

**Project #22-035
Rigby Property
702 North 100 West**

REPORT SUMMARY...

Project Name: Rigby Property
Proponent/Owner: Jeff Ballard / Jeff Ballard
Project Address: 702 North 100 West
Request: Conditional Use Permit
Current Zoning: Mixed Residential Low (MR-12)
Date of Hearing: June 23, 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 #22-035 Rigby Property, for the property located at 702 North 100 West; TIN #07-021-0021.

Land use adjoining the subject property

<i>North:</i>	(MR-12) Mixed Residential	<i>East:</i>	(COM) Commercial
<i>South:</i>	(MR-12) Mixed 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 one unit of a duplex at 702 North 100 West. The proposed STR is the entire upper unit containing four (4) bedrooms and three (3) bathrooms. The proposal shows four (4) off-street parking stalls in the driveway east of the STR. The parcel is approximately .33 acres in the Mixed Residential Low Zone (MR-12).



Figure 1 – 702 N 100 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 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 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 STR is the top floor of a duplex that was recently converted from a single-family home. On the same property as the duplex is a newly built single-family home. The three dwelling units on the parcel are long term rentals. Surrounding the property are a mixture of homes, apartments, and commercial uses. Many of the homes nearby are identified as grandfathered duplexes. The .33-acre property is surrounded on three sides by city streets. As the proposed STR is currently a long-term rental, changing the rental duration will not alter the exterior of the structure.

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. All parking areas shall be located outside the front setback, must be a minimum of 9' x 18' in size, and shall have at least a 12' wide driveway providing access to, and around, for all vehicles. Parking stalls and driveways are required to be paved with either concrete, asphalt, or other similar approved hardened surfaces. Parking for the STR shall be provided at one (1) space per bedroom with a minimum of two (2) spaces, and a minimum of two spaces for each residential unit (basement unit & detached residential unit) located on the site.

The application includes four (4) parking stalls located east of the duplex on the driveway accessed by 50 West for the STR. Two (2) parking stalls are shown for the single-family home accessed from its own driveway on 50 West. Parking for the basement apartment is shown in a two-car garage accessed from 100 West. For this property, setbacks are 25' from the right-of-way of 100 West as it is opposite the NR-6 zone, and 10' from 50 West as standard for MR-12. The site plan does not provide dimensions of the driveways; however, recent building plans and basemap measurements show the length and width of each driveway meets or exceeds minimum requirements and demonstrates the site can accommodate the eight (8) parking stalls required for the three units. As proposed, with two (2) parking stalls for the single-family home, two (2) parking stalls for the basement apartment and four (4) parking stalls for the STR, the project complies with the LDC.



Figure 2 – Proposed Parking Plan

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 four (4) bedrooms on the top floor of the duplex. The maximum occupancy for the STR would be ten (10) individuals in addition to the three (3) unrelated individuals or one family in each the basement unit and single-family home. The total occupancy for the entire duplex at any given time is thirteen (13) individuals or one family and ten (10) individuals. As conditioned, with a maximum occupancy, the project meets the requirements of the LDC.

