

Project #22-032 Hansen Street Short Term Rental 800 East Center

REPORT SUMMARY...

Project Name: Hansen Street Short Term Rental

Proponent/Owner: J. Steven Hansen / John Steven & Jlene Family Trust

Project Address: 800 East Center

Request: Conditional Use Permit

Current Zoning: Traditional Neighborhood Residential (NR-6)

Date of Hearing: June 23, 2022
Type of Action: Quasi-Judicial

Submitted By: Russ Holley, Senior Planner

RECOMMENDATION

Staff recommends that the Planning Commission **Conditionally Approve** a Conditional Use Permit for Project #22-032 Hansen Street Short Term Rental, for the property located at 800 East Center, TIN #06-088-0045.

Land use adjoining the subject property

North:	(NR-6) Neighborhood Residential	East:	(NR-4) Neighborhood Residential
South:	(NR-4) Neighborhood Residential	West:	(NR-6) Neighborhood Residential

Request

The applicant is requesting a Conditional Use Permit (CUP) for a new Short Term Rental (STR) in a portion of the home, a two-bedroom mother-in-law apartment located above the garage. The proposed STR would be located in the east side of the home and have its own separate entrance via a rear deck. The home is uniquely positioned along the east bank of the Logan River and approximately 400 feet away from Center Street. The submitted site plan shows three (3) off-street guest parking stalls in the driveway. The NR-4 zoned parcel is approximately 2.78 acres in size and located in the Wilson Neighborhood.



Figure 1 shows the home and driveway at 800 East Center

Short Term Rentals

The purpose of the Section 17.37.130 is to regulate short term rentals to ensure compatibility within residential neighborhoods and that they won't unreasonably reduce long-term 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.
- The number of STR's citywide is limited to 3 STR's per every 1,000 of total population.

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

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

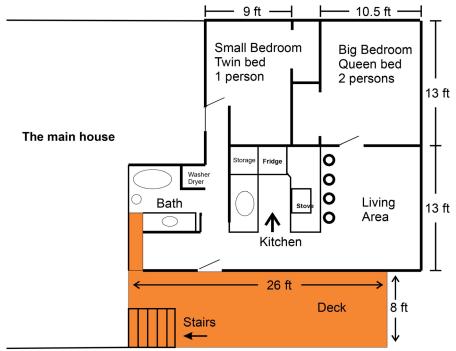


Figure 2 shows the floorplan for the proposed STR.

Conditional Use Permit

The CUP process provides a system for discretionary consideration for applications that are not typically associated with zoning district uses. 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 STR's 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 the specific application. 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 neighborhood.

Neighborhood Compatibility

The proposed location of Hansen Street STR is along the east bank of Logan River setback southwards from Center Street around 400 feet. All the adjacent privately owned properties are being used as single-family residential. Originally built in 1967, the home was extensively remodeled in 1990's to include the mother-in-law apartment above the garage on the east side of the structure. The 2.78-acre property is heavily vegetated with mature trees and barely visible from the street. The currently proposed STR will not alter the exterior of the home in anyway.

Parking

The LDC requires all parking for the STR to be located on-site and off-street. The location and positioning of parking stalls shall comply with setback and dimensional requirements in the LDC. No parking stalls can be located within the front 25-foot setback and be a minimum 9'x18' in size along with a minimum 12' wide driveway providing access to stalls and a throughway for other passing vehicles. Parking stalls and driveways are required to be paved with either concrete, asphalt, or other similar approved hardened surfaces. Parking stalls shall be provided at one (1) space per bedroom with a minimum of two (2) parking stalls for the STR and two (2) stalls per each single-family residence.

The application includes three (3) parking stalls located on two different areas of the driveway designated for the STR. The home will retain the two-car garage for the single-family residents. The submitted site plan shows parking stalls at 8'x20'. The site plan does not dimension the remaining driveway area around the three parking stalls for other parking access. The large property has the ability to expand the paved driveway without encroaching on property setbacks to accommodate the required parking and driveway dimensions. As conditioned with at least two (2) parking stalls for the home and two (2) parking stalls for the STR in accordance with dimension requirements, the project complies with the LDC.

