



COTTONWOOD HEIGHTS CITY
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

ADMINISTRATIVE HEARING AGENDA

November 2nd, 2022

NOTICE is hereby given that the Cottonwood Heights Community and Economic Development Director or designee will hold an Administrative Hearing Meeting on **Wednesday, November 2nd, 2022, beginning at 12:00 p.m.** in the Cottonwood Heights City Council Chambers located at 2277 E. Bengal Blvd., Cottonwood Heights, Utah 84121.

12:00 p.m. ADMINISTRATIVE HEARING MEETING

1.0 Business Items

1.1. (Project CUP-22-015)

Request from Reza Ahmadi for conditional use approval of a four to eight- foot metal fence along the south and portion of the east property at 8853 S. Sutton Way

1.2. (Project CUP-22-017)

Request from James and Claire Snow for conditional use approval of a short-term rental at 3538 E. Wasatch Grove Ln.

1.3. (Project CUP-22-018)

Request from Daniel D. & Rebecca Gray for a conditional use approval of a home occupation with clients (Psychotherapy Service) at 7955 S. Forest Oaks Ct.

2.0 Consent Agenda

2.1. Approval of Minutes for November 2nd, 2022

(The Director will move to approve the above-mentioned minutes after the following process is met. The recorder will prepare the minutes and email them to the Director and present staff members. The Director and members 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 Director and members agree, at which time the minutes shall be deemed approved.)

3.0 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 12:00 p.m. the day of the meeting. Comments should be emailed to myeh@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 28th, 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 28th Day of October
Paula Melgar, City Recorder



ADMINISTRATIVE HEARING UPDATE MEMO

Wall Height Extension: 8853 S. Sutton Way

Meeting Date: November 2nd, 2022

Staff Contact: Maverick Yeh, Assistant Planner
(801-944-7018, myeh@ch.utah.gov)

Summary

Project #:

CUP-22-015

Subject Property:

8853 S. Sutton Way

Action Requested:

Conditional use Permit
(Wall Height Extension)

Owner:

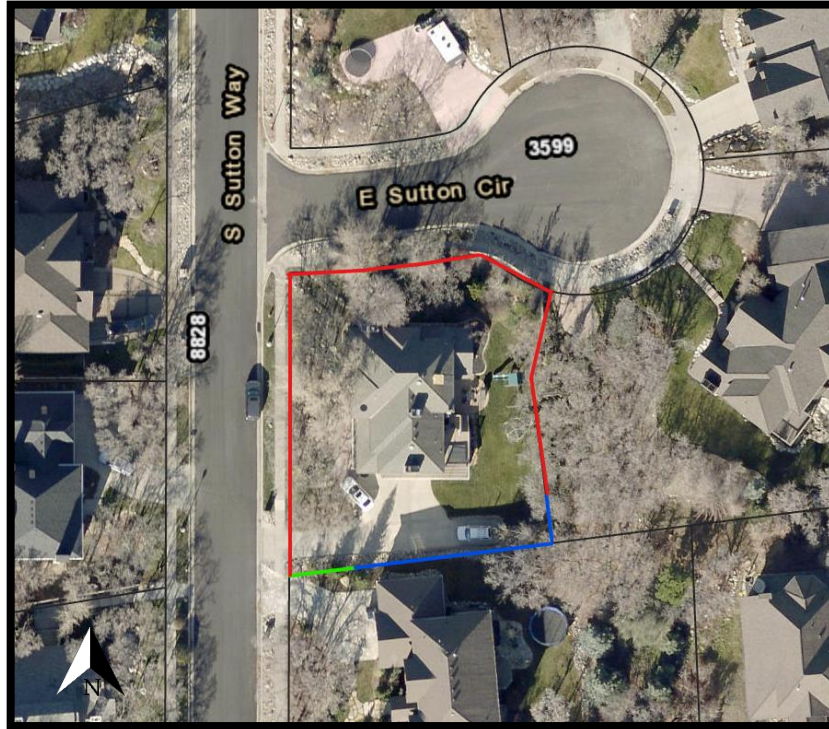
Reza Ahmadi

Applicant:

Wayne L. Gordon

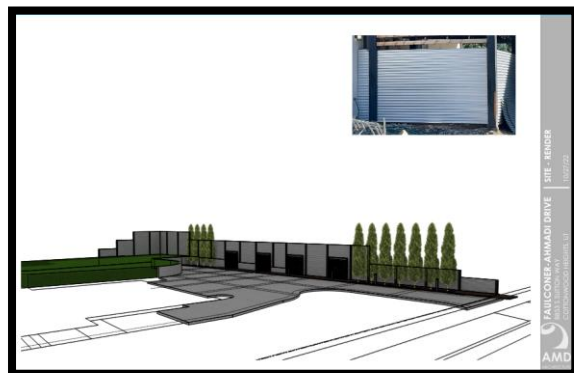
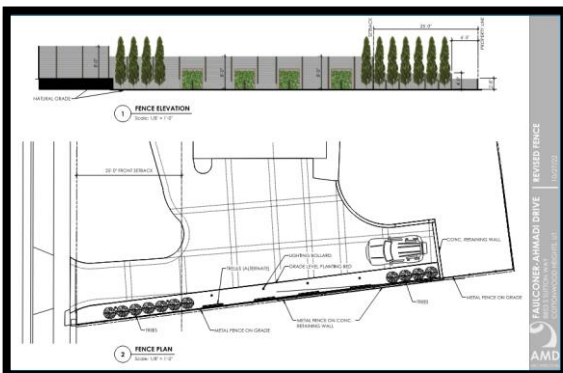
Recommendation:

Approve, with conditions



APPLICANT'S PROPOSAL UPDATE

Based on the discussions at the last meeting, the applicant submitted and updated a new wall height extension plan. The update's content reduces the first 25 ft wall to 4 ft height (green line) and adds landscape trees around the wall. The rest of the wall remains the original plan of 8ft height (blue line) and metal material.





ADMINISTRATIVE HEARING STAFF REPORT

Short-Term Rental: 3538 E. Wasatch Grove Ln.

Meeting Date: Nov 2nd, 2022

Staff Contact: Maverick Yeh, Assistant Planner
(801-944-7018, myeh@ch.utah.gov)

Summary

Project #:

CUP-22-017

Subject Property:

3538 E. Wasatch Grove Ln.

Action Requested:

Conditional use Permit
(Short-Term Rental)

Owner:

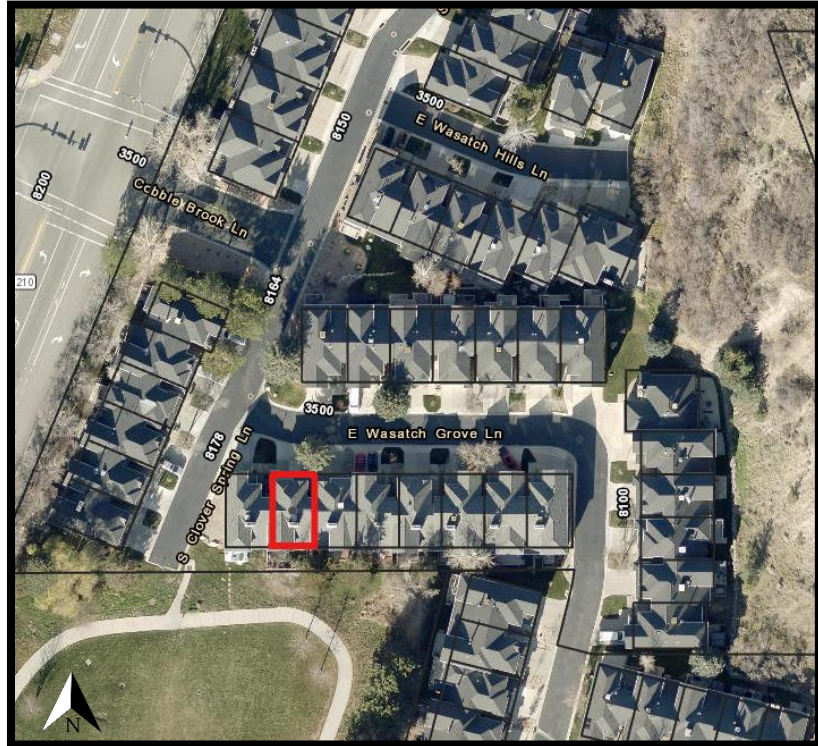
James and Claire Snow

Applicant:

James and Claire Snow

Recommendation:

Approve, with conditions



Aerial View

Analysis

Adjacent Zoning & Land Use

- **NORTH:** R-2-8 Multi-family Residential (The Oaks at Wasatch)
- **SOUTH:** PF Public Facility (Golden Hills Park)
- **EAST:** R-2-8 Multi-family Residential (The Oaks at Wasatch)
- **WEST:** R-2-8 Multi-family Residential (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 Grove Lane, 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.
6. The facility and its use shall comply with all applicable laws, rules and regulations, including those instituted by the state, county, county health department or the city to mitigate the impact of the COVID-19 pandemic.

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

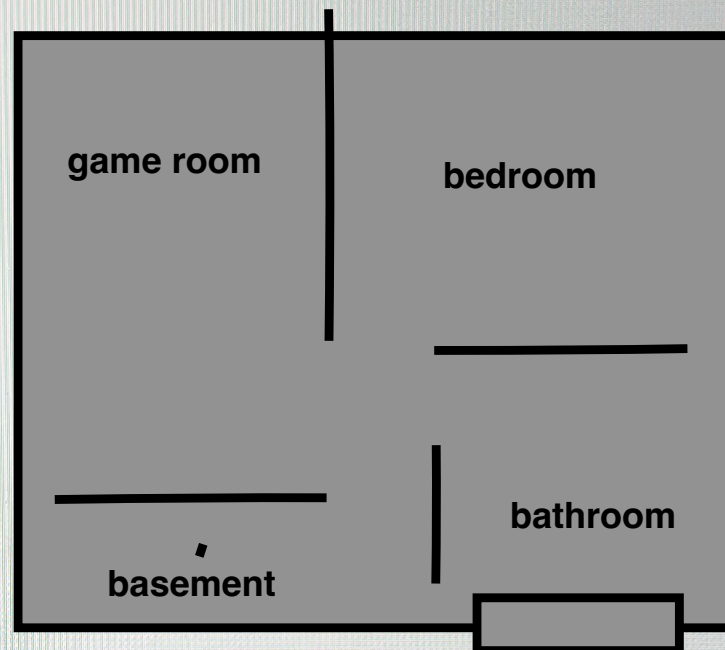
- Approval
 - “I move to approve item CUP-22-017 pursuant to the conditions of approval outlined in the item’s staff report.”
 - Add any additional conditions of approval...
- Denial
 - “I move to deny item CUP-22-017 based on the following findings...”
 - List reasons for denial...

Attachments

1. Applicant Statement
2. Floorplan



MAIN FL W/BSMNT W/UPPER & BSMNT
13'x25' 20'x29'



GARAGE W/OVERHANG
20'x18'



BUILTIN GARAGE
22'x9'

I{1}[R11U4]:SU4R1D1R6U1R3D2R10U5R2D9L4U2L18,LU{2}/I{1}
[R10U15]:U4SR1D1R6U1R3D2R10U16L4U2L16D16,L{1}/B{0}[R3U39]:U
[R14U39]:U20R4SU10R5U17R15D29L8U2L12,ULH{2}[R17U47]:U45R9S
[R17U53]:U45R9SU10R15D10L15,



Clover Spring Ln

Wasatch Grove Ln

parking 2 in driveway, 2 in garage. no street parking

3538 Wasatch Grove Ln, Cottonwood...

Text



Google



ADMINISTRATIVE HEARING STAFF REPORT

Home Occupation with Clients: 7955 S. Forest Oaks Ct.

Meeting Date: November 2nd, 2022

Staff Contact: Maverick Yeh, Assistant Planner
(801-944-7018, Myeh@ch.utah.gov)

Summary

Project #:

CUP-22-018

Subject Property:

7955 S. Forest Oaks Ct.

Action Requested:

Conditional use Permit (Home business) with clients

Applicant:

Daniel D. & Rebecca Gray

Recommendation:

Approve, with conditions



Aerial View

Context

Property Owners:

Rebecca Gray

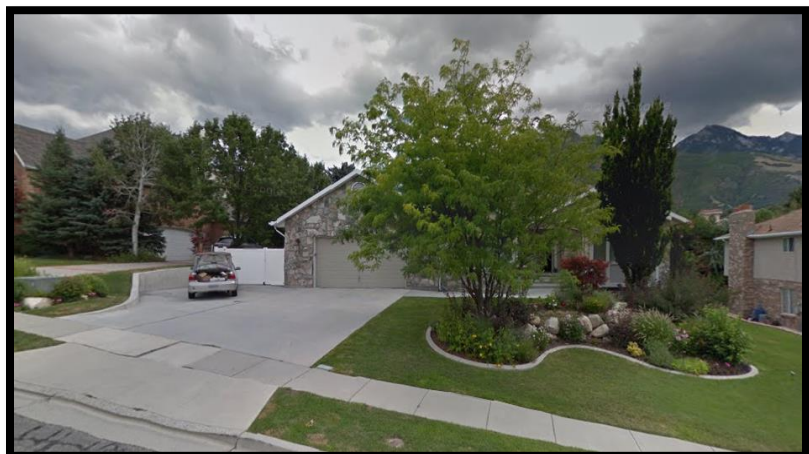
Address & Parcel #:

7955 S. Forest Oaks Ct.

22351290160000

Acres:

0.23



Street View

Site Photos



North View

Zoning and Land Use



Zoning Map

Analysis

Impact

Applicant Narrative

This business provides counseling services to individuals and couples seeking assistance from a professional, licensed Clinical Social Worker (LCSW). These services will be provided in an office which is a part of my primary residence. The hours of operation will be approximately 6 hours per day, usually Monday to Thursday. There will be no more than 6 clients served per day. They will arrive, separately, between the hours of 8:30am and 4:00pm.

There are therapeutic workbooks stored on site for distribution to clients, as needed. There is one employee who is an independent contractor. This employee handles the billing of clients and manages the operations of the business. Most of his work is done remotely, but will be at the home office, for a few hours, 1 day a week.

There will be no delivery drop-off or pick-up of materials. There will also be no remodels, expansions or building of new structures.

Traffic will only include the arrival of clients during the above- mentioned hours. Parking is available in the driveway of the residence, which will accommodate 3 vehicles.

The office space for the business is directly inside the home's front entrance.

Zoning

The zoning designation of the property is R-1-8 (Single-Family Residential). Home occupations with clients are listed as a conditional use in the R-1-8 zone, as referenced is 19.26.030.E. 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.

The home occupation section of the ordinance states that home occupation "means, (unless otherwise provided in this code) any use conducted entirely within a dwelling..." The business is proposed to be conducted entirely within the main house and therefore is considered a home occupation.

Requirements for home occupations are listed under section 19.76.040 F of the zoning ordinance.

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.

Staff Finding:

This application meets the definition of "home occupation." The number of employees does not exceed the maximum allowance, the primary function of the property as a dwelling unit is

maintained, and the residential aesthetic of home is preserved. No stock in trade products will be sold 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.

Staff Finding

This home business is not going to sell any products.

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.

Staff Finding

This home business only uses the main house area, without use of accessory buildings or yard areas.

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.

Staff Finding

This property has a two-car garage and three-car driveway, providing ample offstreet parking for use by the residents and clients.

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.

Staff Finding

The director will review the project for code compliance during an Administrative Hearing

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.

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 single-family residence.
- An administrative hearing will be held in accordance with local and state requirements.

Recommendation

Staff recommends approval of the application with conditions:

Recommended Conditions of Approval

1. The applicant shall obtain and maintain an approved business license with Cottonwood Heights.
2. Customers must use provided off- street parking, as the business may not rely upon any on-street parking, customers must be made aware of these parking restrictions.
3. The applicant shall adhere to the business hours of 8:30 am to 4:00pm, Monday to Thursday, with no more than six clients served per day, as described in the written narrative in the official project file.
4. Approval of this home occupation is subject to review upon complaint.
5. One non-resident employee is permitted at this business, in addition to the one resident employee described in the applicant's narrative.

Model Motions

Approval

I move to approve project CUP-22-018, 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-22-018, based on the following findings:

- List findings for denial...