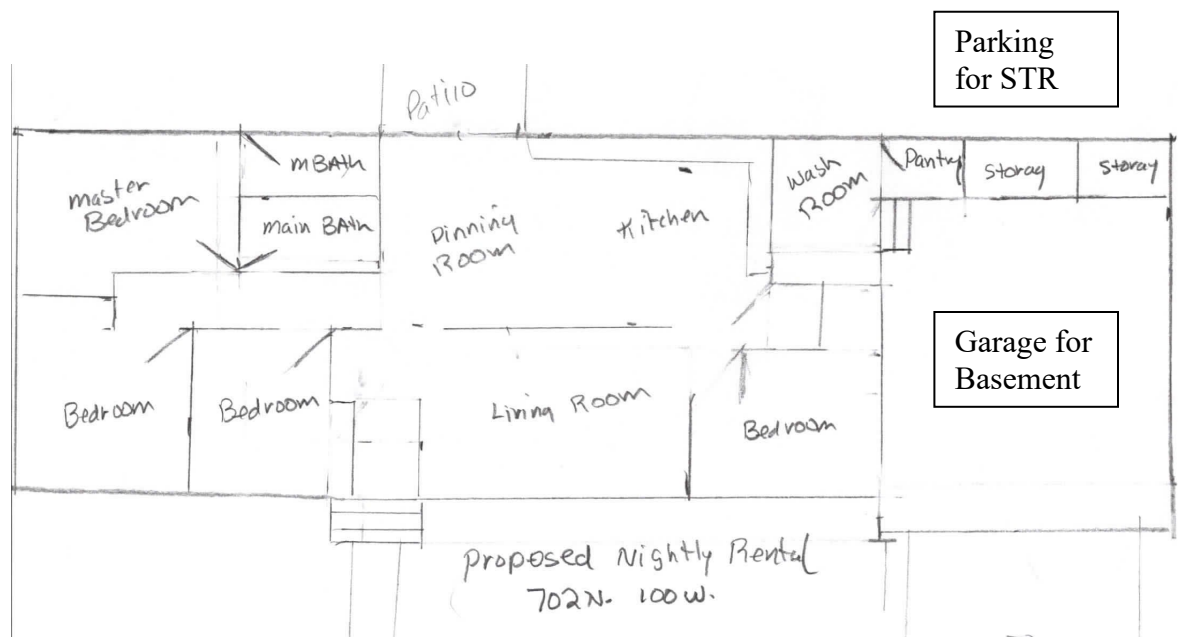


Figure 3 – STR Floor Plan

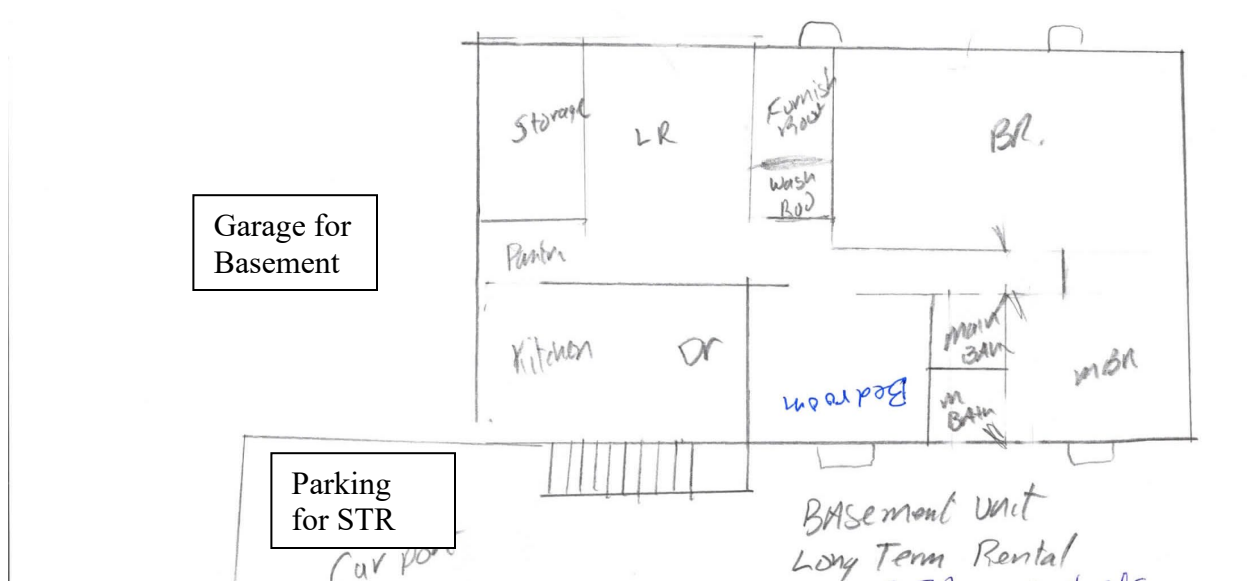


Figure 4 – Basement Floor Plan

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

Staff's assessment of the potential impact of this specific STR on the neighboring properties is minimal if at all. The proposed STR maintains neighborhood compatibility because no exterior alterations are proposed. The duplex design and driveway configurations were approved in a prior project. Parking stall counts and sizes meets requirements outside of setbacks. 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 four (4) bedroom short term rental occupying on unit of a duplex.
3. This Conditional Use Permit authorizes two (2) people per bedroom with two (2) additional individuals for a maximum of ten (10) occupants within the STR.
4. Occupancy for the basement unit of the duplex and the single-family home on the property shall comply with LDC regulations.
5. A minimum of four (4) parking stalls are required for the STR and two (2) parking spaces are required for both the basement and the single-family home. All parking areas shall be located on-site, off-street and outside of the front yard setbacks. All parking stalls shall be paved and 9'x18' in size. 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 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 checked="" type="checkbox"/> Planning Commission		<input type="checkbox"/> and Use Appeal Board		<input type="checkbox"/> Administrative Review	