Proximity Restrictions

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. The proposed STR is not located within 500 feet of another permitted STR. The citywide allowance of 3 STR's per every 1,000 of total population has not been surpassed. As proposed, this application complies with the minimum proximity regulations in the LDC.



Figure 3 shows the front of the home at 800 East Center.

Occupancy Limits

Occupancy limits for residential zones in Logan City are 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. STR contracts are limited to a maximum stay of 30 days.

The proposed STR is requesting the use of two (2) bedrooms above the garage. The maximum occupancy for the STR would be six (6) individuals in additional to the three (3) unrelated individuals or one family per single-family home. The total occupancy for the entire structure at any given time is nine (9) individuals or one family and six (6) individuals. As conditioned, with a maximum occupancy, the project meets the requirements of the LDC.

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 maintains neighborhood compatibility because no exterior alterations are proposed, the barely visible home is on a large, wooded property setback approximately 400 feet from Center Street. Parking stall counts and sizes can easily be provided outside of setbacks in a functional and visually low-impact manner. As conditioned with full compliance to LDC standards and subsequent licensing and building inspection requirements, the proposed STR meets the requirements of Logan City codes and specifications.

AGENCY AND CITY DEPARTMENT COMMENTS

Comments were solicited from the following departments or agencies:

 Water/Cross Connection 	Business Licensing
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PUBLIC COMMENTS

Notices were mailed to property owners within 300 feet of the subject property. As of the time of this report, three comment had been received. All comments express opposition to the STR and are attached for review.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 06/11/22 and the Utah Public Meeting website on 06/13/22. Public notices were mailed to all property owners within 300 feet of the project site on 06/01/22.

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 a two (2) bedroom short term rental occupying a portion of the single-family home.
- 3. This Conditional Use Permit authorizes two (2) people per bedroom with two (2) additional individuals for a maximum of six (6) occupants within the STR.
- 4. Occupancy for the single-family home portion of the structure shall comply with LDC regulations.
- 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 on-site, off-street and outside of the front yard 25' setback. All parking stalls shall be paved, 9'x18' along with a minimum 12-foot-wide driveway for access and throughway for other stall access. Parking shall be fully installed and approved prior to the issuance of the business license.
- 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. Rental contracts for the STR shall be for 30 days or less.
- 8. Rental contracts shall not be 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 review and inspection by Logan City.
- 9. Quiet times shall comply with the City noise ordinance of 10 pm to 8am.
- 10. A Logan City building/fire inspection is required which may result in building remodeling and building permits 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
 - 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. Business Licensing contact 716-9230
 - Business license required.

