

**Project #22-033  
Madden Short Term Rental  
120 N 200 W**

**REPORT SUMMARY...**

*Project Name:* Madden Short Term Rental  
*Proponent/Owner:* Greg & Carrie Madden / Greg & Carrie Madden  
*Project Address:* 120 N 200 W  
*Request:* Conditional Use Permit  
*Current Zoning:* Traditional Neighborhood Residential (NR-6)  
*Date of Hearing:* July 14, 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 #22-033 Madden Short Term Rental, for the property located at 120 N 200 W, TIN #06-021-0011.

*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 new Short Term Rental (STR) in a portion of the home, a two-bedroom second floor area, located at 120 North 200 West. The proposed STR would be located directly above the main floor and accessed via the main floor front door. The main floor of the home is planned to remain single family residential use. The submitted site plan shows four (4) off-street parking stalls located in the long single-wide driveway. Two parking stalls are dedicated for the single-family home and two stalls for the STR. The NR-6 zoned parcel is approximately 0.23 acres in size and located in the Ellis Neighborhood near Historic Downtown.



Figure 1 shows the property at 120 N 200 W

### **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.

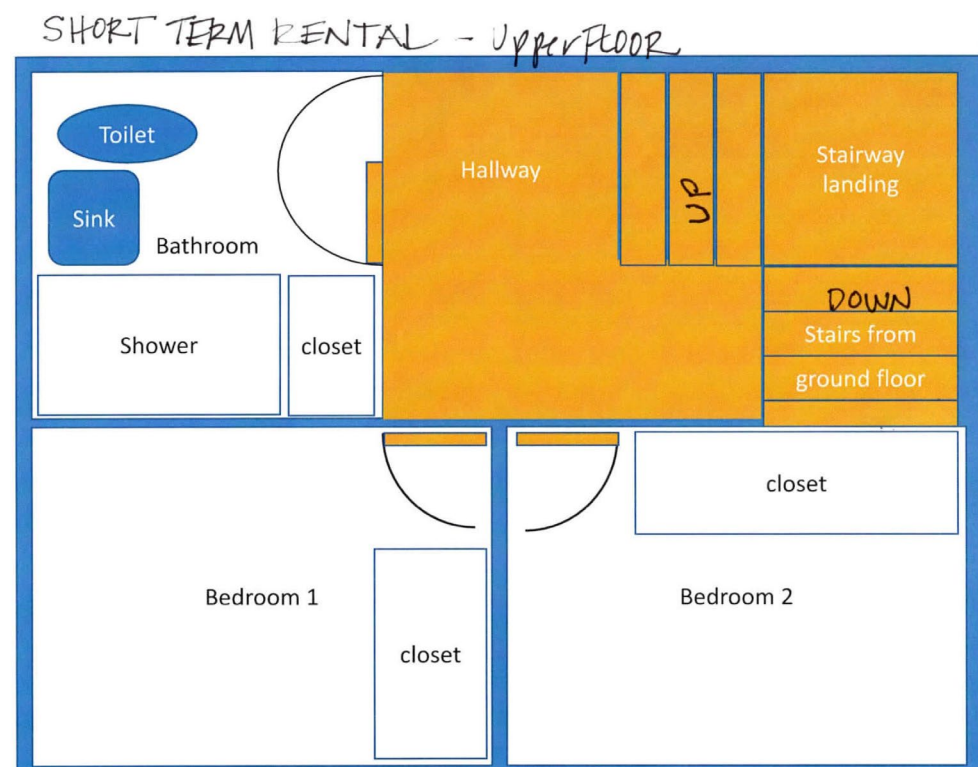


Figure 2 shows the floorplan for the proposed STR on the second floor of the home.

### **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 Madden STR is along the west side of Historic Downtown Logan on the east side of 200 North. All the adjacent privately owned properties are zoned NR-6 (single family), but the east side of this block is zoned Public and Town Center Two. The white cottage-style home was built in 1939 and is located inside the Logan City Historic District boundary. Mature trees and landscape in the park-strip and yard surround and shade the home.