Date Received 5/14/22	Planner TR	Zone/Neighborhood Ellis/MR-12	Scheduled Meeting Date 6/23/22	Application Number PC 22-035	
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 Righe Property					
PROJECT ADDRESS 702 N. 100W				COUNTY PLAT TAX ID # 07-021-0021	
AUTHORIZED PROJECT REPRESENTATIVE FOR OWNER NA				PHONE # 435-757-2718	
MAILING ADDRESS 3805 N. 3200W		CITY Benson		STATE UT	ZIP 84335
EMAIL ADDRESS Jeffballard@AOL.com					
PROPERTY OWNER OF RECORD Jeff Ballard				PHONE # 435-757-2718	
MAILING ADDRESS 3805 N. 3200W		CITY Benson		STATE UT	ZIP 84335
EMAIL ADDRESS Jeffballard@AOL.com					
DESCRIBE THE PROPOSED PROJECT AS IT SHOULD BE NOTICED AND PRESENTED (Include as much detail as possible - attach a separate sheet if needed) Turn a Rental unit into a Short Term Rental or nightly rental 1 STR on property w/ 3 units Upstairs Red roof is STR				Total Lot Size (acres) Y3 Acres	
				Size of Proposed New Building (square feet) 1700sq ft	
				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 Jeff Ballard	
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	

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



100 W

732

702

50 W

2 stalls
for 3-BR
long term
rental
(Basement)

