



TOWN OF LEEDS

Findings of Approval for the Conditional Use Permit Application for 825 North Bonanza (Chris & Abby Studdert):

The Town Council convened on October 11, 2023, to deliberate and address the Conditional Use Permit Application for 825 North Bonanza, represented by Chris & Abby Studdert. The Planning Commission had previously reviewed and approved this application on October 4, 2023. The following findings support the approval of this permit:

1. **Parking on Private Property:** A key requirement for approval was that all parking associated with the owner-occupied Bed and Breakfast must take place on private property. This condition aligns with local zoning and land use regulations, ensuring minimal impact on public streets.
2. **Transient Room Tax Registration:** The requirement for completing the transient room tax registration underscores the applicant's commitment to adhering to local tax regulations and contributing to the community's revenue.
3. **Annual Business License Renewal:** The stipulation that the home business license should be renewed annually ensures ongoing compliance with local regulations and the review of operations, maintaining accountability and transparency.
4. **Non-Transferability of Conditional Use:** It was made clear that the conditional use approval is non-transferable with the property. This condition safeguards the specific use of the property for the intended purpose and prevents any future deviations without proper scrutiny.

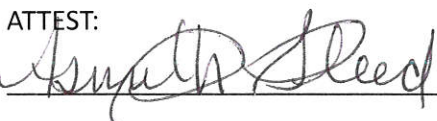
In consideration of these findings and with reference to the Planning Commission's endorsement, the Town Council hereby approves the Conditional Use Permit Application for 825 North Bonanza, as represented by Chris & Abby Studdert. This decision aligns with local zoning and land use regulations, promotes responsible land use, and demonstrates the applicant's commitment to adhering to the specified conditions and requirements.

PLANNING COMMISSION APPROVED ON THIS 4th DAY OF October, 2023

TOWN COUNCIL APPROVED ON THIS 11th DAY OF October, 2023



Bill Hoster, Mayor

ATTEST:


Aseneth Steed, Clerk/Recorder



TOWN OF LEEDS

218 NORTH MAIN STREET
PO BOX 460879
LEEDS, UT 84746-0879
PHONE: 435-879-2447 FAX: 435-879-6905
E-mail: clerk@leedstown.org Website: www.leedstown.org

CATEGORY	<u>1</u>	FEE	<u>100</u>
(Non-refundable)			
DATE RECEIVED	<u>8-23-23</u>		
BY	<u>Aserith Stued</u>		

CONDITIONAL USE PERMIT APPLICATION

APPLICANT INFORMATION:

Name: CHRIS STUDDERT zone: R-1-5

Address: 825 N. BONANZA RD

Phone: Home: _____ Work: _____ Cell: 801-380-5497 - Chris

Email Address: CHRIS@BLUECOOLERS.COM 801-380-7326 - alday

List nature of business or use applying for: BED AND BREAKFAST ESTABLISHMENT / NIGHTLY RENTAL

Property to be used for the following purposes: BED AND BREAKFAST / NIGHTLY RENTAL

Legal description of property, (give exact legal description & include: Lot, Block, Subdivision and Tract)

LOT 1, SILVER HILLS EST, PARCEL # L-SVHE-1, 3.98 ACRES

Property Tax ID# 0462096

The property is situated: (Street address or exterior boundaries of area petitioned for change by streets, alley, property lines, etc.)

CORNER OF SILVER HILLS RD AND BONANZA RD

Attach a plot plan, drawn to scale, of the property involved showing the location of all existing buildings and plans and descriptions of the proposed use of the property with plans for all proposed buildings:

1. Prepare site plans/elevations.
2. Show existing/proposed buildings
3. Show parking/loading areas.
4. Include other pertinent information

The applicant has the ability and intention to utilize said CONDITIONAL USE PERMIT within twelve (12) months from date of final approval; and the applicant understands that this CONDITIONAL USE PERMIT, if granted, becomes null and void and of no effect if unused within twelve (12) months from the date of filing of the application; or if any time after granting, the use is discontinued for a period of twelve (12) months; or if the property is sold or developed by someone other than the applicant.

