

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

3
4 **Wednesday, December 7, 2022**

5 **12:00 p.m.**

6 **City Council Chambers**
7 **2277 East Bengal Boulevard**

8
9 **ATTENDANCE**

10
11 **Present:** Michael Johnson, Community and Economic Development Director/Hearing Officer
12 Samantha DeSeelhorst, Senior City Planner
13 Maverick Yeh, Assistant City Planner
14

15 **ADMINISTRATIVE HEARING**

16
17 **1.0 Business Items**

18
19 Community and Economic Development Director/Hearing Officer, Michael Johnson called the
20 meeting to order at 12:00 p.m. and welcomed those present.
21

22 **1.1 (Project CUP-22-019) Request from Logan Dance, on Behalf of Wasatch**
23 **Uptracks, LLC for Conditional Use Approval of Short-Term Rental at 7430**
24 **South Wasatch Boulevard #C1.**
25

26 Associate City Planner, Maverick Yeh presented the Staff Report and stated that the above item is a
27 request for Conditional Use approval of a Short-Term Rental located at 7430 South Wasatch
28 Boulevard #C1. The subject property is located in an R-2-8 Multi-family Residential Zone where
29 short-term rentals may be approved as a Conditional Use provided the property is part of a Planned
30 Unit Development (“PDD”) or a condominium project that contains a minimum of eight units and
31 fronts on a private street. The subject property is part of the Canyons Racquet Club project containing
32 40 units. Staff determined that the request meets the standard for the Short-Term Rental requirements
33 as outlined in the City Code. Staff recommended approval with the conditions set forth in the Staff
34 Report.
35

36 Mr. Johnson opened the public hearing. There were no public comments. The public hearing was
37 closed.
38

39 ***Hearing Officer Johnson moved to APPROVE Project CUP-22-019, a request from Logan Dance,***
40 ***on behalf of Wasatch Uptracks, LLC. for Conditional Use Approval of Short-Term Rental at 7430***
41 ***South Wasatch Boulevard #C1 subject to the following:***
42

43 ***Findings:***

- 44
45 **1. *The proposed Short-Term Rental meets the applicable provisions of Chapter 19.89***
46 ***and Chapter 5.85 of the Cottonwood Heights Municipal Code.***
47

- 1 **2. *That the proposed project will continue to meet the applicable provisions of Chapter***
2 ***19.84, “Conditional Uses,” of the zoning code:***
3
4 **a. *That the proposed use is one of the conditional uses specifically listed in the***
5 ***zoning district in which it is to be located (19.89.050).***
6
7 **b. *That such use will not, under the circumstances of the particular case, be***
8 ***detrimental to the health, safety, comfort, order, or general welfare of***
9 ***persons residing or working in the vicinity.***
10
11 **c. *That the use will comply with the intent, spirit, and regulations of this title***
12 ***and will be compatible with and implement the planning goals and objectives***
13 ***of the City.***
14
15 **d. *That the use will be harmonious with the neighboring uses in the zoning***
16 ***district in which it is to be located.***
17
18 **e. *That nuisances which would not be in harmony with the neighboring uses***
19 ***will be abated by the conditions imposed.***
20
21 **f. *That protection of property values, the environment, and the tax base for the***
22 ***City will be assured.***
23
24 **g. *That the use will comply with the City’s General Plan.***
25
26 **h. *That the property will be required to comply with all conditions of approval***
27 ***in perpetuity, in accordance with Sections 19.89.160 – Inspections and***
28 ***19.89.190 – Violations and penalties of the Cottonwood Heights Municipal***
29 ***Code.***
30

31 **Conditions:**
32

- 33 **1. *The applicant must complete the necessary steps to obtain a Business License***
34 ***through the City of Cottonwood Heights. Obtaining a Business License will indicate***
35 ***final approval of the short-term rental application. The short-term rental property***
36 ***will not be considered legal until a business license is obtained.***
37
38 **2. *The short-term rental property is required to maintain compliance with all sections***
39 ***and subsections of Chapter 19.89 and Chapter 5.85 of the Cottonwood Heights***
40 ***Municipal Code, as hereafter amended from time to time, and all other legal***
41 ***requirements and applicable laws.***
42
43 **3. *Occupancy in any short-term rental property shall not exceed the lesser of: (a) up to***
44 ***two adults (persons aged 18 and above) and two related children (persons under age***
45 ***18) per bedroom or (b) a total occupancy (adults and children) of no more than 12***
46 ***persons in the entire short-term rental property. It is prohibited to create artificial***

divisions or partitions to increase the 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 resting 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.

