

**Project #22-030
Mower Short Term Rental
730 North 200 East**

REPORT SUMMARY...

Project Name: Mower Short Term Rental
Proponent/Owner: Chris Andrus / Daniel and Cheristy Mower
Project Address: 730 North 200 East
Request: Conditional Use Permit
Current Zoning: Traditional Neighborhood Residential (NR-6)
Date of Hearing: June 9, 2022
Type of Action: Quasi-Judicial
Submitted By: Tanya Rice, Planner II

RECOMMENDATION

Staff recommends that the Planning Commission **Conditionally Approve** a Conditional Use Permit for Project #22-030 Mower Short Term Rental, for the property located at 730 North 200 East; TIN #05-023-0021.

Land use adjoining the subject property

<i>North:</i>	(NR-6) Neighborhood Residential	<i>East:</i>	(NR-6) Neighborhood Residential
<i>South:</i>	(NR-6) Neighborhood Residential	<i>West:</i>	(NR-6) Neighborhood Residential

Request

The applicant is requesting a Conditional Use Permit (CUP) for a short-term rental (STR) in the basement area of a single-family home at 730 North 200 East. The proposed STR has its own entrance, bathroom, two bedrooms, living and dining areas. The proposal shows four (4) off-street parking stalls with a 113' x 17' long driveway. The parcel is approximately .26 acres in the Traditional Neighborhood Residential (NR-6) zone.



Figure 1 – 730 North 200 East

Short Term Rentals

The purpose of the Section 17.37.130 is to regulate short term rentals to ensure compatibility within residential neighborhoods and to ensure they won't unreasonably reduce housing opportunities. The general requirements are:

- Occupied less than 30 continuous days.
- Business license required.
- CUP required.

- Meet minimum neighborhood density by being located at least 500' from another STR.
- Limitations on total numbers of STR's citywide.

The specific operational standards for STR's are as follows:

- Occupancy: Maximum occupancy is two (occupants) per bedroom plus two additional occupants.
- Parking: All STR parking shall be located on-site at one space per bedroom with a minimum of two parking spaces required.
- Residential appearance or character cannot change because of the STR.
- No more than one STR per residential structure.
- Subject to City's nuisance ordinances. Repeated failure to comply will result in loss of CUP.
- STR's shall comply with all applicable building, fire, health, safety, maintenance codes.
- Signage is limited to two square feet.

Conditional Use Permit

The CUP process provides a system for discretionary consideration for applications that are not typically associated with the zoning district or considered conditional. CUP approvals should preserve and enhance neighborhood character and provide conditions to mitigate any potential impacts. Land Development Code (LDC) §17.37.130 requires a CUP for STRs in all residential zones. Section 17.42.050 in the LDC governs the approval criteria for Conditional Uses.

§17.42.050 Planning Commission Action

The Commission may approve or conditionally approve a conditional use permit only upon substantiating the following findings:

- A. The maximum established density has not been exceeded, unless a density bonus has been approved in conformance with General Plan policy and City ordinance.*
- B. The proposed use conforms to the requirements of Title 17 of the Logan Municipal Code and is listed as a conditional use in the Use Table.*
- C. The use is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.*
- D. The streets providing access and other infrastructure to the subject property have adequate capacities or a suitable level of service for the conditional use.*
- E. The proposed use is compatible with neighborhood uses and character while preserving and enhancing the character of the neighborhood.*
- F. Access to adjoining streets is designed to be constructed in conformance with City standards and specifications. Where adjoining streets are regulated by the Utah Department of Transportation, access to street(s) shall conform to the requirements of the Cache Access Management Plan.*
- G. The proposed use provides adequate off-street parking in conformance with this Title.*
- H. The project provides open space and landscaping in conformance with this Title.*

When approving a CUP, the Planning Commission must substantiate the above lists of criteria for STRs and CUPs. Most of the criteria contain quantifiable standards such as STR proximity restrictions, occupancy limits and parking minimums. Other aspects of CUP approvals include substantiating the "preservation and enhancement of neighborhood character" and "compatibility and interference with use and enjoyment of neighboring properties". These discretionary issues need to be reviewed to ensure a proposed STR is compatible within the overall neighborhood.

The surrounding residential neighborhood is low to medium density housing consisting mainly of single and two-story structures built in the 1910-1945 timeframe and is located on a relatively busy street (200 East) that is identified as a Collector type of roadway.