RECOMMENDED FINDINGS FOR APPROVAL

- 1. The proposed project 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. As conditioned 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								
Planning Commission	and Use	Appeal Board	□ Administrative Review					
Date Received Planner	Zone/Neighborhood	Scheduled Meeting Date	Application Number					
5/9/22 N	R-4 Wilson	JUNE 23	PC 22-032					
Type of Application (Check all that apply):								
E Paris Paris								
2 Administrative Design Review								
☐ Code Amendment ☐ Appeal ☐ Zone Change ☐ Other PROJECT NAME								
Hansen Street Airbnb PROJECT ADDRESS								
	COUNTY PLAT TAX ID #							
800 East Center (Hansen Street), Logar	06-088-0045							
AUTHORIZED PROJECT REPRESENTATIVE FOR		PHONE # 881-6404						
J. Steven Hansen			435-752-6757					
MAILING ADDRESS	CITY	STATE	ZIP					
800 East Center Street, Logan, Utah 84321								
EMAIL ADDRESS								
jsteven.hansen@gmail.com								
PROPERTY OWNER OF RECORD		PHONE #						
John Steven and Jlene Family Trust		435-752-6757						
MAILING ADDRESS	STATE	ZIP						
MAILING ADDRESS CITY STATE ZIP 800 East Center Street, Logan, Utah 84321								
EMAIL ADDRESS	<u> </u>							
jsteven.hansen@gmail.com								
DESCRIBE THE PROPOSED PROJECT AS IT SHOULD BE NOTICED AND PRESENTED Total Lot Size (acres)								
(Include as much detail as possible - attach a separ	2.78							
See Attached Memo detailing request								
	Size of Proposed New Building (square feet)							
			N/A					
	Number of Proposed New Units/Lots							
			N/A					
I certify that the information contained in this application	N/A prized Project Representative							
supporting plans are correct and accurate. I also certifiam authorized to sign all further legal documents and pon behalf of the property owner.	fy that I	gradule of Property Owner's Author	rized Project Representative					
I certify that I am the property owner on record of the s property and that I consent to the submittal of this proje I understand that all further legal documents and permit be sent to my authorized agent listed above.	ect.	nature of Property Owner	anse					

APPLICATION MUST BE ACCURATE AND COMPLETE
NO SITE ACTIVITY MAY OCCUR UNTIL AFTER APPROPRIATE COMMITTEE APPROVAL -

To: Logan City Planning Commission

From: J Steven Hansen

800 East Center Street

Logan, UT 84321 (435) 752-6757

Subject: Condition Use Permit for a Short Term Rental

Attachements:

Figure 1 – Cache County Plat Map showing the property at 800 East Center Street outlined in red

Figure 2 - The length of the river bank is 800 feet shown with the distance from the street to the house is 440 ft.

Figure 3 - The location of the proposed Airbnb Apartment (red) and the location of available off-street parking (yellow)

Figure 4 - Schematic of the house showing the location of the short term rental (Airbnb Apartment)

Figure 5 - Short term rental layout (660 sq. ft.) with 224 sq. ft. deck Appendix A – Survey of property by Hansen and Associates, Inc. 1993

Introduction

We are requesting a conditional use permit allowing us to operate a short-term rental (STR) on our property. This application meets the requirements of Logan City Code Chapter 17 - §37.130 Short Term Rentals and §49.050 – Planning Commission Action.

We would like a conditional use permit to establish a short-term rental located in a two bedroom apartment above our garage. We plan to make available our rental from March 1 to October 31 of each year. The rental will be rented as a single unit for stays of less than 14 days. The maximum guests will be three (3). All marketing and accounting will be handled by Airbnb, Inc. Airbnb collects all state and local taxes and distributes them to the proper local city, county, or state.

The location of our rental will have no impact on the surrounding properties and it allows guests to have easy access to locations in the city and use of the Stewart Nature Park. There is easy access from Center Street and we provide plenty of off-street parking for our guests and any guests that they may have.

Property Description

The property is located at 800 East Center Street (See Plat Map in Figure 1, Parcel 06-088-0045). The parcel is 2.78 acres (See survey results in Appendix A) located on the east side of the Logan River between Center Street and the Logan City Stewart Nature Park Access. On the West side of the property is the Logan River; on the south side is the Stewart Nature Park; on the East side is a steep hillside embankment leading to Canterbury Estate; and on the north side is

Center Street. All neighbors are over 100 feet away. Primary access to the property is from Center Street at Hansen Street sign.

Our house is at a turn-around at the end of a 440-foot-long driveway (Hansen Street). The scale of the property is illustrated in Figure 2 showing the length of the river band at 800 feet and the length of the Driveway at 440 feet. At that turn-around are two paved off-street parking areas that can hold 3-4 guest cars. Figure 3 shows the location of paved parking and the location of the short term rental unit.

The property is unique and the perfect place for a short-term rental. The house and apartment are isolated and secluded from any neighbors and the noises of busy Center Street. But it is centrally located with the tabernacle, temple, university, and downtown city center within a short mile walk/drive.

