

**MEETING DATE:** April 11, 2023

**STAFF:** Stuart Borders, Senior Planner

**PROJECT NAME:** 509 E. Rankin Road Short-Term Rental

**CASE NUMBER/REQUEST:** **Case 23-400-05 – Short-Term Rental – 509 E. Rankin Road** – A request by Jacob and Taylor Jensen to operate a Short-Term Rental

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**PROPERTY ADDRESS:** 509 E. Rankin Road

**APPLICANT/OWNER:** Jacob and Taylor Jensen

**MANAGEMENT COMPANY:** Juan Vasquez, J2KC Cleaning/Management Services

**PROPERTY ZONING:** R-6 (Single-Family Residential)

**SURROUNDING ZONING/LAND USE:**

**N/S/E/W:** R-6; Single family homes

**PUBLIC NOTICE:**

- Letters to property owners within 185 feet were mailed March 22, 2023
- Notification sign was posted on the property, March 23, 2023

**FURTHER ACTION:**

Unless a valid protest petition is submitted, or the applicant seeks to appeal the action of the Planning Commission, the City Council do not review this application.

### RECOMMENDATION

Due to the previous issues concerning this property, Staff cannot recommend approval of this application. However, if the Planning Commission did decide to approve the request, Staff recommends the following items be conditions of approval:

1. The Short-Term Rentals shall obtain a business license in accordance with the City Code and comply with Article 3, Chapter 5 of the City Code. The occupation license number shall be listed on all advertisements and online platforms.
2. No more than two guests, excluding children five years old and under, per bedroom is permitted per guest stay. The total maximum occupancy is 10 occupants, which includes both adults and children.
3. All sleeping areas not meeting the building code for emergency escape and rescue openings or proper ventilation shall cease as sleeping areas.
4. Per the UDO, the second kitchen in the basement does not meet the definition of a single dwelling unit and must be removed or modified to not be considered a multifamily unit.

5. The noise monitoring system shall be installed and activated, the Good Neighbor Guidelines, evacuation plan and other notices must be properly posted, prior to approval of the business license.

**PROJECT DESCRIPTION & BACKGROUND INFORMATION**

**PROJECT DESCRIPTION:**

A request by Jacob and Taylor Jensen to operate a Short-Term Rental at 509 E. Rankin Road.

<b>Current Zoning:</b>	R-6 (Single-Family Residential)	<b>Current Use:</b>	Single-family home
<b>Former Zoning</b>	Prior to 7/09 – R-1 (Single-Family Residential) 7/09 to Present – R-6 (Single-Family Residential)		

**ANALYSIS**

**BACKGROUND:**

The Jensen’s purchased this property in April 2022 for a place to stay when in the metro area for work. Mr. Jensen’s job necessitates the family spending time here in Independence, in Utah, and Texas. As they are out of the city for periods of time, they decided last September to make the house available for short-term rental (STR) when not in the city.

Last November the City staff received a complaint regarding a short term rental being operated at this address; an investigation detected no violation; however, over the next couple of months, the City received additional complaints about large crowds, transient people, parties, and numerous vehicles here. After discussion between staff and the owners, Jacob and Taylor Jensen, admitted they were indeed operating an STR here and they would apply for Planning Commission approval and a City business license once the moratorium ceased. In conjunction with the notice they blocked all bookings for the home until this issue is resolved. Details of this investigation are attached to this report.

**PROPERTY CHARACTERISTICS:**

The property contains a 2,500+ SF-house. This home features three bedrooms on the main floor along with the kitchen, bathrooms, living room, great room, two-car garage, and an enclosed patio. The downstairs contains the two bedrooms, with an adjacent rec room, and kitchen.

The structure itself is a red brick ranch house with white trim and shutters. The double wide driveway on the west side of the lot extends from the street to the house with an auxiliary parking pad adjoining the west side of the house. All combined, there’s space for four to five cars to park off-street. The large, polygon-shaped rear yard is a feature of the property.

**CHARACTERISTICS OF THE AREA:**

Platted in the early 1950’s, the surrounding, single-family neighborhood is one of the last phases of the Golden Acres subdivision with houses constructed in the 1950’s and 1960’s; the applicant’s home was constructed in 1961. Most homes in the neighborhood are single story ranch houses on good sized lots.

**SHORT TERM RENTAL REQUIREMENTS:**

With the attached application materials, the Jensen’s have addressed the following topics:

- Noise monitoring – The Jensen’s plan to install the ‘Minut Noise Monitoring’ system which will notify the manager of excessive noise, but it doesn’t record sound nor provides any video.
- Trash Removal - Trash pick-up is scheduled for a weekly pick up via AAA Disposal Service every Monday morning.
- Property listing - The property will be listed on the AirBNB and VRBO websites.
- Business operations/security – Juan Vasquez, with J2KC Cleaning/Management Services, based in Kansas City Missouri, serves as the company’s ‘the boots on the ground’ handling maintenance and security for the site, while the Jensen’s manage the bookings, reservations and so forth.
- City’s Short Term Rental checklist – The form was completed by the applicant covering licensing, future inspections, insurance, on-site information posting, and so forth.
- Fire safety – A fire evacuation plan had been submitted along with floor plans of the house. The fire escape plan must also be posted per Code requirement.
- City inspection – Three Fire Department violations were discovered during the initial Short-Term Rental Safety Inspection. These violations pertain to the installation of a fire extinguisher, the need for electrical outlet covers installed in unused outlets, and the fixing of the ceiling light in the garage.

The applicants have been advertising this STR on both Airbnb and VRBO. The ad lists this rental as having 5 bedrooms that can accommodate up to 14 quests; both exceed the City’s regulations. In reviewing the 2 bedrooms in the basement, neither of these bedrooms are building code compliant due not meeting minimum egress requirements. The building code requires egress to the exterior to be a maximum of 42 inches from the floor and the opening must provide 5.7 square feet of open area, which must be a minimum of 20 inches wide and 24 inches high. As such, the 2 bedrooms in the basement cannot be utilized.

## **EXHIBITS**

1. Application
2. Supplemental application/ Attestation form
3. Cover Letter
4. Notification Letter
5. Mailing Address
6. Affidavit
7. Notice of Complaint Timeline
8. House plans
9. Aerial photo of the site
10. Photo of house front
11. STR Room Photos
12. Nearest short term rental map
13. Fire Inspection