Neighborhood Compatibility

Staff's assessment of the potential impact of this specific STR on the neighboring properties is minimal if at all. The use of a residential dwelling as a STR shall not change the residential appearance or character of the dwelling or property. The LDC §17.37.130 stipulates parking standards, proximity restrictions to other STRs, occupancy limits and operational standards that ensure maintenance and character of the property and neighborhood. In many instances, the character of the property may improve as the marketability of an STR is based on its appearance. Because this proposed STR is not within 500 feet of another STR, does not alter the physical character of the single-family home, and has the potential for adequate on-site parking, it is compatible with the surrounding neighboring properties.

Parking

The LDC requires all parking for the STR to be located off-street and on the same property as the STR. The location of all parking areas shall comply with the parking and setback requirements of the LDC, and the parking areas used for the STR cannot be used by the main house residence, or vice versa. No parking is permitted within the front setbacks, front yards, or public rights-of-way. Parking of recreational vehicles, trailers, boats, ATVs, or similar vehicles must be legally parked on site, and are not permitted to be parked on the street. Parking spaces shall be provided at one (1) space per bedroom with a minimum of two (2) parking stalls. Each parking stall shall be at least 9'x18' per LDC §17.31.090 E. Parallel parking along a driveway shall comply with driveway minimum standards from LDC §17.31.090 E as shown in Figure 2.

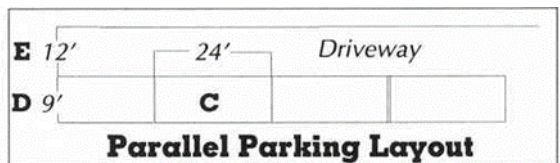


Figure 2 – Driveway Specifications and Dimensions

- C: Curb length per vehicle
- D: Parking stall depth
- E: Driveway width (minimum)

The parking requirements for this proposal includes two (2) parking stalls for the main home and two (2) stalls for the STR, totaling a minimum of four (4) on-site parking stalls. The home fronts 200 E with a 16.6' wide driveway along the north of the property that connects to a two-car garage. The applicant provided a parking plan showing four (4) parking stalls; two (2) stalls in the garage, one in the rear of the home, and one parallel parking space along the driveway. The garage accommodates 2 stalls but the stall in the rear is too small (minimum 9'x18') while the parallel stall located along the driveway reduces the minimum drive aisle width from 12' to 7.6' as required in §17.31.090. Of the four (4) stalls proposed, two (2) of them are not legal parking stalls. As conditioned, the proponent will need to create a minimum of two (2) additional parking stalls that comply with LDC requirements.

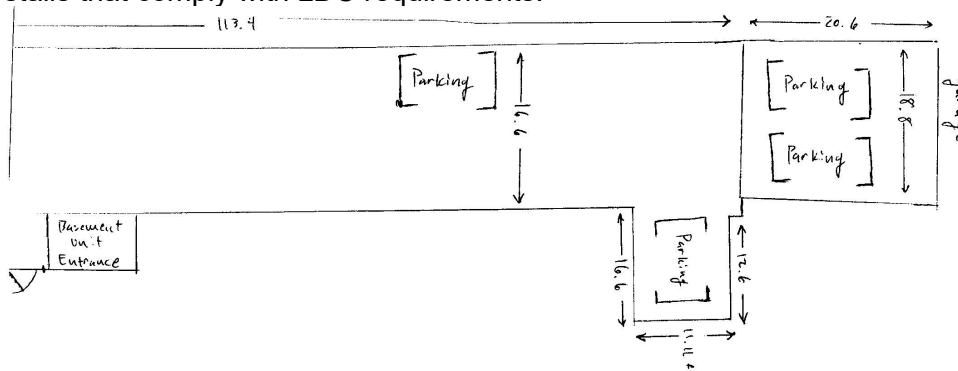


Figure 3 – Proposed Parking Plan

Proximity Restrictions

One (1) STR is permitted within a residential structure. The LDC requires the proximity of a STR to be located at least 500 feet from another STR as measured along the street frontage between front property corners. There is one STR proposed with this application, and it is not located within 500 feet of another STR. As proposed, this application meets the requirements of the LDC for the minimum proximity standard.