The grounds have multiple maintained gardens; a children's play area; a hillside trail system; a duck pond, and multiple sitting areas for study, meditation, or just relaxation. We live on-site and are present to handle any needs or issues that our guests may have.

Short Term Rental Description

During a remodel of our house in the mid-1990s we added a "mother-in-law's" apartment above our garage anticipating that one or more of our parents would possibly retire and live with us. That didn't happen.

The Apartment is above our garage and attached to the main house. See Figure 3 and 4 showing a top view of the house with apartment, decks and patio. The apartment is a two-bedroom apartment designed to house a maximum of three persons. It has a living area, kitchen, bath, and laundry area. The apartment layout with dimensions is shown in Figure 5. It has a private entrance and a private deck overlooking the park like grounds.

For our guest we provide local maps, brochures, and points of interest. We provide advertising for several local businesses and organizations including Cache County Visitor's Center, the Farmers' Market, Great Harvest, Angie's, Cox Honeyland, USU, and more.

For safety, there is a fire extinguisher in the kitchen, and smoke and CO2 detectors above each bedroom door.

How our STR meets or exceeds the minimum standards in §17.37.130-C – Standards

1. Occupancy

The requirement is a maximum of 2 persons per bedroom + 2 extra person for a total of 6 persons. It is our intention to have a maximum of 3 persons.

2. Parking Requirements

- a. All of our guest parking is adjacent to house and short term rental.
- b. There is 3-4 parking places available for guest parking. Two are required.
- c. All guest parking is off-street and on-site.
- d. All parking comply with parking and setback requirements of Chapter 17.38 Land Development Code

e. If guest bring and recreational vehicles, trailers, boats, or similar vehicles, they will be parked in the long parking area to the northeast of the house (see Figure 3) and in compliance with city code.

3. Appearance or character of the dwelling.

Since the apartment is already a part of the house, the use of it as a short term rental will not alter in any way the appearance or character of the house.

4. Number of short term rental on this property

There is only one short term rental on this property.

5. Nuisance ordinances

Because we live on-site, we can assure that there will be not excessive noise or other annoyance that impact the neighbors or neighborhood.

6. Pets

Pets are not allowed in our short term rental.

7. Multiple rental contracts.

Since our property's rental is via Airbnb, Inc. only, there cannot be multiple contracts for the same period.

8. Consecutive rental contract

The only consecutive rental contract that we allow will be if a person should want to extend their stay by a day or two with no stays greater than 14 days.

9. Applicable local and state laws

The short term rental will comply with all applicable local and state building, health, fire, safety, maintenance, and nuisance codes.

10. Signs

We have one small, less than 2 square feet, sign mounted on our house at the entrance to the path around our house.

