

1
2 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
3 **ADMINISTRATIVE HEARING**
4

5 **Wednesday, June 8, 2022**
6 **12:00 p.m.**
7 **City Council Chambers**
8 **2277 East Bengal Boulevard**
9

10 ***ATTENDANCE***
11

12 **Present:** Michael Johnson, Community and Economic Development Director/Hearing Officer
13 Samantha DeSeelhorst, Assistant Planner/Sustainability Analyst
14 Heather Sundquist, Deputy City Recorder
15 Maverick Yeh, Assistant City Planner
16 Patrick Romero, Applicant
17 Jeffrey Lunt, Applicant
18

19 **1.0 Business Items**
20

21 The meeting was called to order at approximately 12:00 p.m.
22

23 **1.1 (Project CUP-22-007) Request from Patrick Romero and Jeffrey Lunt for**
24 **Conditional Use Approval of a Short-Term Rental at 7433 South Rich Way.**
25

26 **1.2 (Project CUP-22-008) Request from Patrick Romeo and Jeffrey Lunt for**
27 **Conditional Approval of a Short-Term Rental at 7435 South Rich Way.**
28

29 Assistant City Planner, Maverick Yeh, presented the staff report for the two requests above. The
30 property is located in the R-2-8 zone where short-term rentals may be approved as a conditional
31 use. The property is part of a PUD that contains 34 units. The property fronts private lands. The
32 application must be complete, and a Business License obtained. A public hearing notice was sent
33 out and one comment was received.
34

35 The applicant, Jeffrey Lunt, stated that they take the necessary steps to ensure that they are good
36 neighbors. He stated that short-term rentals are a viable solution to meet lodging needs within the
37 City. In response to a question raised, Mr. Lunt stated that each unit is allotted two stalls with a
38 maximum occupancy of six. They also closely monitor the properties with a decibel meter inside
39 that alerts them of rowdy behavior. In the event of noise, they address it immediately. Each unit
40 has two bedrooms and two bathrooms with each bedroom sleeping up to three people. Four is the
41 typical occupancy.
42

43 Community and Economic Development Director/Hearing Officer, Michael Johnson, opened the
44 public hearing.
45

46 *Mark Lambert* identified himself as an owner of Park Ridge Estates. He reported that his wife
47 serves as Secretary of the Homeowners Association (“HOA”) and Jeffrey Lunt serves as President.

1 Messrs. Lunt and Romero have been operating the short-term rental unlicensed for approximately
2 six months. Mr. Lambert found out about it three weeks earlier when his tenant called him with
3 concerns about parking and the potential for her special needs daughter to gain unauthorized access
4 to the applicant's hot tub. He reported that the HOA Bylaws state that units shall be used for
5 residential purposes only. Mr. Lunt has never reached out to any officers of the HOA expressing
6 his intent to use the property in the desired manner. Mr. Lambert reported that he serves as
7 Chairman of the Architectural Committee, and he expressed his objection to the proposal. There
8 have also been instances involving Methamphetamine use in the complex where two units were
9 condemned. Two additional units tested positive.

10
11 *Bijan Fakhreih* reported that he has owned a unit in the complex for over 40 years. He has also
12 served previously as President of the HOA. He stated that the requests of Messrs. Lunt and
13 Romero should have received approval from the HOA before coming to the City since the Bylaws
14 rule. He was concerned that the applicants did not present their request to the HOA before making
15 an application with the City.

16
17 Mr. Johnson stated that short-term rental applications are common and often operate in areas where
18 there is an HOA, which involves private contracts that are entered into between an ownership
19 organization and the owners. They are private agreements that are fully enforceable but not by the
20 City. They are not factored into any City decision. In each case, there is assurance that City
21 ordinances are followed.

22
23 Mr. Lunt stated that the hot tub is on his private property but is not fenced. He expressed a
24 willingness to fence it. Mr. Johnson felt that was reasonable and stated that because short-term
25 rentals are conditional uses, they can look at potential negative impacts and impose conditions to
26 mitigate them.