Occupancy Limits

Occupancy limits in residential zones in Logan City is three (3) unrelated individuals or one family per dwelling unit. In STRs, the LDC permits a maximum of two (2) occupants per bedroom plus two (2) additional occupants. An STR may not be rented to the same individual, group or party for more than two consecutive rental contracts in a 6-month period or have multiple rental contracts by separate individuals, groups or parties for the same night or nights.

The proposed STR is shown using two (2) bedrooms in the basement area of a single-family home with its own entrance. Within the structure of the home, three (3) individuals or one family are permitted on the main portion of the home and up to six (6) individuals on a short-term basis in the basement area. The total occupancy for the home at any given time is nine (9) individuals or one family and six (6) individuals. As conditioned, with a maximum of six (6) occupants in the STR, the project meets the requirements of the LDC.

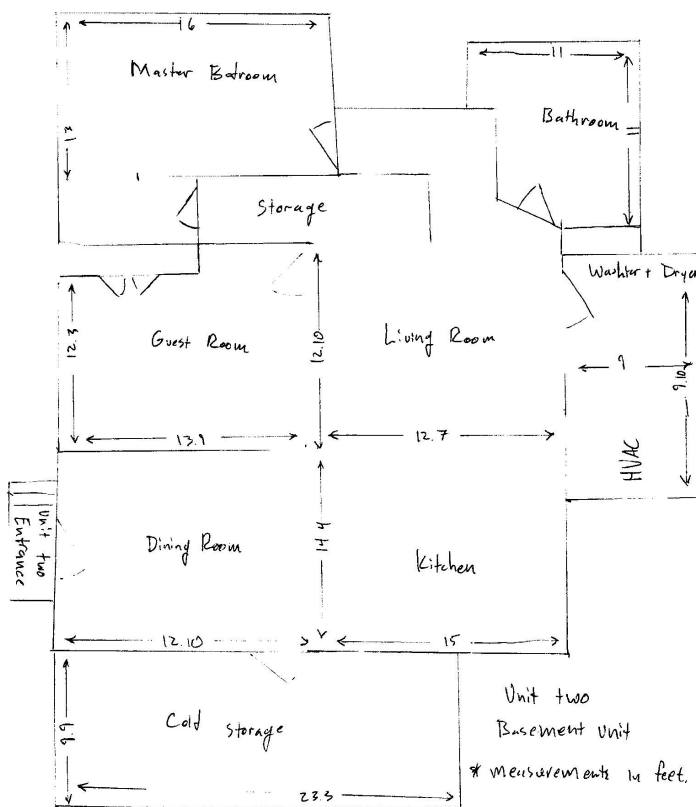


Figure 4 – Short Term Rental Floor Plan

Operational Standards

In addition to site specific requirements reviewed above, the LDC §17.37.130 and Logan Municipal Code provides general standards to ensure smooth and safe operations of STRs. Some of these include business licensing, building requirements and inspection, mitigation of potential nuisances (regarding noise, garbage, and pets) and neighborhood noticing. Following approval of the CUP, applicants proceed as specified in the City's business licensing process to ensure these requirements are met.

SUMMARY

The proposed STR complies with the LDC standards for limitation in proximity to other STRs, dwelling layout and proposed occupancy. The STR is compatible with the surrounding neighborhood and does not change the residential appearance or character of the dwelling or property. The size and location of required minimum parking stalls is the primary issue in this proposal. As conditioned and with parking locations resolved, the proposal meets the requirements of the LDC

AGENCY AND CITY DEPARTMENT COMMENTS

Comments were solicited from the following departments or agencies:

• Water/Cross Connection	• Business Licensing
• Fire	

PUBLIC COMMENTS

Notices were mailed to property owners within 300 feet of the subject property. As of the time of this report, no comment had been received.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 05/28/22 and the Utah Public Meeting website on 05/30/22. Public notices were mailed to all property owners within 300 feet of the project site on 05/23/22.