25'
setback

10'
setback

2 stalls
single
family
home

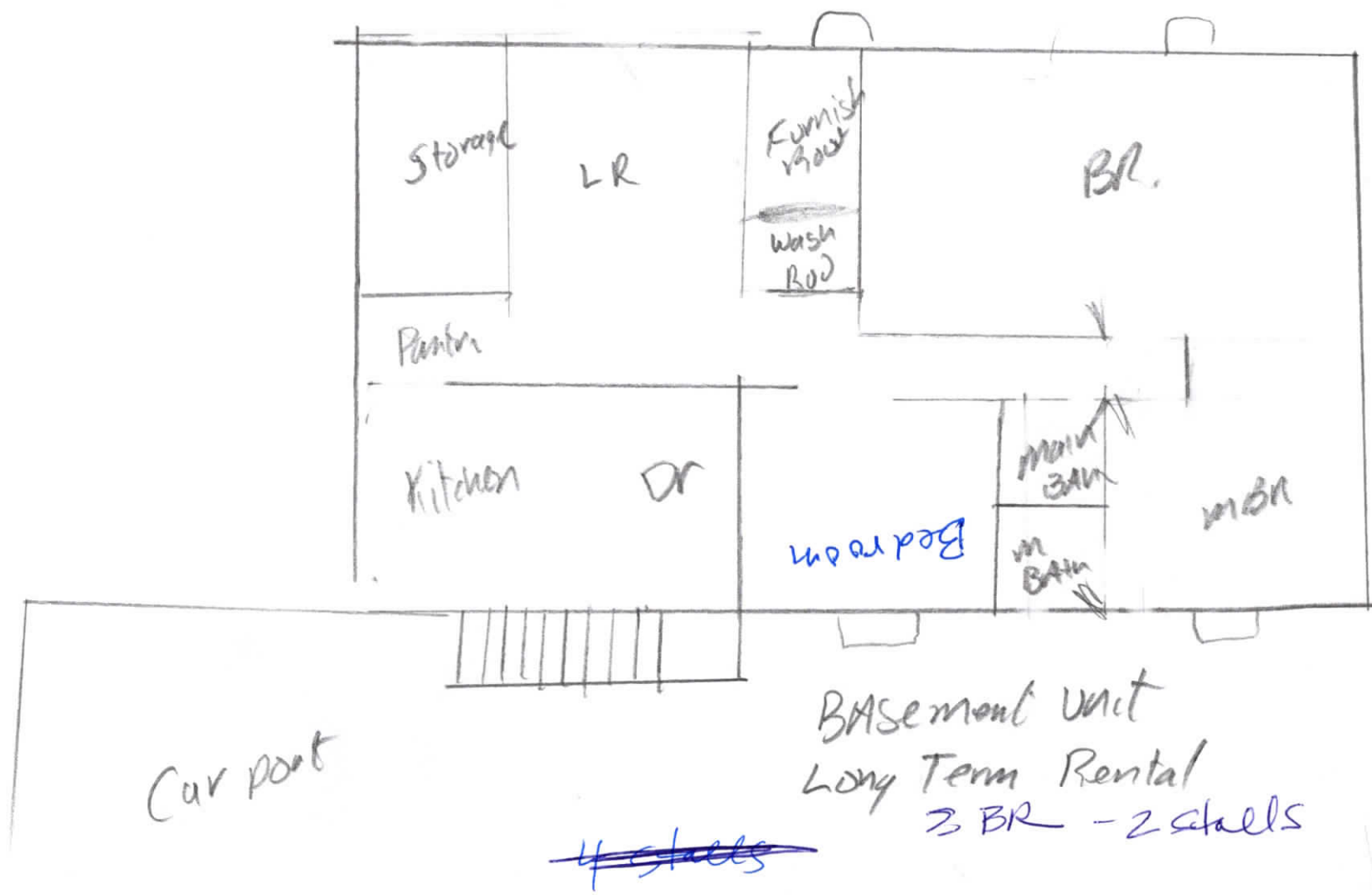
4 stall
Parking
for STR
(upstairs)

