



ADMINISTRATIVE HEARING AGENDA
February 19, 2020

NOTICE is hereby given that the Cottonwood Heights Community and Economic Development Director or designee will hold an Administrative Hearing Meeting on **Wednesday, February 19, 2020 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-20-002)

Request from Utah's Best Vacation Rentals for a conditional use permit to operate a short-term rental at 8218 S. Wasatch Grove Ln.

1.2. (Project CUP-20-001)

Request from Steven Tarr and Megan Jean Morris for a conditional use permit to operate a home occupation with clients (tattoo studio) at 6880 S. Creekcove Way.

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 Tuesday, February 18, 2020, 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>.



ADMINISTRATIVE HEARING STAFF REPORT

Short-Term Rental: 8218 S. Wasatch Grove Ln.

Meeting Date: February 19, 2020

Staff Contact: Andy Hulka, Planner

(801-944-7065, ahulka@ch.utah.gov)

Summary

Project #:

CUP-20-002

Subject Property:

8218 S. Wasatch Grove Ln.

Action Requested:

Conditional use approval to obtain a short-term rental license

Owner:

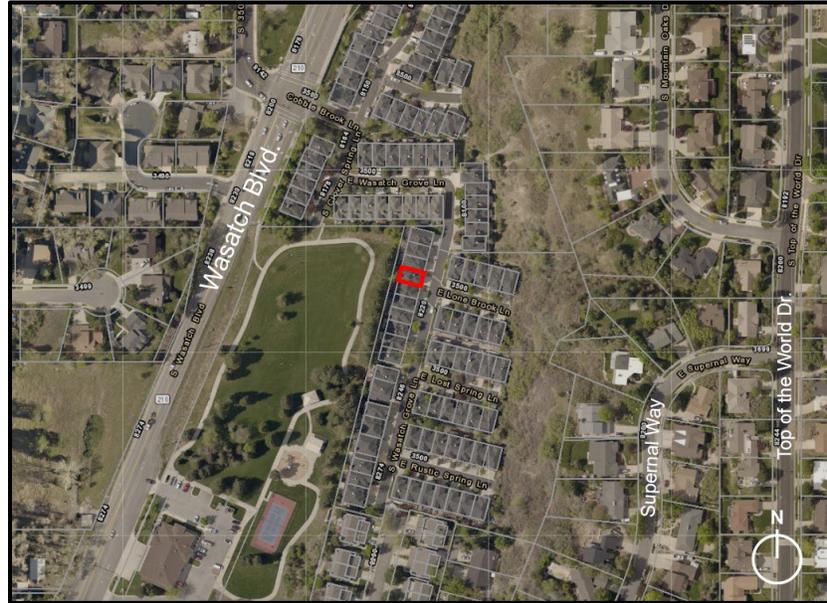
Joshua Wilhelm

Applicant:

Utah's Best Vacation Rentals

Recommendation:

Approve, with conditions



Aerial View

Analysis

Adjacent Zoning & Land Use

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



ADMINISTRATIVE HEARING STAFF REPORT

Home Occupation with Clients: 6880 S. Creekcove Way

Meeting Date: February 19, 2020

Staff Contact: Andy Hulka, Planner

(801-944-7065, ahulka@ch.utah.gov)

Summary

Project #:

CUP-20-001

Subject Property:

6880 S. Creekcove Way

Action Requested:

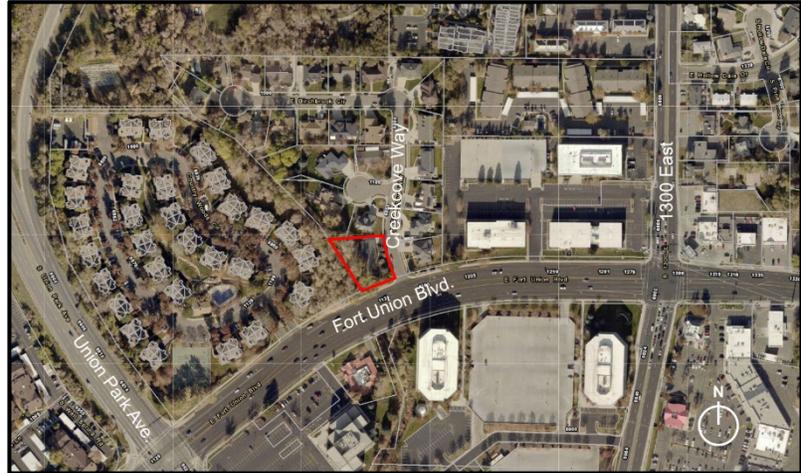
Conditional use approval to operate a home tattoo studio with clients

Applicants:

Steven Tarr & Megan Jean Morris

Recommendation:

Approve, with conditions



Aerial View

Context

Property Owners:

Steven J. Tarr

Megan Jean Morris

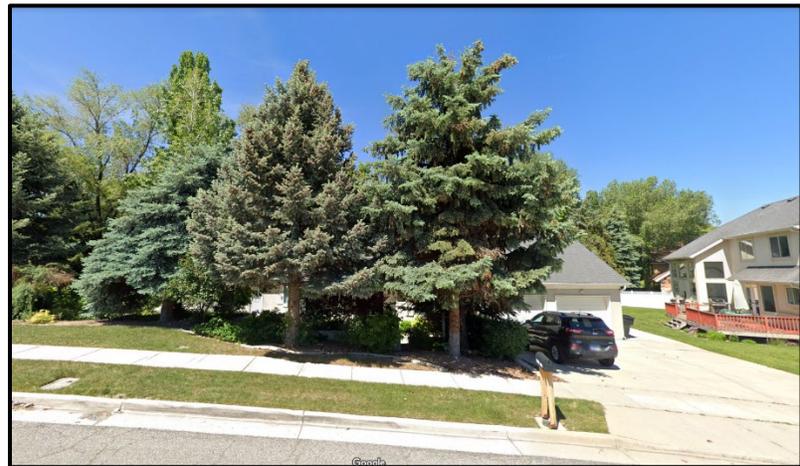
Address & Parcel #:

6880 S. Creekcove Way

22-20-453-010-0000

Acres:

0.41



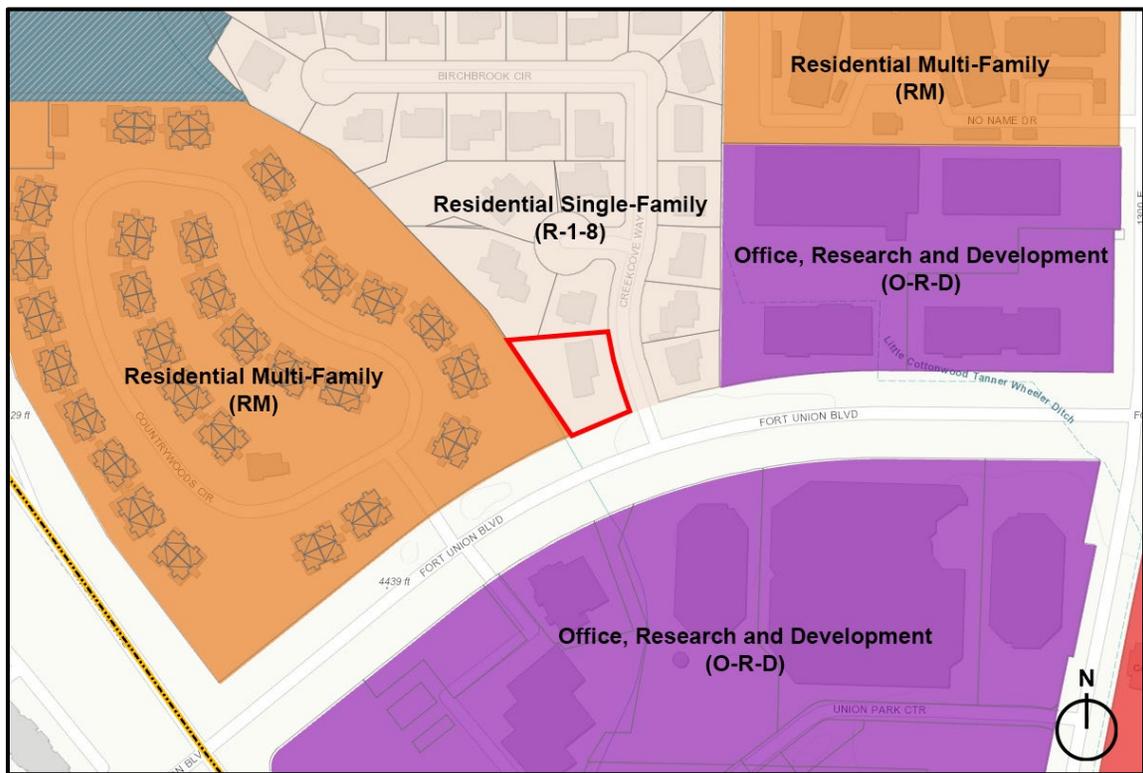
Street View

Site Photos



North View

Zoning and Land Use



Zoning Map

Analysis

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 home tattoo studio is proposed to be conducted entirely within the dwelling 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.*
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.*
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.*
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.*
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.*

Noticing

Property owners within 500 feet of the subject property were mailed notices at least 10 days prior to the public hearing, as required by 19.84.050.

Impact

Applicant Narrative

The applicant has submitted the following narrative to address potential impacts to the neighborhood:

"A bit about me and a description of my private studio.

My name is Megan Jean Morris. I grew up in Maine, I have my Bachelor's Degree in Industrial Design from Syracuse University, I opened and ran a public tattoo shop for 7 years in Connecticut, participated in several tattoo television shows and then moved here to Utah when I met my Husband, Stephen.

I have been tattooing 12 years. I have been fortunate enough to build a national clientele. For the last 7 years I only work on large pieces, so I tattoo only one person a day. My minimum tattoo appointment lasts 5 hours and a typical day for me is 8-10 hours.

Here at my private studio I plan on tattooing 3-4 times a week. My clients usually come alone and park on the side of our house in the driveway. The driveway has 5 spaces and two garaged spaces for myself and Stephen. Sometimes, my client's husband or wife may stop by but, otherwise, it is a very quiet day here.

I am the only person who tattoos in this space and I do not intend to host any other tattooer.

Stephen and I want to start a family, so we liked the idea of having my studio near the house in case the nanny needs help. We bought this house where our friends already had a tattoo business they were running called Tat Tech. Tat Tech is a parent company of Saniderm, a bandage that was originally designed to help heal burns and then was altered slightly to help heal tattoos.

The studio has an entrance that is completely separate from the house, a bathroom, a design room/lobby area, a small dining room, and a separate room for the tattooing. There is zero interaction with the living quarters of the house so my clients have safe clean space and do not need to enter the house for any reason. I have had the health department come and make sure everything is safe and to code. Please let me know if you need anything else from us so that we can operate."

The applicant has indicated that off-street parking will be provided on the driveway to the side of the house, that there will be one customer per day, that the area used for the business is entirely within the dwelling, and that there will be no additional employees working in the home.

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:

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. Approval of this home occupation is subject to review upon complaint.
4. Signage must comply with all aspects of Cottonwood Heights City Code.
5. No more than one non-resident employee is permitted at this business.

Model Motions

Approval

I move to approve project CUP-20-001, 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-20-001, based on the following findings:

- List findings for denial...

Attachments

1. Applicant Narrative
2. Floorplan