RECOMMENDED CONDITIONS OF APPROVAL

1. All standard conditions of approval will be recorded with the Conditional Use Permit and are available in the Community Development Department.
2. This Conditional Use Permit authorizes one (1) short term rental occupying two (2) bedrooms in the basement area of this property.
3. This Conditional Use Permit authorizes two (2) people per bedroom with two (2) additional individuals with a maximum of six (6) occupants in the basement area of the property. Expansion of the STR into the upstairs portion of the property will require additional review and approval by Logan City.
4. All occupancy requirements shall be met for the residential portion of the property.
5. A minimum of two (2) parking stalls are required for the STR and two (2) are required for the residence. All parking areas shall be located outside the front yard areas, the front setbacks and outside of the public right of way. The proponent shall create (2) legal parking stalls as specified in the LDC to accommodate the parking requirements of the STR. These stalls shall be shown on a revised site plan and constructed prior to issuance of the business license for the STR.
6. Parking of recreational vehicles, trailers, boats, ATVs or similar vehicles associated with the STR shall be legally parked on-site and are not permitted to be parked on-street.
7. The STR shall not change the residential appearance or character of the dwelling or property.
8. The STR shall not be rented or offered to the same individual, group or party for more than two consecutive rental contracts in a six (6) month period. The owner shall maintain rental records available for inspection by Logan City.
9. Quiet times shall comply with the City noise ordinance of 10 pm to 8am.
10. A Logan City building inspection is required prior to the issuance of a business license.
11. A Logan City business license is required before a rental contract can be issued.
12. The STR shall comply with local and state Building, Health, Fire, Safety, Maintenance and Nuisance Codes prior to operating.
13. Exterior lighting shall be concealed source, down-cast and reviewed and approved prior to the issuance of a building permit and shall comply with current LDC regulations.

14. No signs are approved with this Conditional Use Permit. All signage shall be approved and permitted by staff in accordance with the Land Development Code.
15. No fences are approved with this Conditional Use Permit. All fences shall be approved and permitted by staff in accordance with the Land Development Code.
16. Prior to issuance of a Building Permit, the Director of Community Development shall receive a written memorandum from each of the following departments or agencies indicating that their requirements have been satisfied:
 - a. **Water/Cross Connection - contact 716-9627**
 1. All points of use of water down stream of this properties water meter should meet Utah's current IPC plumbing code and amendments. This would help minimize the risk of contamination of the water for homes occupants and Logan Cities water system. This also would help minimize liabilities to the homeowner.
 - b. **Light and Power Department – contact 716-9722**
 - c. **Business Licensing - contact 716-9230**
 - i. Business license required.

RECOMMENDED FINDINGS FOR APPROVAL

1. The proposed use conforms to the requirements of the Land Development Code and is listed as a conditional use in the Use Table.
2. This STR meets the City's STR density and location parameters as specified in Chapter 17.37.130.
3. The use is compatible with the surrounding land uses and will not interfere with the use and enjoyment of adjoining or area properties.
4. The streets providing access and other infrastructure to the subject property have adequate capacities and level of service for the conditional use.
5. The Planning Commission has substantiated the findings for a Conditional Use Permit in Chapter 17.42.050.

This staff report is an analysis of the application based on adopted city documents, standard city development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report and become the Certificate of Decision. The Director of Community Development reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.



