

COTTONWOOD HEIGHTS CITY ADMINISTRATIVE HEARING AGENDA

June 5, 2024



Notice is hereby given that the **Cottonwood Heights Hearing Officer** will convene on **Wednesday June 5, 2024**, at **Cottonwood Heights City Hall** (2277 E. Bengal Blvd., Cottonwood Heights, UT 84121) for an **Administrative Hearing Meeting**.

The meeting will begin at **12:00 p.m.** in the City Hall Room 5 (Council Chambers).

12:00 p.m. ADMINISTRATIVE HEARING MEETING

1.0 Business Items

1.1 Project CUP-24-006

Request by Jeff Bettinson, iTrip Salt Lake City, on behalf of Justin Shirk and Holly Bone, to operate a short-term rental at 3581 E. Lost Spring Ln.

2.0 Consent Agenda

2.1 Approval of Administrative Hearing Officer Minutes from June 5, 2024

(The Administrative Hearing Officer will approve the minutes of the June 5, 2024, meeting after the following process is met. The City Recorder will prepare the minutes and email them to the Hearing Officer. The Hearing Officer 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 hearing officer is in agreement, at which time the minutes shall be deemed approved.)

3.0 Adjourn

Meeting Procedures

Items will generally be considered 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. Administrative Hearing Officer Deliberation
6. Administrative Hearing Officer Decision

Administrative Hearing applications may be tabled if: 1) Additional information is needed in order to act on the item; OR 2) The Hearing Officer feels there are unresolved issues that may need further attention before the Officer is ready to make a decision. The Hearing Officer 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. MDT on Tuesday, June 4, 2024, a day before the meeting. Comments should be emailed to Planning@ch.utah.gov. After the public hearing has been closed, the Community and Economic Development Department will not accept any additional written or verbal comments on the application.

Notice of Compliance with the Americans with 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, May 17, 2024, 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 Utah public notice website at <http://pmn.utah.gov>.

DATED THIS 17th DAY OF May, 2024

Attest: Paula Melgar, City Recorder

COTTONWOOD HEIGHTS CITY ADMINISTRATIVE HEARING STAFF REPORT



June 5, 2024

Summary

Project #:

CUP-24-006

Subject Property:

3581 E. Lost Spring Ln.

Action Requested:

Conditional Use Permit
(Short-Term Rental)

Owner:

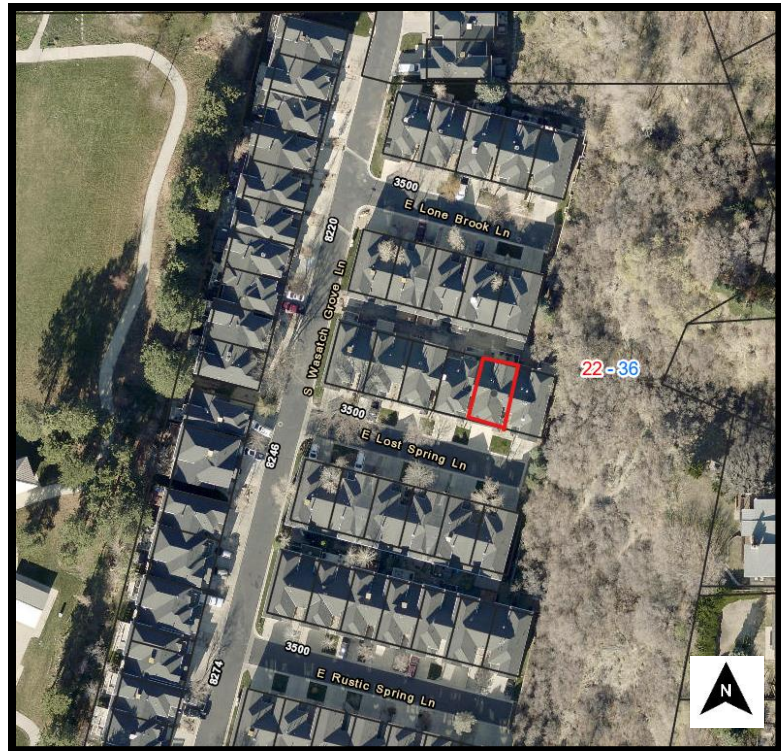
Justin Shirk and Holly Bone

Applicant:

Jeff Bettinson

Recommendation:

Approve, with conditions



Aerial View

Analysis

Adjacent Zoning & Land Use

- **NORTH:** R-2-8 Multi-Family Residential (Oaks at Wasatch Place A PUD)
- **SOUTH:** R-2-8 Multi-Family Residential (Top of the World 5)
- **EAST:** R-1-8 Single-Family Residential (Top of the World 3)
- **WEST:** PF Public Facilities (Golden Hills Park)

Staff Analysis

The unit contains four bedrooms. The applicant is proposing to accommodate up to 10 guests at a time. The unit includes two car garage and a driveway in front of the garages for parking. The property is located in the R-2-8 (Multi-Family Residential) 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 B, which contains 57 units. The property fronts Lost Spring 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. The Operators shall provide a 24/7 hotline to resolve issues. Operators shall respond (in person, if appropriate) to telephonic complaints within one hour after such complaint is made. Inappropriate and/or non-response to such complaints shall constitute a violation.
4. 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.
5. 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.
6. 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.
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Model Motions

Approval

I move to approve item CUP-24-006 pursuant to the conditions of approval outlined in the item’s staff report

- Add any additional conditions of approval...

Denial

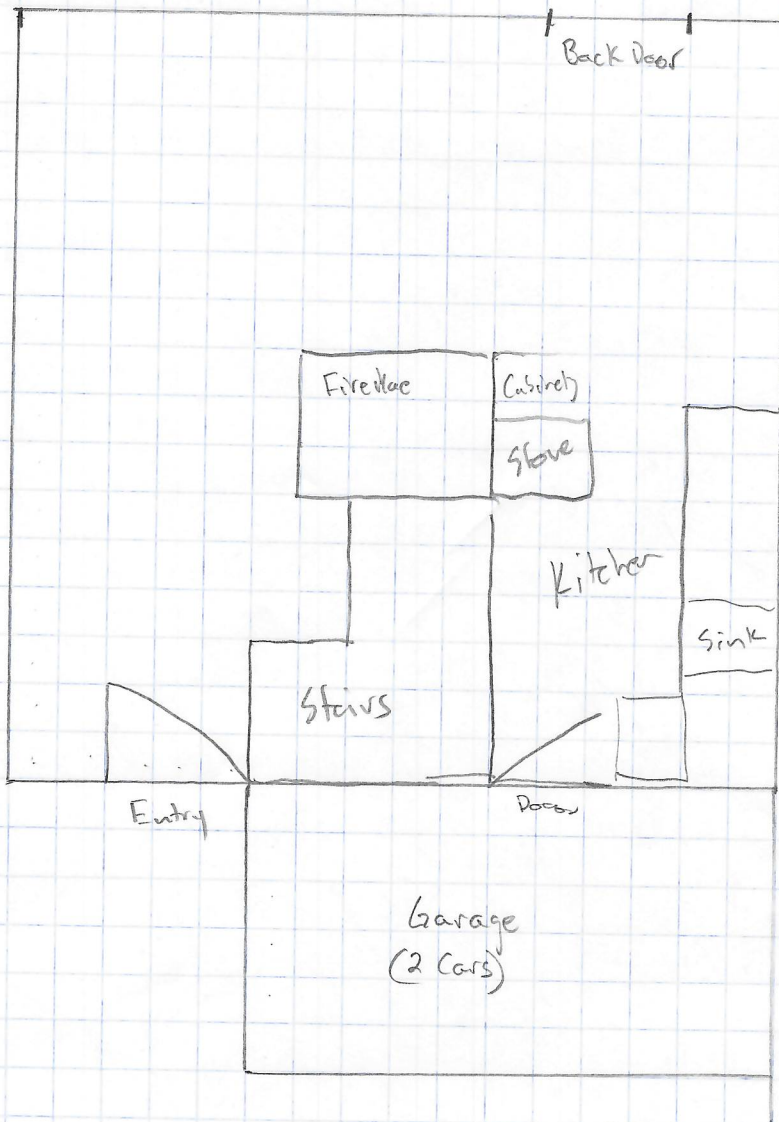
I move to deny item CUP-24-006 based on the following findings...”