WHEN A CONDITIONAL USE PERMIT IS GRANTED SUBJECT TO CONDITIONS, SUCH CONDITIONAL USE PERMIT DOES NOT BECOME EFFECTIVE UNTIL SUCH TIME AS THOSE CONDITIONS HAVE BEEN MET.

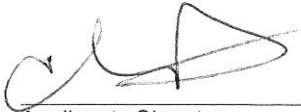


*NOTE - A CONDITIONAL USE PERMIT does not eliminate the necessity of obtaining a Building Permit or Business License. A Building Permit is required for construction of all buildings in the project.

Are there any deed restriction affecting the use of the property involved? Give expiration date of restrictions.

NONE

Have all requirements in section 7.9.1 of Land-Use Ord 2008-04 been met? Yes No
Is this a Sexually Oriented Business? (if yes, Addendum for Sexually Oriented Business) Yes No


Applicants Signature

825 N. BONANZA RD
Address

801-380-5497
Phone #

IT IS REQUIRED THAT THE APPLICANT SUBMIT STAMPED ADDRESSED ENVELOPES FOR ALL PROPERTY OWNERS WITHIN 300 FT OF THE AFFECTED PROPERTY. -

Town of Leeds Use Only

Application reviewed by: _____ Position: _____

The Town of Leeds Planning Commission recommended: Approval Denial to the Leeds Town Council on _____

The Town Council of Leeds: Approved Denied this Conditional Use Permit on: _____


The applicant is hereby authorized to establish the requested use in accordance with the attached site plan subject to the following conditions:

See Findings Page

Mayor, Town of Leeds

Date

ATTEST:


Clerk/Recorder, Town of Leeds

11-6-2023
Date

ACKNOWLEDGEMENT

BY THE UNDERSIGNED... I, the undersigned, hereby certify that the above described premises are the property of the donor...

OWNER'S DEDICATION

AND I HEREBY DEDICATE TO THE PUBLIC THE PORTION OF THE LAND SHOWN ON THIS PLAN AS BONAZZA ROAD (PUBLIC ROAD)...

SURVEYOR'S CERTIFICATE

I, the undersigned, a duly licensed and sworn Surveyor, do hereby certify that the above described premises are the property of the donor...



BOUNDARY DESCRIPTION

The south one-half of the southeast one-quarter of the northeast one-quarter of Section 8, Township 41 North, Range 13 West, Salt Lake Base and Meridian, is hereby dedicated to the public as BonaZZa Road (Public Road)...

LEGEND

- Symbol for Easement, Right-of-Way, etc.

NOTES

- 1. The portion of the property as shown on this plan is located in Section 8, Township 41 North, Range 13 West, Salt Lake Base and Meridian...

GRAPHIC SCALE



SILVER HILLS ESTATES AMENDED

A 4 LOT SUBDIVISION LOCATED IN SECTION 8, TOWNSHIP 41 NORTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN 4 LOT SUBDIVISION

Table with columns for various approvals: APPROVAL OF PLANNING COMMISSION, SURVEYOR'S CERTIFICATE, APPROVAL AS TO FORM, APPROVAL AND ACCEPTANCE BY LEGAL COUNSEL, and other administrative notes.

BUSH & GUDGELL, INC. Registered Professional Surveyors 200 East Tabernacle St. George, Utah 84770 Phone (801) 678-2527

SILVER HILLS ESTATES AMENDED LOCATED IN SECTION 8, TOWNSHIP 41 NORTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN



ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: Bill HOSTER	X	_____	_____	_____
COUNCILMEMBER: DANIELLE STIRLING	X	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	X	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	_____	_____	_____	X
COUNCILMEMBER: KOLE FURLEY	X	_____	_____	_____

Councilmember Stirling proposes a change in the agenda in order to address items d. and e. before the longer subdivision discussion. Mayor Hoster and the council agree to this change, and they proceed to discuss the conditional use permit applications.

d. Action regarding Conditional Use Permit application for **Owner Occupied B&B at 825 N Bonanza**

Mayor Hoster proceeds to agenda item D, which involves the consideration of a conditional use permit application for an owner-occupied Bed and Breakfast at 825 North Bonanza. He says, "You should all have received their application documents. The property owners are represented by Chris Stuttered, who, unfortunately, is not present tonight. However, they did attend a previous meeting with the Planning Commission and addressed their queries".