**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. Driveways providing access to stalls and other areas of the property are set at 12-24 feet wide. 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 shows four (4) parking stalls located on the single-lane driveway, two for the home and two for the STR. The site plan shows three parking stalls outside of the front 25-foot setback on the driveway and one stall inside the existing detached garage. Based on staff’s measuring tool (not precise), the three parking stalls on the driveway are approximately six feet shy of meeting the full 9’x18’ size requirements. As conditioned with at least two (2) parking stalls for the home and two (2) parking stalls for the STR in accordance with dimension and access 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.

**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 on the second floor. The maximum occupancy for the STR would be six (6) individuals in addition 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.



Figure 3 shows the front of the home at 120 N 200 W.

**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 and the number of people using the STR will be relatively small. The STR use is similar in nature and character to the use of a single-family home. Parking stall counts and sizes will need to be verified on-site with measuring tools to ensure compliance with code specifications. If dimensions are short, alterations could be made to the detached garage or rear yard areas. 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, two comments had been received. The comments express concerns for the STR and are attached for review.

## PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 07/02/22 and the Utah Public Meeting website on 07/01/22. Public notices were mailed to all property owners within 300 feet of the project site on 06/27/22.

## 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. Parking shall be fully verified, 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.



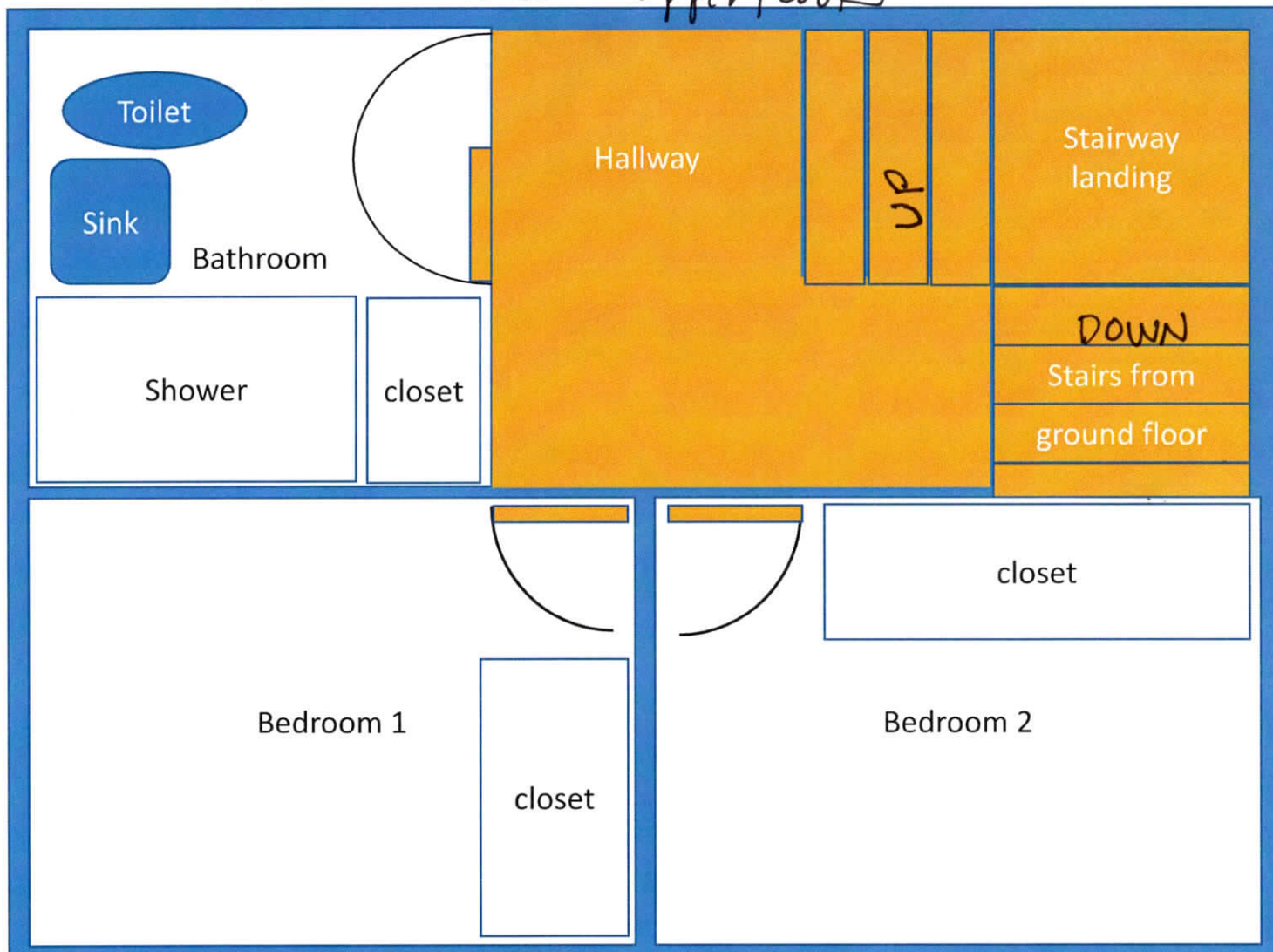
# APPLICATION FOR PROJECT REVIEW

For Staff Only					
<input checked="" type="checkbox"/> Planning Commission		<input type="checkbox"/> and Use Appeal Board		<input type="checkbox"/> Administrative Review	
Date Received 5/10/22	Planner	Zone/Neighborhood NR-6/ELMS	Scheduled Meeting Date JUNE 23	Application Number PC 22-033	
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 Madden short term rental					
PROJECT ADDRESS 120 N 200 W				COUNTY PLAT TAX ID # 06-021-0011	
AUTHORIZED PROJECT REPRESENTATIVE FOR OWNER NA				PHONE #	
MAILING ADDRESS 120 N 200 W		CITY Logan	STATE Utah	ZIP 84321	
EMAIL ADDRESS Greg.madden@usu.edu					
PROPERTY OWNER OF RECORD Greg and Carrie Madden				PHONE # 435-881-8477	
MAILING ADDRESS 120 N 200 W		CITY Logan	STATE Utah	ZIP 84321	
EMAIL ADDRESS Greg.madden@usu.edu					
DESCRIBE THE PROPOSED PROJECT AS IT SHOULD BE NOTICED AND PRESENTED (Include as much detail as possible - attach a separate sheet if needed)  Short term rental of second floor of our home. Second floor has two bedrooms, a hallway, and one bathroom. Rental space is accessed through shared front-door entrance. Parking available in driveway for 3 cars.				Total Lot Size (acres) .23	
				Size of Proposed New Building (square feet) NA	
				Number of Proposed New Units/Lots NA	
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 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>Carrie Madden</i>		