27
28 With regard to the concern about parking, Mr. Johnson stated that City ordinance requires that
29 parking in any short-term rental use only the parking that is entitled to the unit. There are
30 conditions in the City Ordinance addressing noise violations or nuisances. Specific instances can
31 be reported and investigated. Ongoing issues may result in license revocation. Mr. Johnson felt
32 that the units meet all of the ordinance criteria for short-term rentals. Staff provided a
33 comprehensive list of recommended conditions of approval. He saw nothing in the ordinance or
34 the application that would prohibit the City from granting the request.

35
36 ***Hearing Officer Johnson moved to APPROVE Project CUP-22-007 subject to the following:***

37
38 ***Conditions:***

- 39
40 ***1. The applicant must complete the necessary steps to obtain a business license***
41 ***through the city of Cottonwood Heights. Obtaining a business license will***
42 ***indicate final approval of the short-term rental application. The short-term rental***
43 ***property will not be considered legal until a business license is obtained.***
44
45 ***2. The short-term rental property is required to maintain compliance with all***
46 ***sections and subsections of chapter 19.89 and chapter 5.85 of the Cottonwood***

1 *Heights Municipal Code, as hereafter amended from time to time, and all other*
2 *legal requirements and applicable laws.*

3
4 **3. *Occupancy in any short-term rental property shall not exceed the lesser of:***

5
6 **a. *up to two adults (persons aged 18 and above) and two related children***
7 ***(persons under age 18) per bedroom, or***

8
9 **b. *a total occupancy (adults and children) of no more than 12 persons in the***
10 ***entire short-term rental property. It is prohibited to create artificial***
11 ***divisions or partitions for the purpose of increasing the available***
12 ***occupancy of an otherwise standard dwelling unit.***

13
14 **4. *This short-term rental property will be approved for no more than four (4)***
15 ***bedrooms. The term “bedroom” means a room designated and used primarily for***
16 ***sleeping and resting on a bed.***

17
18 **5. *Upon issuance of a business license and conditional use permit, the applicant***
19 ***must display a copy of the business license inside the main entry of the property.***

20
21 **6. *The facility and its use shall comply with all applicable laws, rules, and***
22 ***regulations, including those instituted by the state, county, county health***
23 ***department, or the City to mitigate the impact of the COVID-19 pandemic.***

24
25 **7. *Parking for the unit shall comply with the legally allotted parking granted to the***
26 ***unit.***

27
28 **8. *A fence or physical enclosure shall be installed around the hot tub area a***
29 ***minimum of four feet in height. City Code allows for fencing of up to six feet in***
30 ***the rear.***

31
32 ***Findings:***

33
34 **1. *The proposed short-term rental meets the applicable provisions of chapter 19.89***
35 ***and chapter 5.85 of the Cottonwood Heights Municipal Code.***

36
37 **2. *That the proposed project will continue to meet the applicable provisions of***
38 ***Chapter 19.84, “Conditional Uses,” of the zoning code:***

39
40 **a. *That the proposed use is one of the conditional uses specifically listed in***
41 ***the zoning district in which it is to be located (19.89.050);***

42
43 **b. *That such use will not, under the circumstances of the particular case, be***
44 ***detrimental to the health, safety, comfort, order, or general welfare of***
45 ***persons residing or working in the vicinity;***
46

- 1 c. *That the use will comply with the intent, spirit, and regulations of this title*
2 *and will be compatible with and implement the planning goals and*
3 *objectives of the City;*
4
5 d. *That the use will be harmonious with the neighboring uses in the zoning*
6 *district in which it is to be located;*
7
8 e. *That nuisances which would not be in harmony with the neighboring uses*
9 *will be abated by the conditions imposed;*
10
11 f. *That protection of property values, the environment, and the tax base for*
12 *the City will be assured;*
13
14 g. *That the use will comply with the city's general plan;*
15
16 h. *That the property will be required to comply with all conditions of*
17 *approval in perpetuity, in accordance with sections 19.89.160 –*
18 *Inspections and 19.89.190 – Violations and penalties of the Cottonwood*
19 *Heights Municipal Code.*
20

21 **Hearing Officer Johnson moved to APPROVE Project CUP-22-008 subject to the following:**

