

Project #22-050
Casa Cliffside Short Term Rental
93 South 1250 East

REPORT SUMMARY...

Project Name: Casa Cliffside Short Term Rental
Proponent/Owner: Adam Tripp / Lucero – Purchaser Scott Schumacher
Project Address: 93 South 1250 East
Request: Conditional Use Permit
Current Zoning: Traditional Neighborhood Residential (NR-6)
Date of Hearing: September 8, 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 #22-050 Casa Cliffside Short Term Rental, for the property located at 93 South 1250 East, TIN #07-160-0020.

Land use adjoining the subject property

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

Request

The applicant is requesting a Conditional Use Permit (CUP) for a new short-term rental (STR) in the entire single-family home located at 93 South 1250 East. The home has five (5) bedrooms, two (2) on the main floor and three (3) in the basement. The submitted plans show the home, garage, and driveway with parking stalls indicated. The NR-6 zoned parcel is approximately 0.20 acres in size and located in the Wilson Neighborhood.

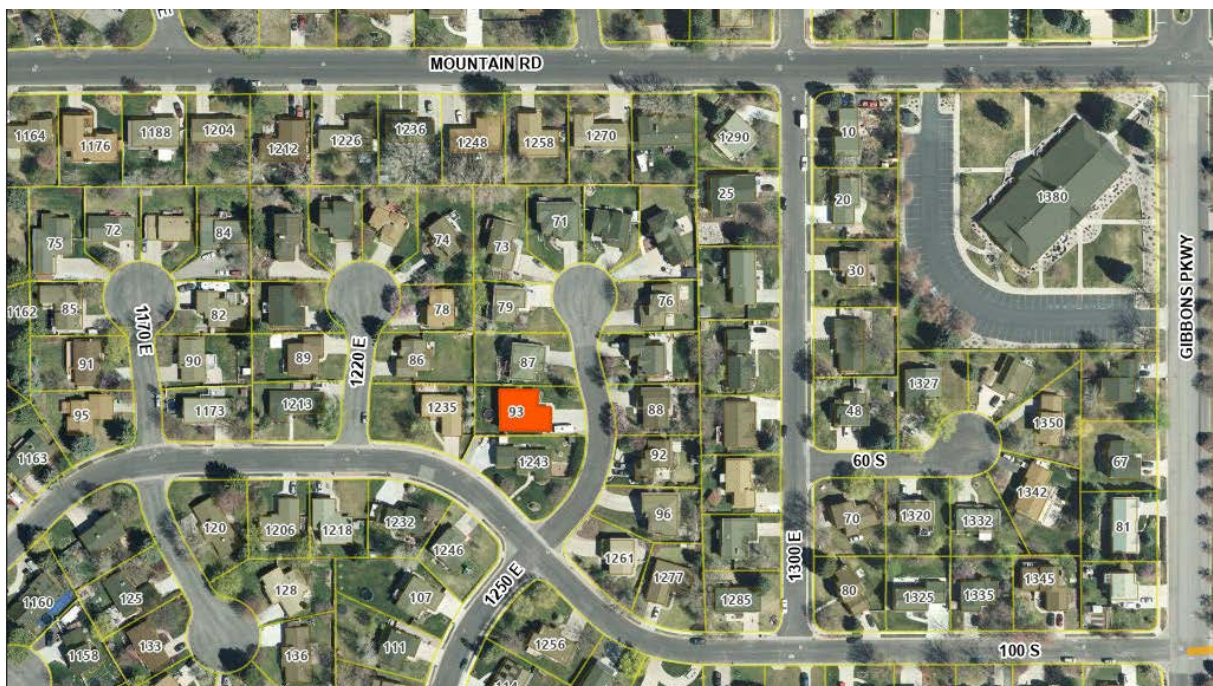


Figure 1 shows the single-family home at 93 South 1250 East.

Short Term Rentals

The purpose of the Section 17.37.130 is to regulate short term rentals to ensure compatibility within residential neighborhoods and 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.
- Parking shall be located outside of the front 25' setback and on a paved 9'x18' surface.
- 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.

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.