1.2 (Project CUP-22-020) Request from Peter Hughes, on Behalf of Talon Real Estate for Conditional Use Approval of Short-Term Rental at 3596 East 9050 South.

Mr. Yeh presented the Staff Report and stated that the above item is a request for Conditional Use approval of a short-term rental located at 3596 East 9050 South. The property is located in the R-2-8 Multi-Family Residential Zone where short-term rentals may be approved as a Conditional Use provided the property is part of a Planned Unit Development ("PDD") or a condominium project that contains a minimum of eight units and fronts on a private street. The subject property is part of the Canyons Place Planned Unit Development ("PUD") that contains 24 units and fronts along a private street. Staff found this request to meet the standard for the Short-Term Rental requirements as outlined in the City Code. Staff recommended approval with conditions listed in the Staff Report.

Hearing Officer Johnson opened the public hearing. There were no public comments. The public hearing was closed.

Hearing Officer Johnson moved to APPROVE Project CUP-22-020, request from Peter Hughes, on behalf of Talon Real Estate for Conditional Use Approval of Short-Term Rental at 3596 East 9050 South subject to 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.

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

21

22 **Conditions:**

23

- 24 1. *The applicant must complete the necessary steps to obtain a business license through*
- 25 *the city of Cottonwood Heights. Obtaining a business license will indicate final*
- 26 *approval of the short-term rental application. The short-term rental property will*
- 27 *not be considered legal until a business license is obtained.*
- 28
- 29 2. *The short-term rental property is required to maintain compliance with all sections*
- 30 *and subsections of Chapter 19.89 and Chapter 5.85 of the Cottonwood Heights*
- 31 *Municipal Code, as hereafter amended from time to time, and all other legal*
- 32 *requirements and applicable laws.*
- 33
- 34 3. *Occupancy in any short-term rental property shall not exceed the lesser of: (a) up to*
- 35 *two adults (persons aged 18 and above) and two related children (persons under age*
- 36 *18) per bedroom or (b) a total occupancy (adults and children) of no more than 12*
- 37 *persons in the entire short-term rental property. It is prohibited to create artificial*
- 38 *divisions or partitions to increase the available occupancy of an otherwise standard*
- 39 *dwelling unit.*
- 40
- 41 4. *This short-term rental property will be approved for no more than four (4) bedrooms.*
- 42 *The term "bedroom" means a room designated and used primarily for sleeping and*
- 43 *resting on a bed.*
- 44
- 45 5. *Upon issuance of a business license and conditional use permit, the applicant must*
- 46 *display a copy of the business license inside the main entry of the property.*
- 47

1 6. *The facility and its use shall comply with all applicable laws, rules, and regulations,*
2 *including those instituted by the state, county, county health department, or the City*
3 *to mitigate the impact of the COVID-19 pandemic.*
4

5 2.0 Consent Agenda

6
7 2.1 Approval of Minutes for December 7, 2022.
8

9 *The Appeals Hearing Officer moved to APPROVE the minutes of the December 7, 2022, meeting*
10 *after the following process is met. The Recorder will prepare the minutes and email them to the*
11 *hearing officer. The hearing officer will have five days to review the minutes and provide any*
12 *changes to the recorder. If, after five days there are no changes, the minutes will stand approved.*
13 *If there are changes, the process will be followed until the changes are made and the hearing*
14 *officer is in agreement, at which time the minutes shall be deemed approved.*
15

16 3.0 Adjournment
17

18 The Administrative Hearing adjourned at approximately 12:07 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, December 7, 2022.*
3

4 *Teri Forbes*

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8

9 Minutes Approved: December 12, 2022