22
23 **Conditions:**

- 24
25 1. *The applicant must complete the necessary steps to obtain a business license*
26 *through the city of Cottonwood Heights. Obtaining a business license will*
27 *indicate final approval of the short-term rental application. The short-term rental*
28 *property will not be considered legal until a business license is obtained.*
29
30 2. *The short-term rental property is required to maintain compliance with all*
31 *sections and subsections of chapter 19.89 and chapter 5.85 of the Cottonwood*
32 *Heights Municipal Code, as hereafter amended from time to time, and all other*
33 *legal requirements and applicable laws.*
34
35 3. *Occupancy in any short-term rental property shall not exceed the lesser of:*
36
37 c. *up to two adults (persons aged 18 and above) and two related children*
38 *(persons under age 18) per bedroom, or*
39
40 d. *a total occupancy (adults and children) of no more than 12 persons in the*
41 *entire short-term rental property. It is prohibited to create artificial*
42 *divisions or partitions for the purpose of increasing the available*
43 *occupancy of an otherwise standard dwelling unit.*
44

- 1 4. *This short-term rental property will be approved for no more than four (4)*
2 *bedrooms. The term “bedroom” means a room designated and used primarily for*
3 *sleeping and resting on a bed.*
- 4
- 5 5. *Upon issuance of a business license and conditional use permit, the applicant*
6 *must display a copy of the business license inside the main entry of the property.*
7
- 8 6. *The facility and its use shall comply with all applicable laws, rules, and*
9 *regulations, including those instituted by the state, county, county health*
10 *department, or the City to mitigate the impact of the COVID-19 pandemic.*
11
- 12 7. *Parking for the unit shall comply with the legally allotted parking granted to the*
13 *unit.*
14
- 15 8. *The private area in the backyard shall be enclosed or fenced with a minimum*
16 *four-foot enclosure.*
17

18 ***Findings:***

- 19
- 20 1. *The proposed short-term rental meets the applicable provisions of chapter 19.89*
21 *and chapter 5.85 of the Cottonwood Heights Municipal Code.*
22
- 23 2. *That the proposed project will continue to meet the applicable provisions of*
24 *Chapter 19.84, “Conditional Uses,” of the zoning code:*
25
 - 26 a. *That the proposed use is one of the conditional uses specifically listed in*
27 *the zoning district in which it is to be located (19.89.050);*
28
 - 29 b. *That such use will not, under the circumstances of the particular case, be*
30 *detrimental to the health, safety, comfort, order, or general welfare of*
31 *persons residing or working in the vicinity;*
32
 - 33 c. *That the use will comply with the intent, spirit, and regulations of this title*
34 *and will be compatible with and implement the planning goals and*
35 *objectives of the City;*
36
 - 37 d. *That the use will be harmonious with the neighboring uses in the zoning*
38 *district in which it is to be located;*
39
 - 40 e. *That nuisances which would not be in harmony with the neighboring uses*
41 *will be abated by the conditions imposed;*
42
 - 43 f. *That protection of property values, the environment, and the tax base for*
44 *the City will be assured;*
45
 - 46 g. *That the use will comply with the city’s general plan;*

- 1
2 ***h. That the property will be required to comply with all conditions of***
3 ***approval in perpetuity, in accordance with sections 19.89.160 –***
4 ***Inspections and 19.89.190 – Violations and penalties of the Cottonwood***
5 ***Heights Municipal Code.***
6

7 The applicants were invited to work with staff on the licensing and administrative requirements.
8

9 **2.0 CONSENT AGENDA**
10

11 **2.1 Approval of Minutes for June 8, 2022.**
12

13 ***The Appeals Hearing Officer APPROVED the minutes of the June 8, 2022, meeting after the***
14 ***following process is met. The Recorder will prepare the minutes and email them to the hearing***
15 ***officer. The hearing officer will have five days to review the minutes and provide any changes***
16 ***to the recorder. If, after five days there are no changes, the minutes will stand approved. If***
17 ***there are changes, the process will be followed until the changes are made and the hearing***
18 ***officer is in agreement, at which time the minutes shall be deemed approved.***
19

20 **3.0 ADJOURNMENT**
21

22 The Administrative Hearing adjourned at approximately 12:20 p.m.

1 *I hereby certify that the foregoing represents a true, accurate, and complete record of the*
2 *Cottonwood Heights City Administrative Hearing held Wednesday, June 8, 2022.*
3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8
9 Minutes Approved: July 13, 2022