APPLICATION FOR PROJECT REVIEW

For Staff Only				
<input type="checkbox"/> Planning Commission		<input type="checkbox"/> and Use Appeal Board		<input type="checkbox"/> Administrative Review
Date Received 5/2/22	Planner	Zone/Neighborhood NK-C/ADAMS	Scheduled Meeting Date June 9	Application Number PC 22-030
Type of Application (Check all that apply):				
<input type="checkbox"/> Design Review <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Subdivision <input type="checkbox"/> Administrative Design Review <input type="checkbox"/> Code Amendment <input type="checkbox"/> Appeal <input type="checkbox"/> Zone Change <input type="checkbox"/> Other				
PROJECT NAME Mower Short Term Rental				
PROJECT ADDRESS 730 N 200 East			COUNTY PLAT TAX ID # 05-023-0021	
AUTHORIZED PROJECT REPRESENTATIVE FOR OWNER Chris Andrus			PHONE # 801-810-7850	
MAILING ADDRESS PO Box 859, Orem, UT 84059		CITY	STATE	ZIP
EMAIL ADDRESS chris@andruslegaladvocates.com				
PROPERTY OWNER OF RECORD Daniel and Cheristy Mower			PHONE # 801-232-3822	
MAILING ADDRESS 730 N 200 East, Logan, UT 84321		CITY	STATE	ZIP
EMAIL ADDRESS daniel.j.mower@gmail.com				
DESCRIBE THE PROPOSED PROJECT AS IT SHOULD BE NOTICED AND PRESENTED (Include as much detail as possible - attach a separate sheet if needed)			Total Lot Size (acres)	
Mr. and Mrs. Mower desire to be approved for a Conditional Use Permit authorizing short term rentals for not more than 30 days at their well-suited primary residence, as described under City of Logan Ordinance 22-04 which modifies the Logan City Land Development Code 17.08, 17.11, 17.37 and 17.62, etc. The self contained basement area, which includes its own entrance, bathroom, bedrooms, living and dining areas are desired for use as the rental. (Please see attached diagram.) Off street parking is plentiful with at least two parking spaces along the side of the driveway and a driveway turnout, while the garage parking is reserved for the owners. (Id.) Considering the			0.26	
			Size of Proposed New Building (square feet)	
			0	
			Number of Proposed New Units/Lots	
			1	
I certify that the information contained in this application and all supporting plans are correct and accurate. I also certify that I am authorized to sign all further legal documents and permit on behalf of the property owner.		Signature of Property Owner's Authorized Project Representative <i>Chris Andrus</i>		
I certify that I am the property owner on record of the subject property and that I consent to the submittal of this project. I understand that all further legal documents and permits will be sent to my authorized agent listed above.		Signature of Property Owner <i>Daniel Mower</i>		

APPLICATION MUST BE ACCURATE AND COMPLETE

NO SITE ACTIVITY MAY OCCUR UNTIL AFTER APPROPRIATE COMMITTEE APPROVAL -

Attachment to May 2, 2022 Mower Short Term Rental Application

Mr. and Mrs. Mower desire to be approved for a Conditional Use Permit authorizing short term rentals for not more than 30 days at their well-suited primary residence, as described under City of Logan Ordinance 22-04, which modifies Logan City Land Development Code 17.08, 17.11, 17.37 and 17.62, etc. The self-contained basement area, which includes its own entrance, bathroom, bedrooms, living and dining areas, is proposed for use as the rental. (Please see attached diagram.) The applicants are willing to accept designation of the upstairs area, which is equally self-contained, as the short term rental area should the Commission find it better suited. Off street parking is plentiful with at least two guest parking spaces along the side of the driveway and a driveway turnout, while garage parking is reserved for the owners. (Id.) No additional construction is required at the site further mitigating any disturbance to the neighbors, neighborhood and city at large. Considering the well-structured and self-contained nature of the proposed short term rental unit, owner-occupancy of the upper level, the abundance of off-street parking and the lack of need for additional construction, this property appears to be ideally situated to fulfill the intention of Ordinance 22-04.