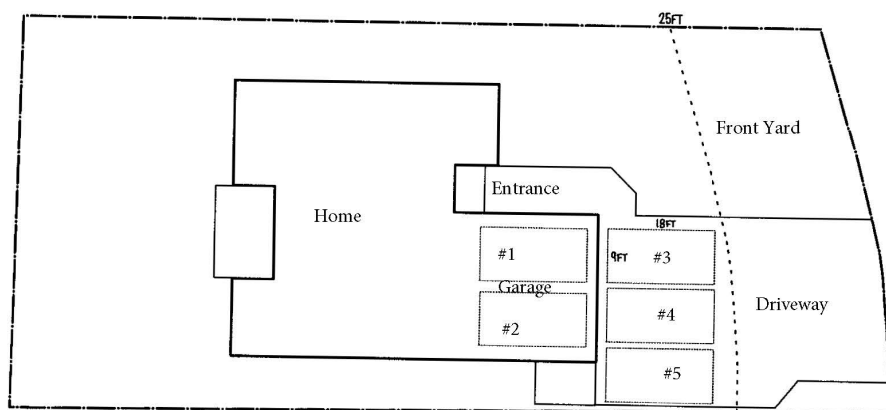
Neighborhood Compatibility

The location of the proposed short term rental is in the Cliffside area in the Wilson Neighborhood. All adjacent properties are zoned NR-6. The residential structures in the area are all single-family homes. The proposal does not alter the exterior of the current home. The five (5) off-street parking stalls required for this STR are in the garage and in the driveway out of the front setback which is not out of character in this area.

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 single-family residence. No parking stall can be located within the 25' front setback (20' on the secondary frontage of a corner lot). Parking stalls are required to be paved with either concrete, asphalt, or similar approved hardened surfaces. Parking spaces shall be provided at one (1) space per bedroom with a minimum of two (2) parking stalls for the STR. Each parking stall shall be at least 9'x18' as per LDC §17.31.090 E. Minimum driveway width accessing parking stalls is set at 12 feet as per LDC 17.29.060.

The application includes a parking plan that shows five (5) parking stalls on the property. Two (2) of the stalls are in the garage, and three (3) are in the driveway. The driveway is approximately 30 feet wide by 45 feet long and entirely paved. The driveway parking stalls being proposed are outside of the front setback (25 feet) and sized at 9'x18'. As proposed, the parking stalls comply with the standards in the LDC.



93 SOUTH 1250 EAST
LOGAN, UT

Figure 2 shows 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 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 for the five (5) bedroom home. The total occupancy for the STR at any given time is twelve (12) individuals.

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 of negligible alterations to the home and it complies with LDC proximity standards. Parking stall counts and sizes are provided outside of setbacks in a functional manner. As conditioned with full compliance of 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 comments had been received.

PUBLIC NOTIFICATION

Public notices were mailed to all property owners within 300 feet of the project site on 08/22/22. Legal notices were published in the Herald Journal on 08/27/22 and the Utah Public Meeting website on 08/29/22.

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 five (5) bedroom short term rental occupying the full single-family home.
3. This Conditional Use Permit authorizes two (2) people per bedroom with two (2) additional individuals for a maximum of twelve (12) occupants in the STR.
4. A minimum of five (5) parking stalls are required for the STR. All parking areas shall be located off-street, outside the front and corner yard setback and paved with an approved hard surface. The 5 total parking stalls shall meet minimum LDC dimensions (9x18) per stall and a minimum 12-foot-wide driveway.
5. 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.
6. Rental contracts for the STR shall be for 30 days or less.
7. 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.
8. Quiet times shall comply with the City noise ordinance of 10 pm to 8am.

9. 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.
10. A Logan City business license is required before a rental contract can be issued.
11. The STR shall comply with local and state Building, Health, Fire, Safety, Maintenance and Nuisance Codes prior to operating.
12. 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.
13. 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.
14. 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.

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"/> Land Use Appeal Board		<input type="checkbox"/> Administrative Review
Date Received	Planner	Zone/Neighborhood	Scheduled Meeting Date	Application Number
7/29/22		NR-6 Wilson	Sept. 8	PC 22-050
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 Casa Cliffside				
PROJECT ADDRESS 93 S 1250 E Logan UT			COUNTY PLAT TAX ID # 07-160-0020	
AUTHORIZED PROJECT REPRESENTATIVE FOR OWNER Adam KS Tripp			PHONE # 435-525-2460	
MAILING ADDRESS 64 E Federal Ave Unit 160		CITY Logan	STATE UT	ZIP 84321
EMAIL ADDRESS Adam@CacheValleyAgent.com				
PROPERTY OWNER OF RECORD Lucero - Purchaser Scott Schumacher			PHONE # 206-660-0148	
MAILING ADDRESS 5069 E Lucia Drive		CITY Cave Creek	STATE AZ	ZIP 85331
EMAIL ADDRESS ScottSchu@Comcast.net				
DESCRIBE THE PROPOSED PROJECT AS IT SHOULD BE NOTICED AND PRESENTED (Include as much detail as possible - attach a separate sheet if needed) Conditoinal Use Permit for Short Term Rental Property			Total Lot Size (acres) .20	
			Size of Proposed New Building (square feet) 0	
			Number of Proposed New Units/Lots 0	
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 	