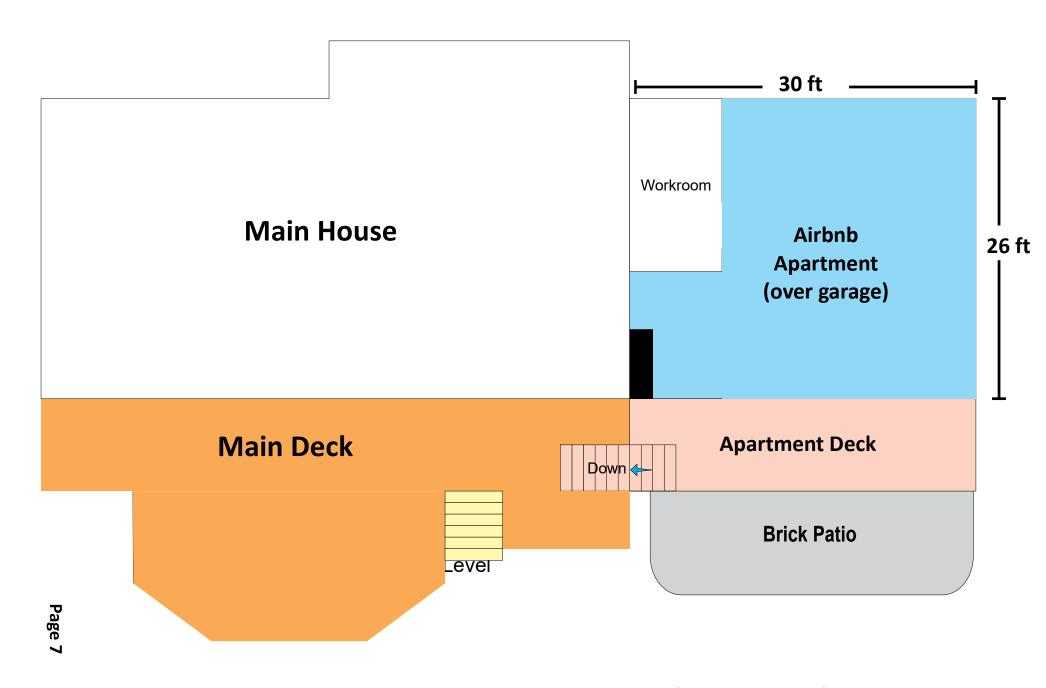


Figure 4 - Schematic of the house showing the location of the short term rental (Airbnb Apartment)

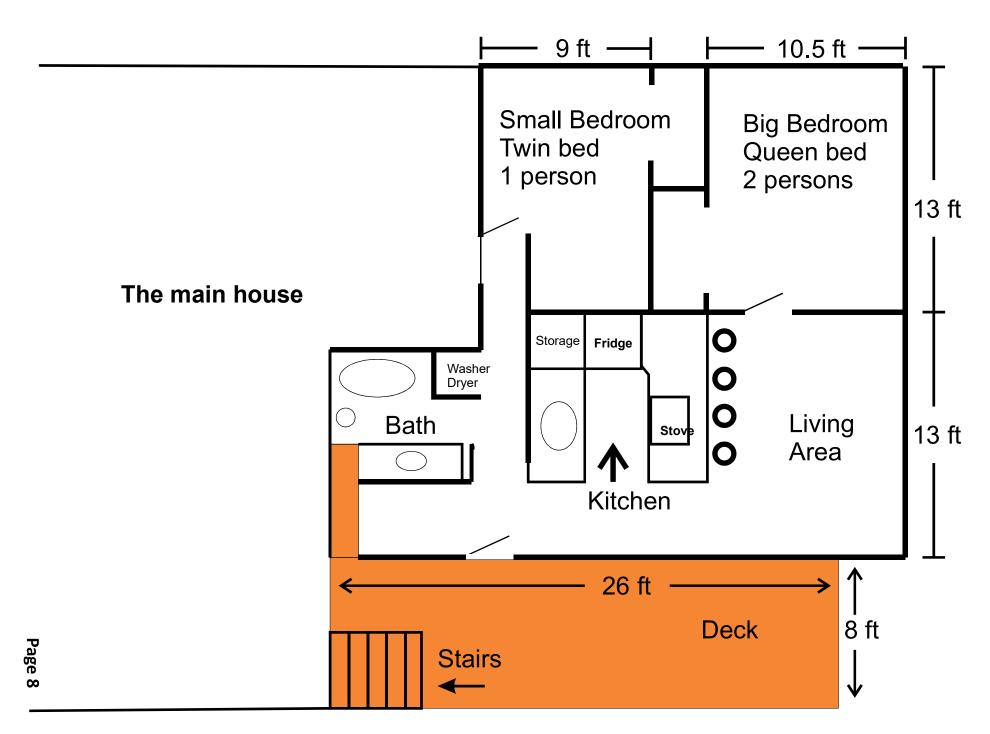


Figure 5 - Short term rental layout (660 sq ft) with 224 sq ft deck



Figure 2 - The length of the river bank is 800 feet shown with the distance from the street to the house is 440 ft.