767

778

3 2 751 1

735

719

165

175

195

700 N

174

186

BSMT196

200 E

774

764

752

746

718

704

694

755

745

250 E

750

740

760

770

730

720

710

702

65

55

25

10

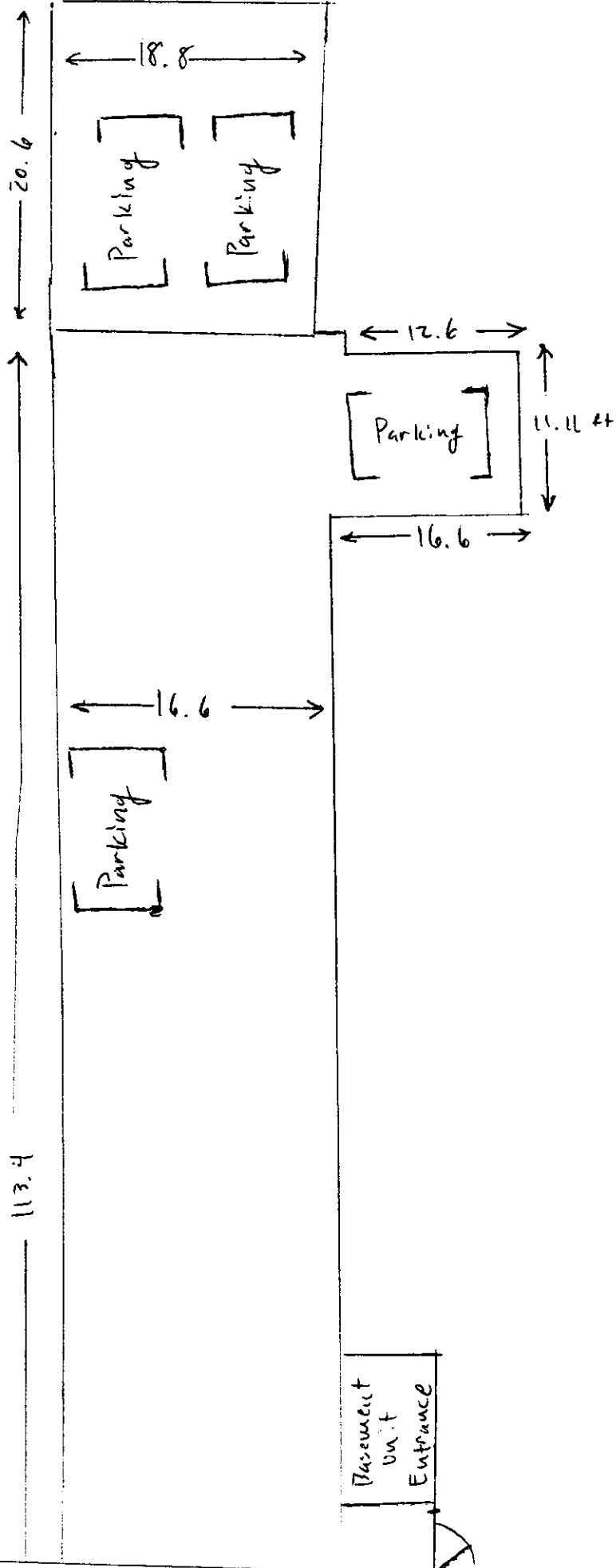
20

HERITAGE CV

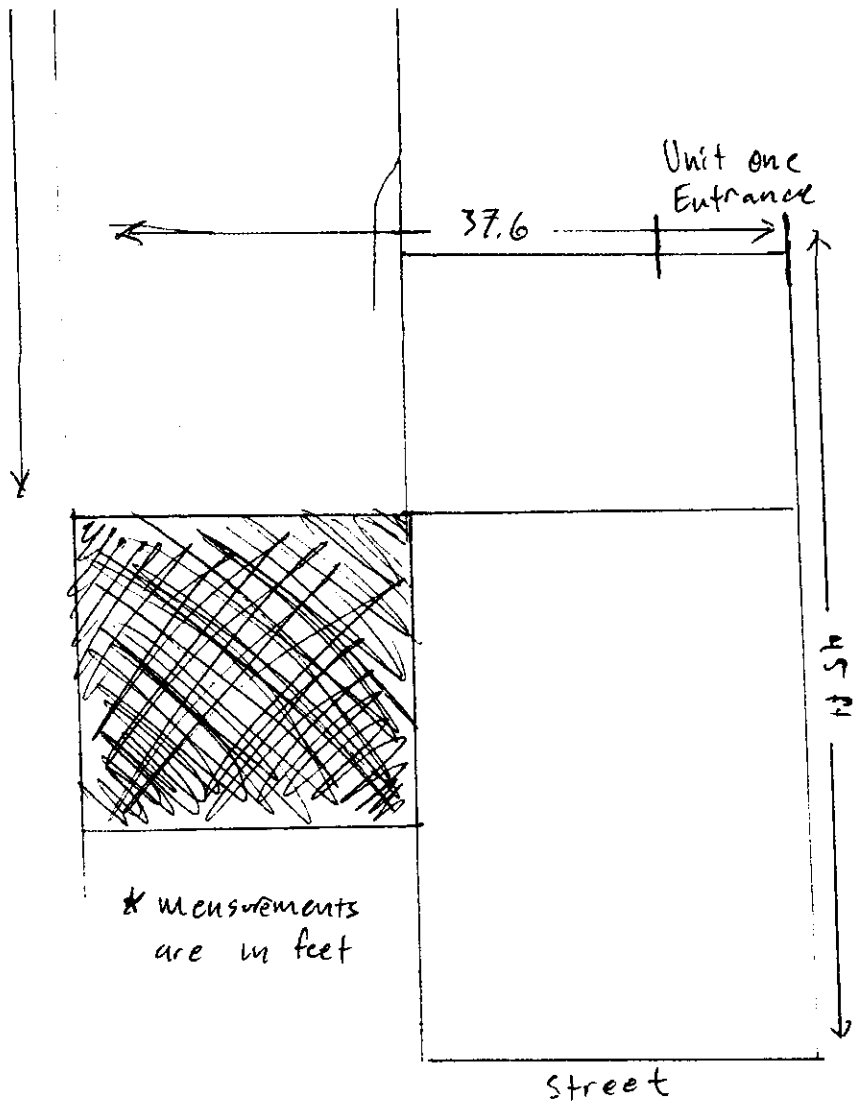
50

5/31/2022

garage

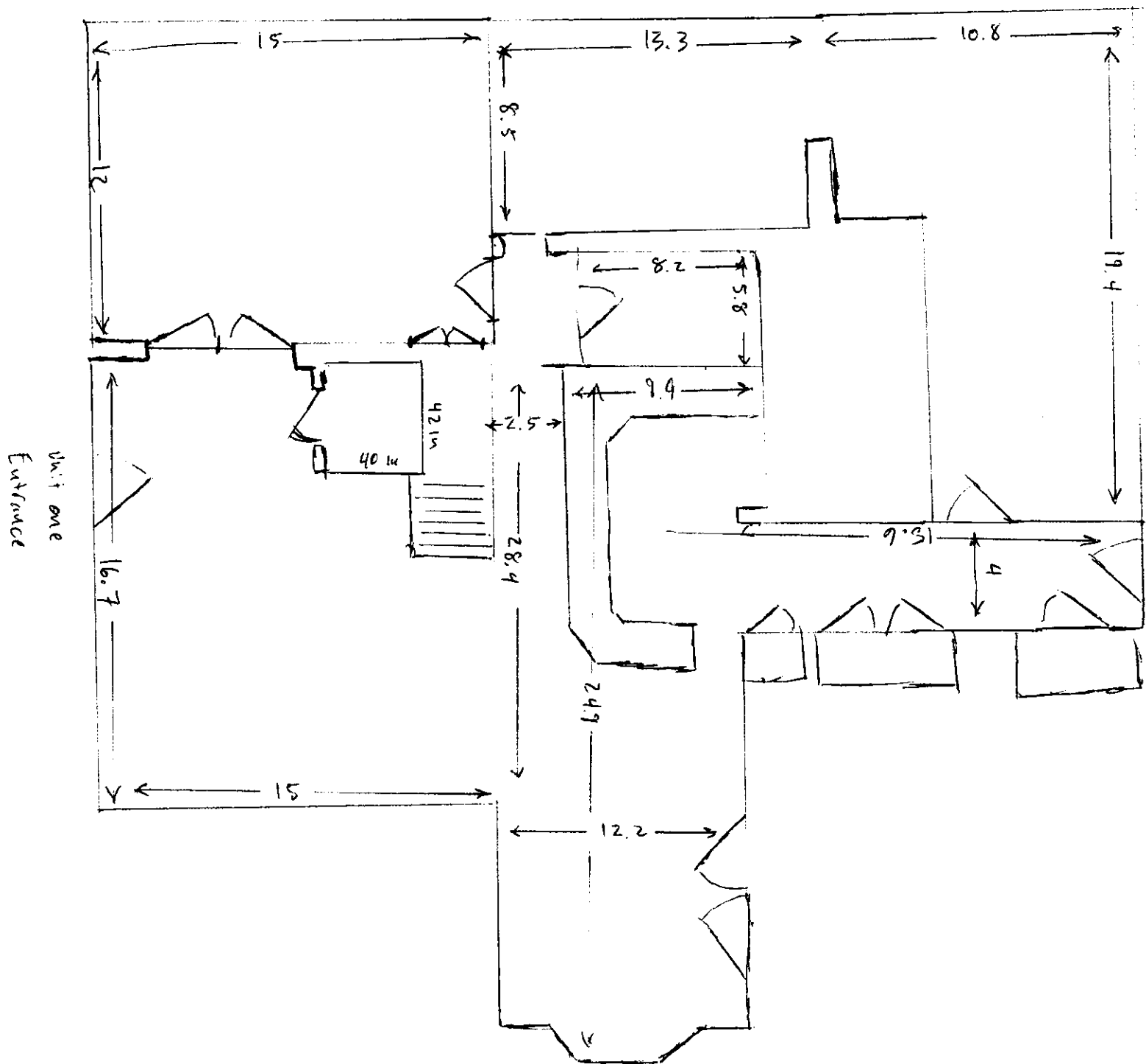