Mayor Hoster asks Scott Messel if there is any essential information we should be aware of? Scott replies No, the primary concern was ensuring that there's adequate off-street parking available. The Applicants Chris and Abby Studdert submitted the application that was reviewed by planning Commission on October 4, 2023. The commission recommended the application to Town Council for approval as a resident-managed Bed and Breakfast facility compliant with the regulations set forth in the Land Use and Zoning Ordinance Chapter 24 by the Planning Commission

Councilmember Stirling voices gratitude to The Planning Commission for thoroughly reviewing the matter.

Councilmember Stirling makes a motion to approve the application for the owner-occupied bed and breakfast at 825 N Bonanza Road as recommended by the Planning Commission. Councilmember Cundick seconds the Motion.

Motion passes in a roll call vote:

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: Bill HOSTER	X	_____	_____	_____
COUNCILMEMBER: DANIELLE STIRLING	X	_____	_____	_____
COUNCILMEMBER: RON CUNDICK	X	_____	_____	_____
COUNCILMEMBER: STEPHEN WILSON	_____	_____	_____	X
COUNCILMEMBER: KOLE FURLEY	X	_____	_____	_____

Proposal to Remove Turnout Lanes: A suggestion was made to strike the turnout lanes from the plans, effectively removing them. It was agreed to remove the turnout lanes from the plan.

Openness to Town's Decision: The developer expressed a willingness to accommodate the town's preferences regarding the turnout lanes.

The Planning Commission discussed the turnout lanes and reached a decision to remove them from the plans, in line with the preferences of the town.

Commissioner Rosenfield moved to approve the Amended Subdivision Preliminary Plat Application for Silver Creek Estates, a Planned Development Community, set to be forwarded for consideration by the Town Council stating that the proposed project had undergone a duly noticed public hearing, and that the developer, SITLA, had worked with various parties to address concerns raised during this process. The motion included a condition to eliminate the turnouts marked in pink on the preliminary plat. Commissioner Hadley seconded the motion.

Motion passed in a roll call vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	X			
COMMISSIONER: KEN HADLEY	X			
COMMISSIONER: TOM DARTON	X			
COMMISSIONER: GARY ROSENFELD	X			
COMMISSIONER: ALAN ROBERTS	X			

d. Action regarding Conditional Use Permit application for Owner Occupied B&B at 825 N Bonanza Rd

Chairman Swenson introduced the next agenda item, which is a discussion regarding a Conditional Use Permit application for an owner-occupied bed and breakfast at 825 North Bonanza Road, presented by Chris and Abby Studdert.

Scott Messel, the town planner, mentioned that the property is owner-occupied and complies with the Bed and Breakfast code. He acknowledged that there was an oversight in the previous meeting, where the item wasn't discussed thoroughly due to time constraints and expressed his apologies for it.

The Chairman recognized the need for a discussion with the board members about the proposal for an owner-occupied bed and breakfast, emphasizing that it is a standard home looking to operate as a B&B. The discussion revolved around whether the application aligns with the current B&B regulations, and it was explained that some of

the changes discussed in a prior meeting have not been officially adopted. The conditional use permit was highlighted, which doesn't require annual renewal like a business license. It was also mentioned that conditions can be placed on the permit, and if the operation changes, an amendment to the permit may be required. Additionally, the possibility of addressing complaints through letters rather than shutting down the operation was discussed.

Chairman Swenson mentioned that the applicants had received Chapter 24 of the Land Use Ordinance related to conditional use. This information had been included in the application with all the necessary requirements.

Commissioner Darton requested one of the applicants to approach the podium to field questions and provide responses. The individual introduced themselves as Chris Studdert, residing at 825 North Bonanza Road.

Chairman Swenson clarified that the official address was the one with the longer driveway, as it received mail.

Commissioner Rosenfield inquired if Chris planned to utilize the addition to the property for the bed and breakfast.

Commissioner Darton noted that he had not visited the property yet but intended to do so before the discussion concluded.

Chairman Swenson continued by asking about the main entrance to the property and which one would be primarily used for bed and breakfast guests. There were concerns about potential light issues associated with using the other entrance, especially for nearby homes. The Chairman pointed out that the homes on the lower part of the property, set further back, were less affected.