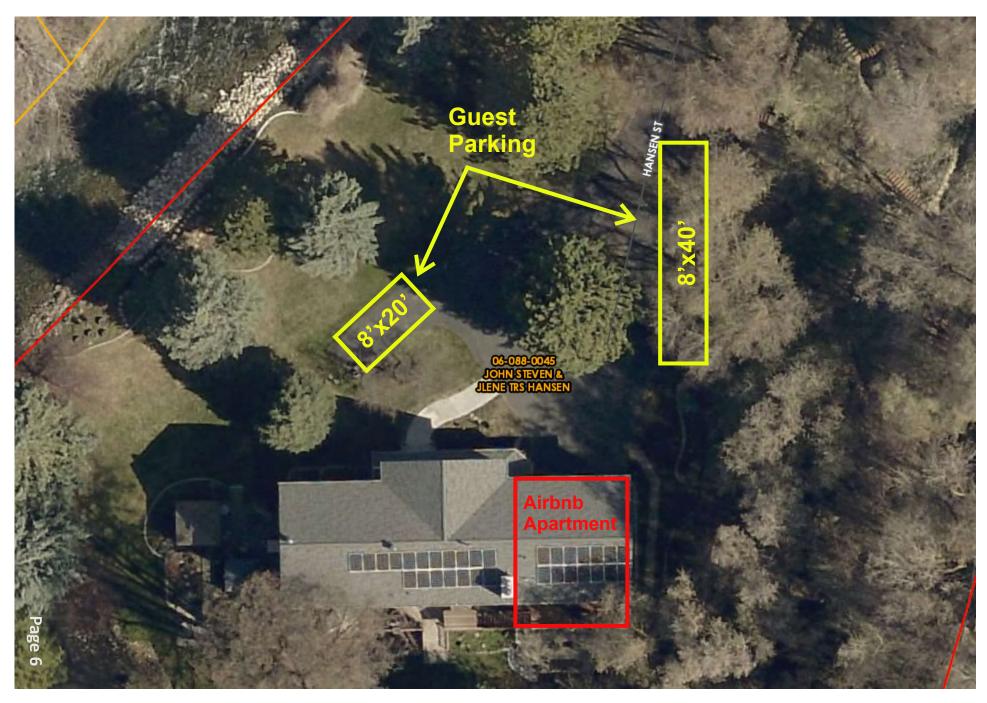


Figure 3 - The location of the proposed Airbnb Apartment (red) and the location of available off-street parking (yellow).