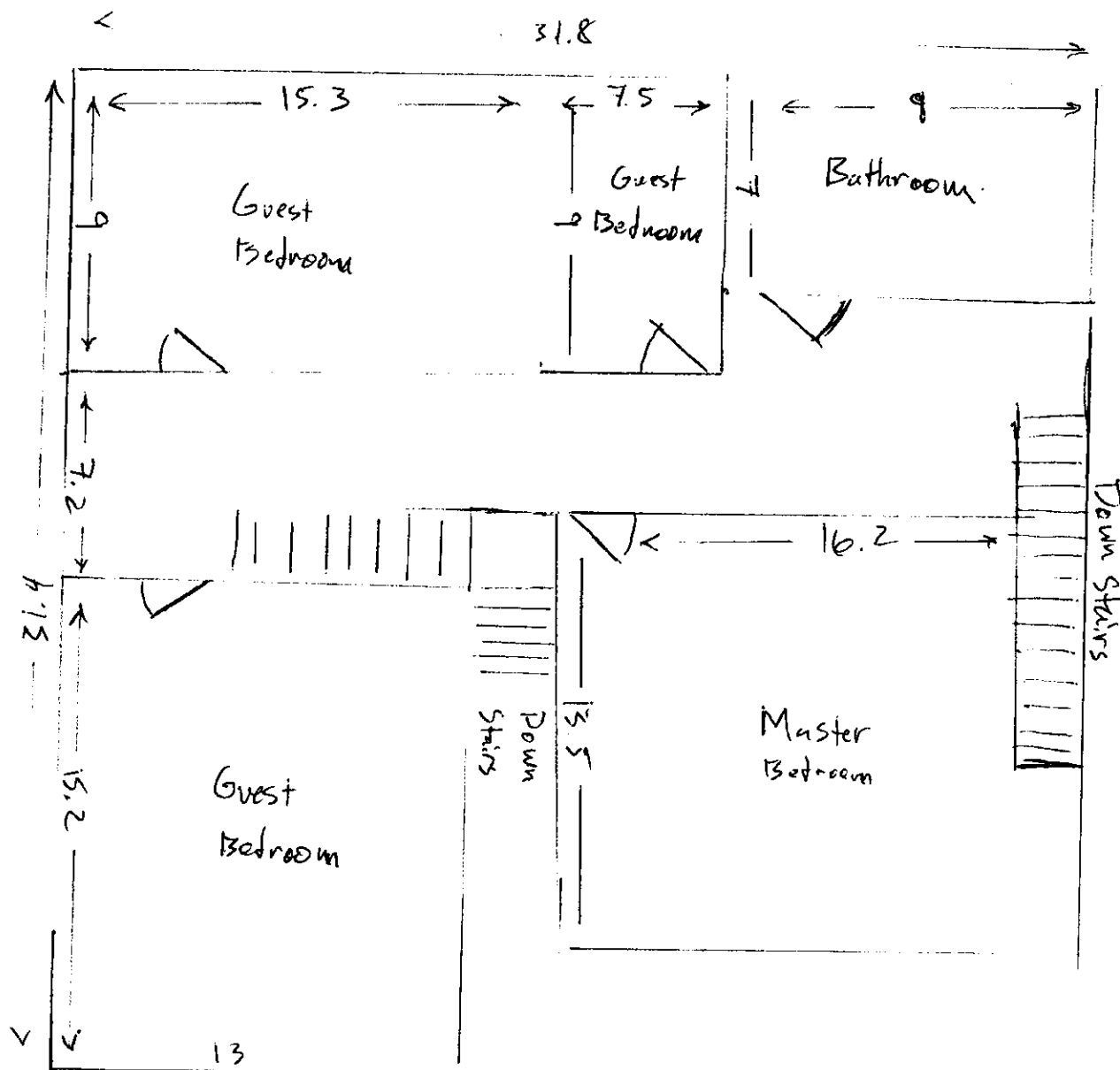
Parking Diagram
for unit one and two



Unit One
Main Floor

* measurement in feet





First unit
Top floor
* measurements in feet