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



# SHORT TERM RENTAL - Upper Floor



Gregory Madden  
120 N 200 W  
Logan, UT 84321



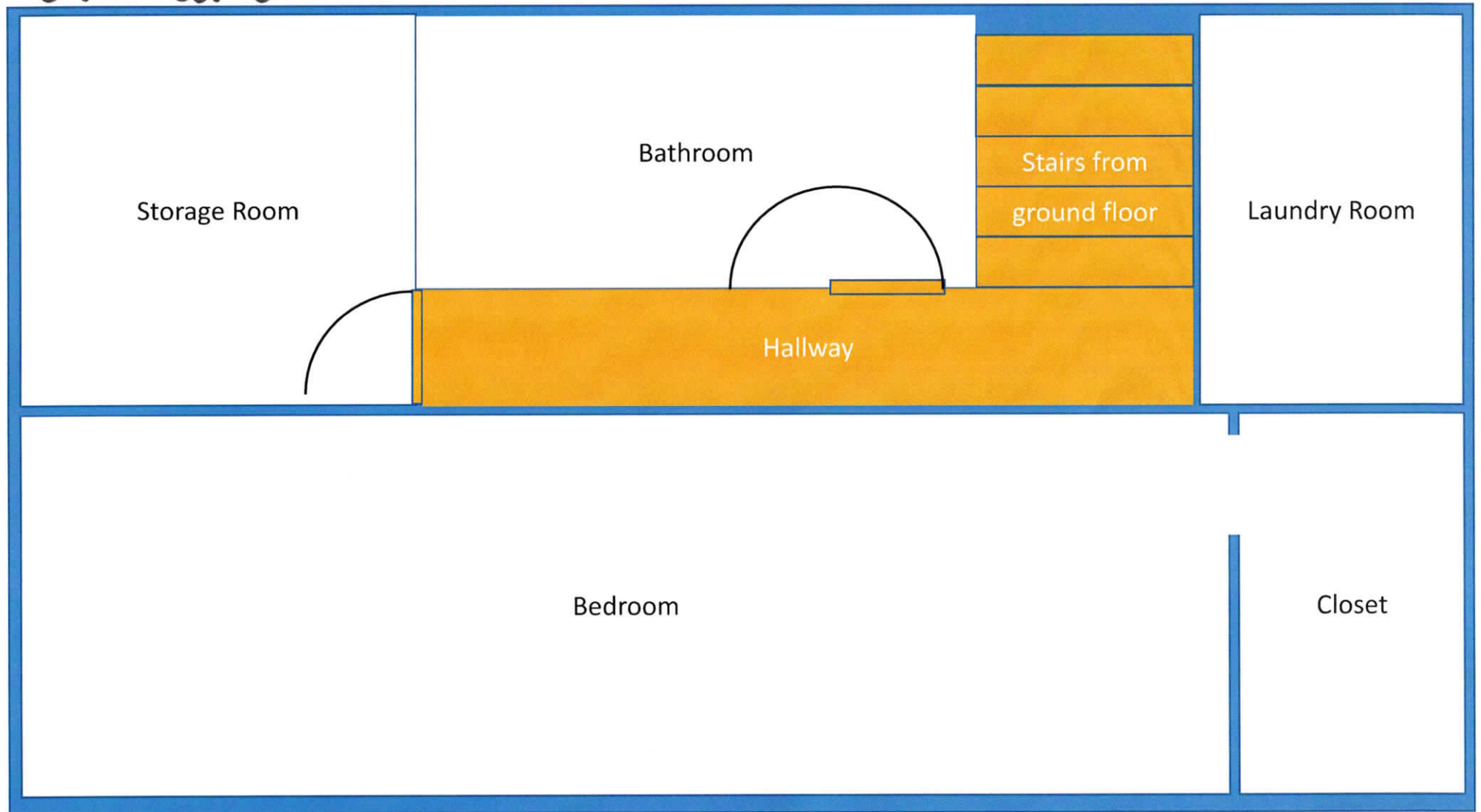
Main Floor

Rear Entrance



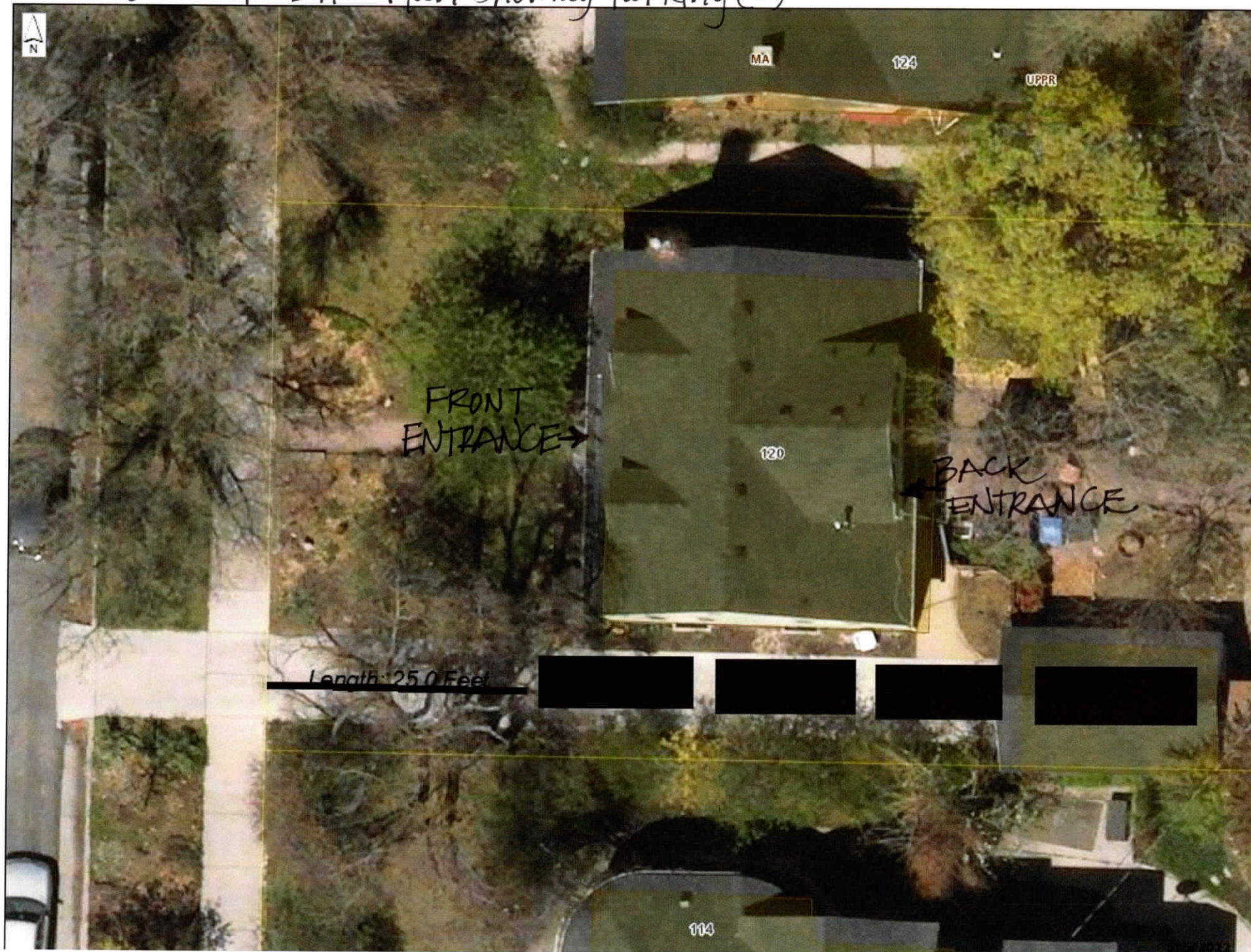
Front Entrance

*Lower Level*





Madden STP Site Plan showing Parking(4)





Planning Commission <planning.commission@loganutah.org>

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## Project Number PC 22-033

1 message

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**Natalie Sharp** <mn3sharp@yahoo.com>

Tue, Jun 21, 2022 at 9:26 PM

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

Dear Planning Commission:

The property located at [120 North 200 West](#) does not have enough off street parking for an additional rental unit. If they are allowed to have this permit then the parking on the street will increase. This is a problem because the houses are close together and it can be difficult to take out garbage cans when the street is full of cars.

Thank You,  
Michael Sharp





Planning Commission &lt;planning.commission@loganutah.org&gt;

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## Questions - Madden-Short Term Rental PC 22-033

1 message

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**Aaron Snowden** <aaronssnowden@gmail.com>

Wed, Jun 8, 2022 at 6:19 PM

To: planning.commission@loganutah.org

Cc: Ariel Snowden <arielwilson.snowden@gmail.com>

Department of Community and Development Planning Division,

Neither my wife or I will be able to attend the hearing so I'd like to get some additional information about STR permits, if possible.

Is there any data suggesting that STRs benefit a neighborhood?

Does the city have particular regulations around short-term-rentals for the renter; regulations for instance, prohibiting large gatherings, around the number of occupants per bedroom, etc?

Can a permit be revoked? If so, what types of things would cause a permit to be revoked?

Lastly, and this may be a question better suited for the hearing but 200 W is a common route for children on their way home from school. I've posted a link below to study which suggests that crime increases in neighborhoods with STR and why. What reason do we have to think that crime won't increase in this neighborhood?

<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0253315>

Hopefully you can help answer some of my questions and concerns,

Thank you,

~Aaron

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Aaron M Snowden  
158 N 200 W, Logan, UT 84321  
312.585.7352