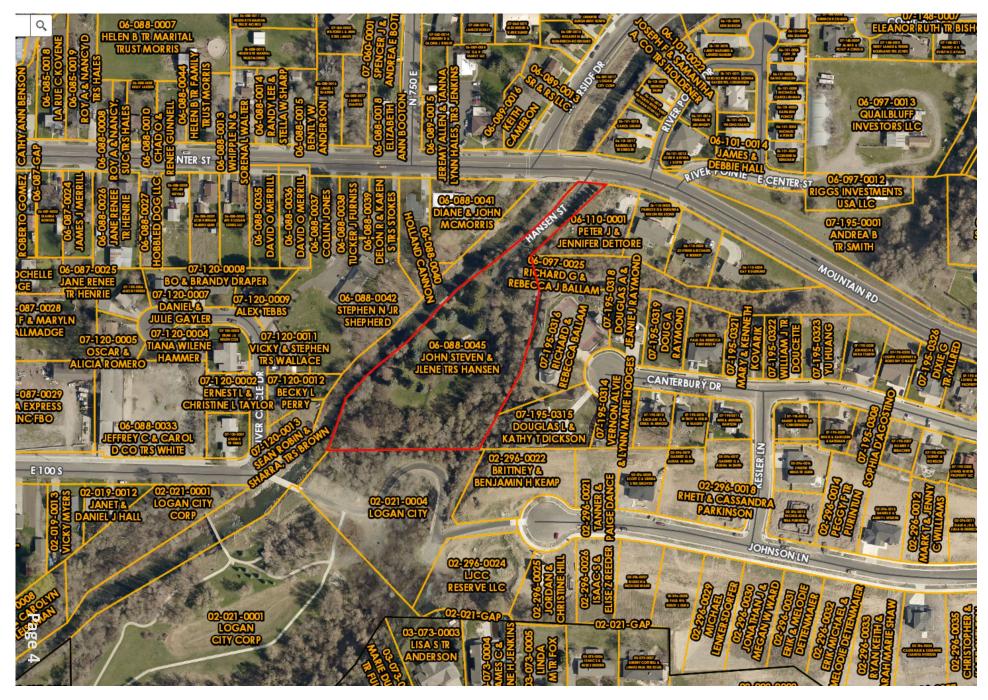


Figure 1 – Cache County Plat Map showing the property at 800 East Center Street outlined in red

Appendix A - A Survey of the property by Hansens and Associates, Inc. 1993



Planning Commission commission@loganutah.org>

PC 22-032

1 message

Garrett Smith <garrettgillsmith@gmail.com> To: planning.commission@loganutah.org Tue, Jun 14, 2022 at 8:11 PM

As a residence of Johnson Cove I wanted to encourage the commission to reject the conditional use permit for PC 22-032.

Neighborhood residential zones are not designed for short term rentals. If someone is renting their home for a long duration then that allows the renter to become part of the community, which is a plus.

However, short term rentals only bring traffic and potential community extraction instead of engagement.

Thank you,

Garrett Smith 95 Kesler Ln





Project Number PC 22-032

2 messages

Doug Raymond <doug@raymondconst.com>

To: "Planning.commission@loganutah.org" < Planning.commission@loganutah.org>

Mon, Jun 13, 2022 at 10:00 AM

Planning Commission-

I live at the property 895 Canterbury Drive. The map shows the property directly below my property. My concern is the resident at 871 Canterbury Drive, over the 21 years I have been there, has destabilized the hillside above the said property.

I know the 20 years I have resided there, there has been 3 occasions when the hillside has given away and crashed down onto the property below. The city has been called numerous times and been made aware of this situation with nothing being done. None of the building codes or laws have been enforced in this situation and to this day is still a major concern.

Even today if you look at this "project" on the hillside above this proposed area, the owner is destabilizing the hillside on a continuous basis. I am afraid that like 3 times before the city will be to late to avoid a tragic situation.

I have brought this to the attention of 3 mayors, community development, planning commission, and building department. Please consider this as the decision is made for this project. I apologize that I can't be there in person for the public hearing, but will be out of town.

Thank you for the consideration.

Doug A. Raymond

Raymond Construction Inc.

125 West 2500 North

Logan, Utah 84341

W - 435.752.2911

C - 435.757.4222

E - Doug@Raymondconst.com

Doug Raymond <doug@raymondconst.com>

To: "Planning.commission@loganutah.org" <Planning.commission@loganutah.org>

Sorry. I forgot to attach some photos.















Thank you

Doug A. Raymond

Raymond Construction Inc.

125 West 2500 North

Logan, Utah 84341

W - 435.752.2911

C - 435.757.4222

E - Doug@Raymondconst.com

[Quoted text hidden]



Planning Commission commission@loganutah.org>

Project 22-032

1 message

Doug Dickson <dakdenterprises@gmail.com> To: planning.commission@loganutah.org Wed, Jun 8, 2022 at 1:34 PM

Planning Commission,

I am writing to voice my opposition to the planned AirBnB request from John Steven & Jlene Hansen Trs. I don't want to set a precedent that would allow this type of property use in the future. I don't want to live in a motel district. I believe this should not be allowed to happen in our neighborhood. Please vote no on allowing this to get going and then never be stopped.

Thanks,

Doug & Kathy Dickson 884 Canterbury Dr, Logan, UT 84321