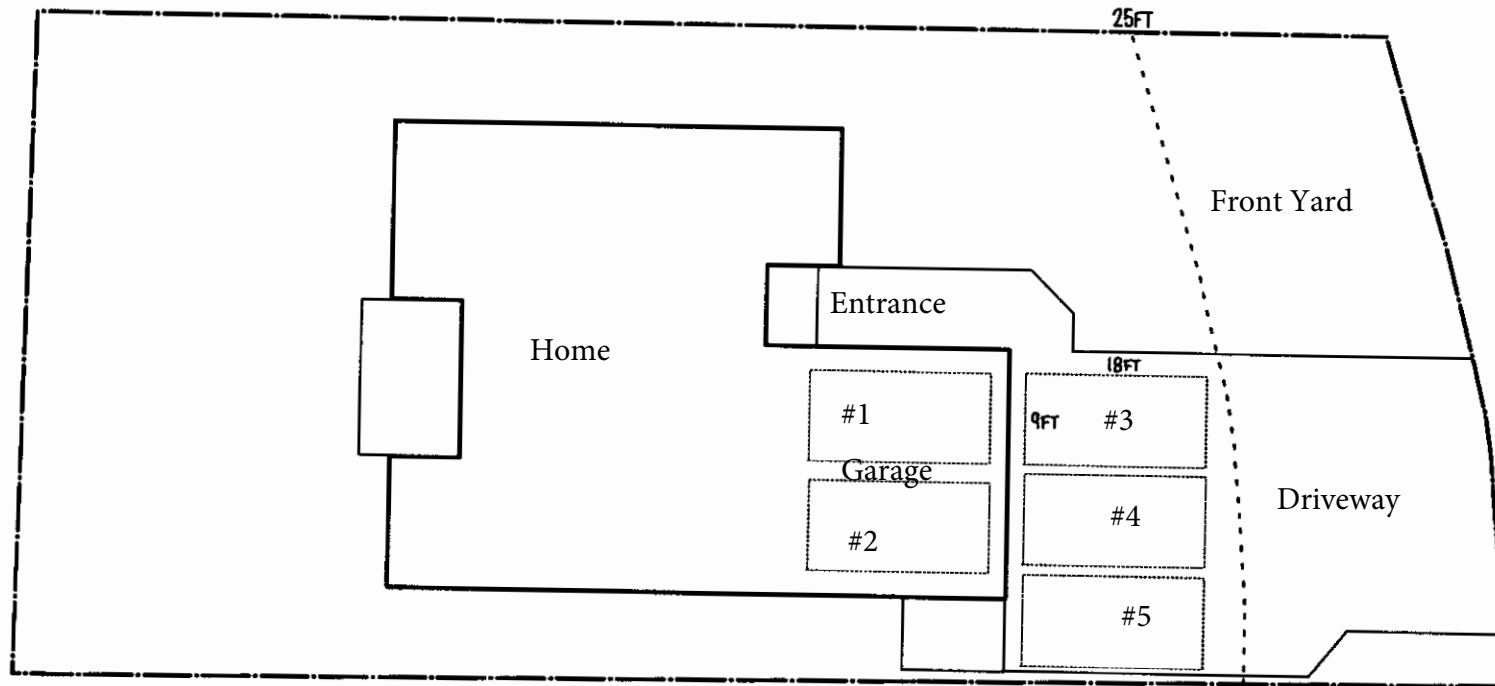
APPLICATION MUST BE ACCURATE AND COMPLETE
NO SITE ACTIVITY MAY OCCUR UNTIL AFTER APPROPRIATE COMMITTEE APPROVAL -