Commissioner Darton inquired if there would be a designated parking area for the guests.

Chris Studdert confirmed that there was already a dedicated parking area on the property, set back from the road.

Commissioner Darton remarked about the map, That I can't spot the pickleball court.

Studdert acknowledged there's more parking space on the property than we'll ever need.

Commissioner Darton inquired how many people could you feasibly accommodate?

Chris Studdert answered, It's two King suites and four Queen bunk rooms. So, it's not a large number. Yes, there are four Queen bunk beds in the same room. I built them.

Commissioner Hadley raised a question, "Is there a septic tank that can handle that many people?"

Chris Studdert assured the Commission, Yes, there is. The plan isn't to make it too large. We're currently not listing it on VRBO or Airbnb; it's primarily for friends and family. I want to be considerate to the neighborhood and avoid excessive usage.

Commissioner Rosenfield added, "As your neighbor, I have another question. The tennis ball or racquetball court, What are the hours? Studdert replied, as you might have noticed, it hasn't seen much use, and it probably won't be very active.

Commissioner Rosenfield inquired, "What are the rules, particularly at night?"

Chris Studdert explained, their rules follow city ordinances with a 10:30 PM cutoff. He said, We've included a clause in our stating that we will impose fines if renters violate the curfew. Even if the city doesn't impose fines, we will fine renters or guests if they continue making noise after 10:30.

Charman Swenson asked If there are any questions or additional conditions. He stated conditions include the requirement that all parking must take place on private property, as previously mentioned by Chris.

Commissioner Hadley inquired, Are you registered with the state of Utah for transient room tax?

Studdert replied. I have a business and I'm waiting for the conditional use permit before applying for the tax.

Chairman Swenson asked if there any other conditions that anyone believes should be added? I don't need to bring it up specifically, but I read in the ordinances that certain businesses listed in there, including this one, can be transferred with the property. Is that correct? Yes, this particular business falls into that category. That's why I think it's important. You mentioned you have the actual ordinances, and it's beneficial to go through them. We should consider providing these to everyone.

Is there anything else regarding additional conditions that should be discussed? In the comments, it was suggested to restrict the number of vehicles or people. However, I don't believe we need to impose restrictions on vehicles or numbers. The ordinance already addresses the need for sufficient on-site parking to avoid traffic issues, and the property has ample private parking. Alan, since you have the conditions, would you like to propose any?

Commissioner Roberts moved to accept the conditional use application for a bed and breakfast located at 825 North Bonanza Row, subject to the following four conditions:

1. All parking must take place on private property.
2. The transient room tax registration must be completed.
3. The home business license should be renewed annually.

4. The conditional use is non-transferable with the property.
 Commissioner Darton Seconded the motion.
 Motion passed in a roll call vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	X			
COMMISSIONER: KEN HADLEY	X			
COMMISSIONER: TOM DARTON	X			
COMMISSIONER: GARY ROSENFELD	X			
COMMISSIONER: ALAN ROBERTS	X			

e. Action regarding Conditional Use Permit application for Owner Occupied B&B at 195 S. Main Street

Chairman Swenson expressed empathy for the applicant, Miss Jones, due to recent family developments and indicated support. He mentioned a conversation with Mr. D. J. Jones, showing the importance of open communication between applicants and the board.

Miss Jones explained that she intended to use her property as an owner-occupied bed and breakfast, primarily for her family but occasionally for others. She highlighted her parking availability and the fact that her mother had moved in permanently.

The board discussed the number of bedrooms, the use of the property, and the presence of a storage container on the premises, which Miss Jones explained belonged to her son-in-law and would be removed soon.

Commissioner Roberts made a motion to approve the conditional use permit application for a bed and breakfast at 195 South Main with the following four conditions: all parking must be on private property, the transient room tax must be registered with the state of Utah, the home business license is subject to annual renewal, and the conditional use permit is not transferable. Commissioner Darton seconded the motion.
 Motion passed in a roll call vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	X			
COMMISSIONER: KEN HADLEY	X			
COMMISSIONER: TOM DARTON	X			
COMMISSIONER: GARY ROSENFELD	X			
COMMISSIONER: ALAN ROBERTS	X			