Attachments

1. Floorplan
2. Parking Space Photo

From: Dan Gray

Sent: Monday, September 19, 2022 6:07 PM

To: Becky

Subject:



Sent from my iPhone

From: Dan Gray
Sent: Monday, September 19, 2022 6:04 PM
To: Becky
Subject:

Please print



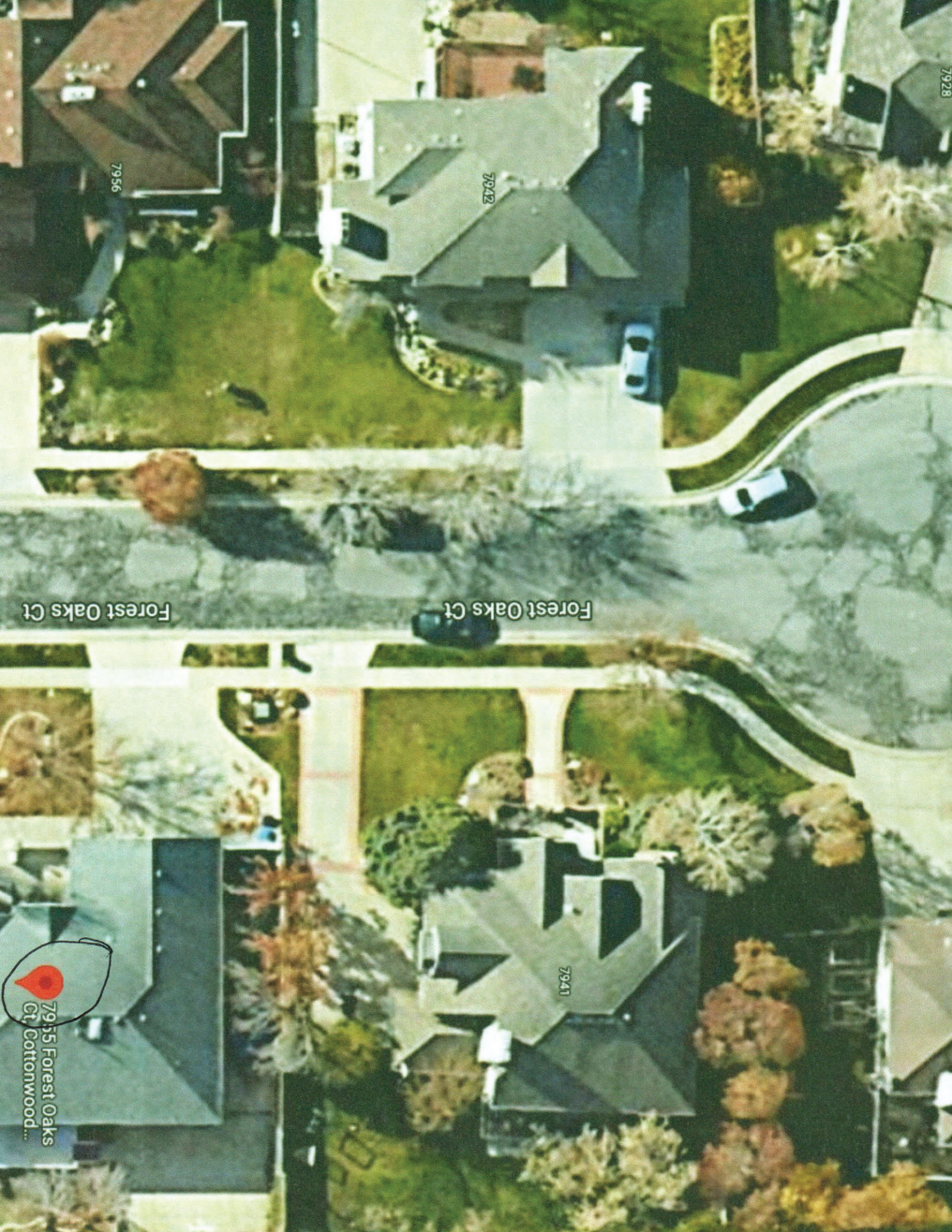
Sent from my iPhone

From: Dan Gray
Sent: Monday, September 19, 2022 5:57 PM
To: Becky
Subject:

Hon. Can you print this pic?



Sent from my iPhone



7928

7942

7956

7941

Forest Oaks Ct

Forest Oaks Ct

7935 Forest Oaks Ct, Cottonwood...