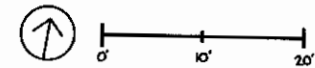
APPLICATION FOR PROJECT REVIEW

☐ Planning Commission ☐ Land Use Appeal Board ☐ Administrative Review

Date Received 7/29/22	Received By	Receipt Number	Zone	Application Number PC 22-050
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"/> Zone Change <input type="checkbox"/> Administrative Design Review <input type="checkbox"/> Code Amendment <input type="checkbox"/> Appeal <input type="checkbox"/> Variance <input type="checkbox"/> 4950' Design Review <input type="checkbox"/> Other _____				
PROJECT NAME Casa Cliffside				
PROJECT ADDRESS 93 S 1250 E Logan UT				COUNTY PLAT TAX ID # 07 -- 160 -- 0020
AUTHORIZED AGENT FOR PROPERTY OWNER (Must be accurate and complete) Adam KS Tripp				MAIN PHONE # 435-525-2460
MAILING ADDRESS 64 E Federal Ave Unit 160	CITY Logan	STATE UT	ZIP 84321	
EMAIL ADDRESS Adam@CacheValleyAgent.com				
PROPERTY OWNER OF RECORD (Must be listed) Jessica Lucero & Steven Lucero				MAIN PHONE # 307-631-0148
MAILING ADDRESS 93 S 1250 E	CITY Logan, UT	STATE UT	ZIP 84321	
EMAIL ADDRESS Stevenmlucero@gmail.com				
DESCRIBE THE PROPOSED PROJECT AS IT SHOULD BE PRESENTED (Include as much detail as possible - attach a separate sheet if needed) - NO SITE ACTIVITY MAY OCCUR UNTIL AFTER APPROPRIATE COMMITTEE APPROVAL -				Total Lot Size (acres) .20
				Size of Proposed New Building (square feet) 0
				Number of Proposed New Units/Lots 0
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 permits on behalf of the property owner.		Signature of Property Owner's Authorized Agent 		
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 		



93 SOUTH 1250 EAST
LOGAN, UT



Main Floor



Basement





Planning Commission <planning.commission@loganutah.org>

Casa Cliffside-Short Term Rental

1 message

Megan Davidson <megandavidson16@yahoo.com>
To: planning.commission@loganutah.org

Wed, Aug 24, 2022 at 1:53 PM

Hello my name is Megan Davidson and I am a resident of the Cliffside neighborhood. I'm emailing is regards to:

Project Number: PC 22-050

Project Name: Casa Cliffside- Short Term Rental

It's my understanding a house near my residence is being considered as.m short term rental property. The address is 93 south 1250 east Logan.

This area is zoned residential. My husband and I moved here 16 years ago with our family because of the safety it provided to our children and wish to have that same safety continue to be provided. Not only will this increase traffic, but invite individuals that are not invested in the safety of our streets or the appearance of our community.

We have had several rental properties near us as well as a short term rental before. These properties are never taken care of, there is people coming and going at all hours and it just does not provide a safe environment for the children of this community. The short term rental was ultimately shut down because of the problems it caused our neighborhood. Ultimately, it will depreciate our property values and create additional problems that have not yet been considered.

Please take this into account when making a decision about this project.

Thank you
Megan Davidson

Sent from my iPhone



Planning Commission <planning.commission@loganutah.org>

Fwd: Project PC 22-050

1 message

Tawni Hyde <tawni_hyde@msn.com>

Wed, Aug 24, 2022 at 1:53 PM

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

Subject: Re: Project PC 22-050

At this time I would like to register my disapproval for Casa Cliffside. I mean no ill will towards the people who are trying to make some money with a rental property however I am not in favor of this in my neighborhood. I worry about strangers in the neighborhood constantly and potential issues with property values. We previously had a home in our neighborhood used as a short term rental that was a definite inconvenience for the neighborhood. Boats, trailers of recreational vehicles, campers and extra cars were parked in the way of other residences. Short term renters bothered neighbors seeking to borrow items. It was not a good situation and I do not desire to have this in our neighborhood again.

Tawni Hyde



Planning Commission <planning.commission@loganutah.org>

PC 22-050 permit

1 message

Steven Folkman <steven.folkman@gmail.com>
To: planning.commission@loganutah.org

Sat, Aug 27, 2022 at 12:41 PM

I wish to oppose allowing a conditional use permit for Project PC 22-050. This will violate this traditional neighborhood and is not appropriate for this location. None of my neighbors are in favor of this action.

Steven and Marianne Folkman
1232 E 100 S
Logan, UT 84321
435-757-0886