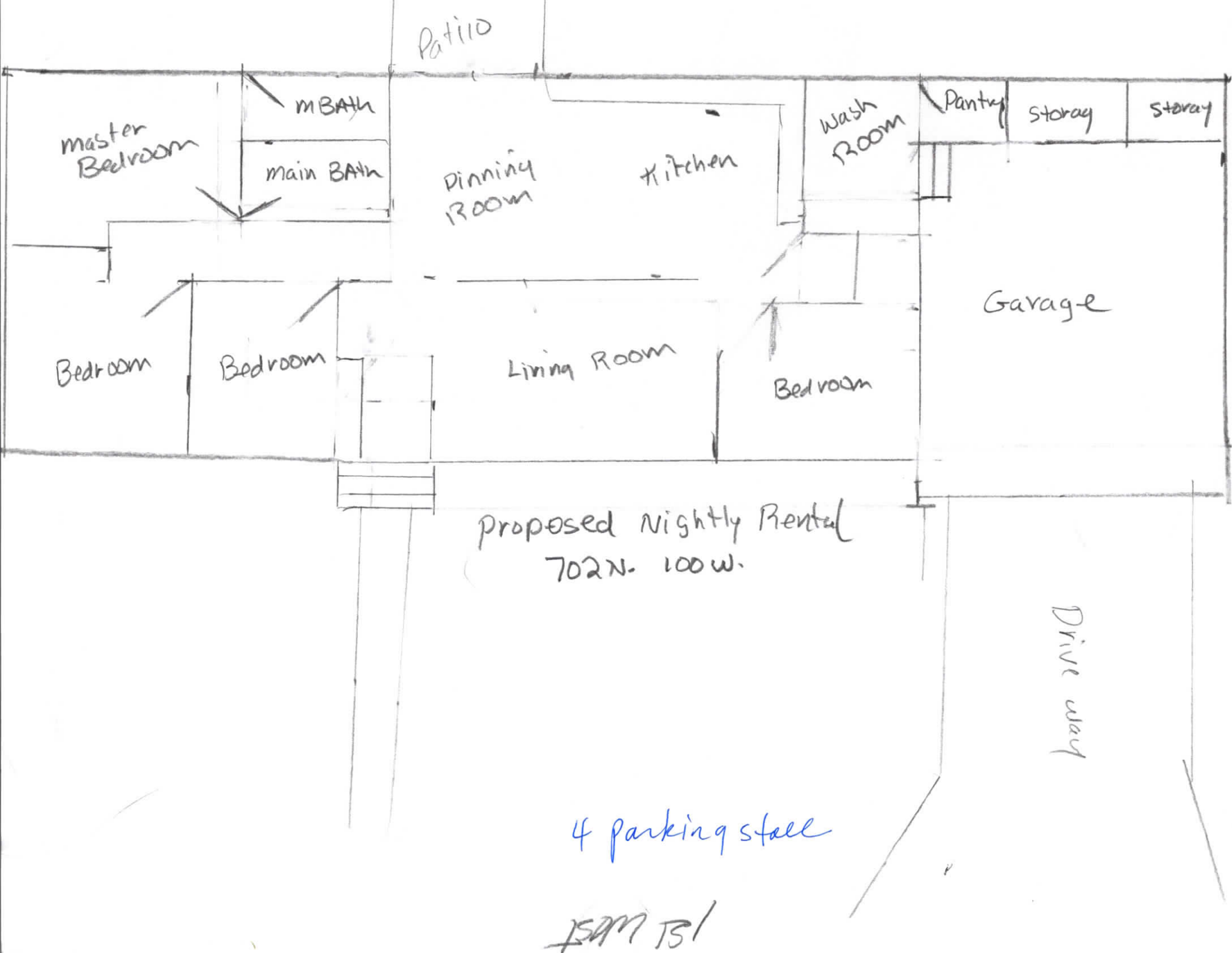
47

80 W

700 N









Planning Commission <planning.commission@loganutah.org>

Project PC 22-035 at 702 North 100 west

C. C. <cindy_c@gmx.com>

Tue, Jun 14, 2022 at 12:44 PM

To: planning.commission@loganutah.org

Dear Logan City Planning Commission

This is regards to Project PC 22-035 at 702 North 100 west.

I cannot come in person and emailed this letter to the commission.

Foremost, my family was never informed that a second house was being built on the lot of this land. Now there are two, one that is brick that was just painted white and black and a second house in the backyard. The letter does not state what house this "short-term lease" is going to take place in. If it is going to be both houses, then this is far from acceptable.

We do not want a short-term lease house in our neighborhood. We have watched the news and seen how short-term leases affect areas with parties and violence. It will also increase traffic in the area that will already be increased with the opening of Cafe Zupas. Again, if the owner is going to lease out both homes for short term leases, this will again add more traffic.

It is our opinion that a short-term lease will not be something that is needed or welcomed in the area. We would be more than happy to welcome a long term lease in the area.

Thank you,

Clark Family

[684 North 100 West Logan Utah](#)