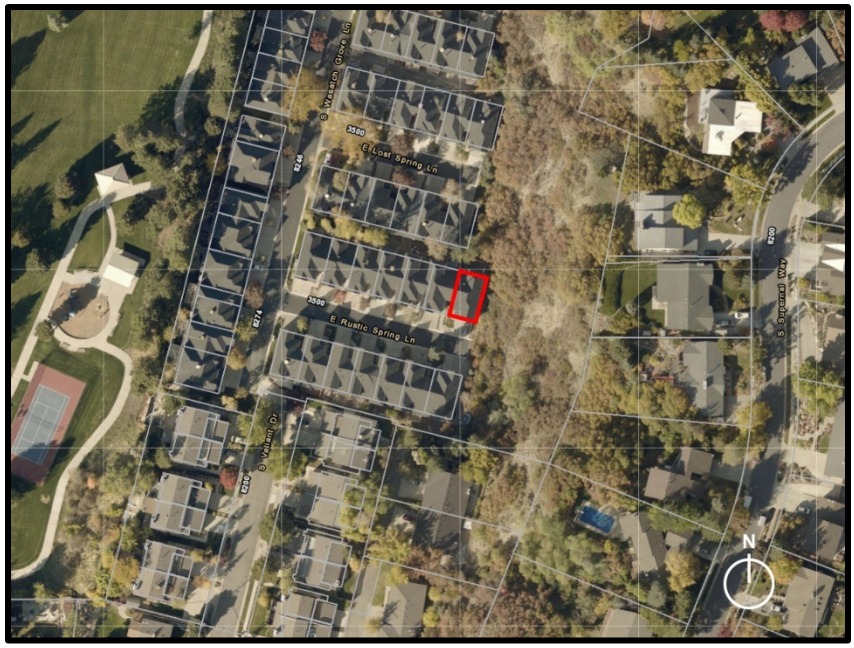
**Location:**
3581 E. Rustic Spring Ln.

**Request:**
Conditional use application to obtain a short-term rental license.

**Owner:**
Brian Behle/Drop In Lodging LLC

**Applicant:**
Brian Behle/Drop In Lodging LLC

**Recommendation:**
APPROVE, with conditions.




## Analysis

### Adjacent Zoning & Land Use

NORTH: R-2-8 Residential Multi-family (The Oaks at Wasatch)
SOUTH: R-2-8 Residential Multi-family (The Oaks at Wasatch)
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