- List reasons for denial...
-

Attachments

1. Floorplan
2. Photos
3. Owner’s consent form

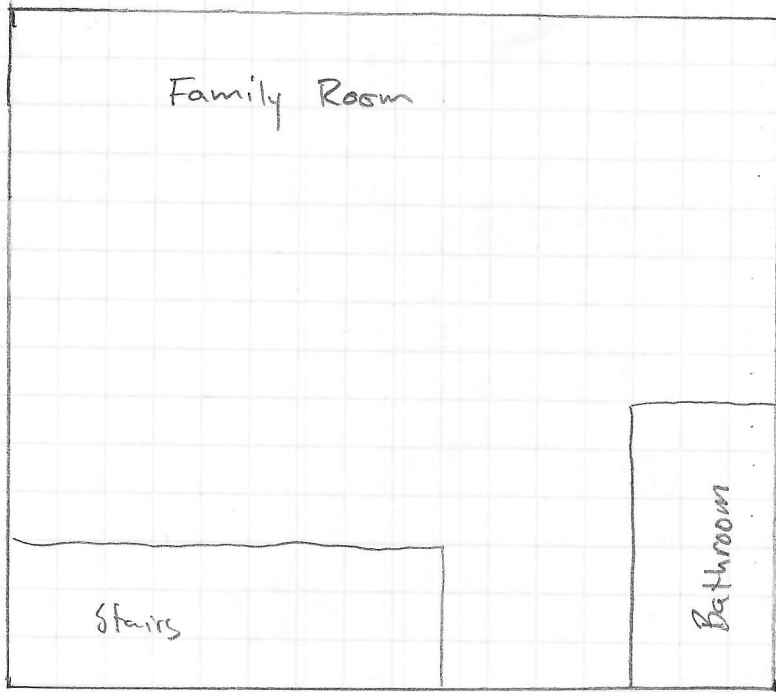
Main Floor



Garage
(2 Cars)

Driveway
(2 Cars)

Basement



2nd Floor







OWNER'S CONSENT FORM

I/we, the Undersigned, do hereby grant permission to:

Jeff Bellison d/b/a iTrip Vacations LLC

To act on my/our behalf for the purpose of the following application:

3581 E. Lost Springs Ln; Salt Lake City UT

Owner(s): Justin Shirk / Holly Bone

Address(es): 6260 Morning Kids Circle; Alexandria VA 22315

Telephone Number(s): 571-334-8903 / 270-291-0065

Signature of Owner: [Signature]

Date: 3-9-24

Signature of Owner: [Signature]

Date: 3.9.24

Signature of Owner: _____

Date: _____

State of ~~UTAH~~ Maryland }
County Of: Montgomery } ss.

On this 9th day of March, 2024 before me, the undersigned Notary Public, personally appeared Holly Bone & Justin Shirk, personally known to me, or whose identity I verified on the basis of their Driver's Licenses, or on the oath of N/A, a credible witness whose identity I verified on the basis of their N/A, to be the person(s) whose name(s) is/are subscribed to in this instrument and acknowledged that they executed the same.

[Signature]

Notary Public

Richard Elliott

Notary Commission Expiry Date 03/06/2027

