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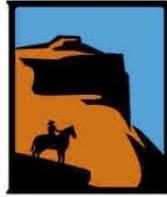
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KANAB CITY PLANNING COMMISSION STAFF REPORT- June 4, 2013

I. ITEM: Request to add “Tavern” as an allowed use in C-1 Zone

APPLICANT: Valerie Heinz

II. STAFF ANALYSIS

Valerie Heinz, who currently owns and operates “Laid Back Larry’s” Restaurant, wishes to open a Tavern & Restaurant, in place of the current restaurant. Currently, “Tavern” is not permitted in the C-1 zone. Therefore, a Land Use Ordinance Amendment is needed, in order to allow for this use.

Definition of Use

Utah Code Section 32B-6-703 defines taverns as an “on-premise beer retailer, which engages primarily in the retail sale of beer for consumption on the establishment’s premises.” This includes “a beer bar, a parlor, a lounge, a cabaret, or a nightclub.” Patrons entering a tavern must be 21 years of age or older and show proof of age. Tavern licenses, in the State of Utah, are governed by the Alcoholic Beverage Control Commission and the number of licenses is limited to a portion of the population of the State, which is currently 1 per 54,147. A restaurant that is an on-premise beer retailer differs from a tavern, in that 70% of retail sales must be for the sale of food. A “tavern” is not regulated by this requirement. In addition, beer sold in a non-sealed container may not be removed from the premises, while beer sold in a sealed container may be removed from the premises. In general, a tavern is an establishment, where a person can order a beer, but does not have to order a meal with it.

Purpose of C-1 District

Section 20-2 of the Kanab City Land Use Ordinance states that “the C-1 commercial zone has been established for the purpose of providing shopping facilities within the various neighborhoods of the city, primarily for the convenience of people living in the neighborhood.” The C-1 zone is the underlying zone for the Downtown Overlay. Exhibit A Section 1-1 states that the purpose of the downtown overlay is “to maintain the character of Kanab City as a destination community with breathtaking scenery,” including “preserv(ing) and enhanc(ing) Kanab’s walk-able downtown atmosphere.”

– A Western Classic –

General Plan Provisions

Section 4.5 of the Kanab City General Plan states that “as other areas of economic development are developed, a continued emphasis on enhancing the tourism industry should remain a City priority.” In addition, Section 4.4 states that “the revitalization of the community’s downtown is considered to be a priority economic objective of the City.” One concept to make downtown more viable is “the attraction of retail/commercial.”

Analysis of Tavern in C-1 Zone

In general, staff believes that a tavern is compatible with the purpose of the C-1 zone and the intent of the General Plan. A tavern would give people in the neighborhood and visitors of Kanab, staying in the nearby hotels, a place to casually drink and socialize. This type of business is harmonious with surrounding uses, including boutique shops, restaurants, and hotels. Allowing for a wider variety of uses that complement one another in the area will help foster a more viable, walk-able downtown.

Currently, the only zones in which taverns are allowed are in M2 and M3 zones, which are intended to be located in more isolated areas of the city, in which patrons must drive to access the sites. Staff believes that the C-1 zone, which is primarily located in the downtown area, is a more suitable place for a tavern as a much greater amount of patrons are located in closer proximity to the C-1 zone. Considering that the primary purpose of the establishment is for consuming beer on the premises, staff believes that the City should promote safety in the community by allowing this type of business to be likely within walking distance to patrons of the business.

The C-1 zone is typically adjacent to residential development, and some residents may consider a tavern to be a nuisance, due to noise or some behaviors that might result from customers drinking beer. Staff believes that imposing conditions such as hours of operation, setbacks or buffers could mitigate these possible effects. Therefore, allowing “taverns” as a conditional use would be the most appropriate measure, so that the Planning Commission may impose conditions to mitigate the possible negative effects of a tavern on adjacent uses.

III. FINDINGS

1. The proposed use is compatible with the purpose of the C-1 Zone
2. Allowing the proposed use helps achieve some of the objectives of the General Plan.
3. It is likely that patrons would have the option to walk, rather than drive to a tavern in the C-1 zone.
4. Imposing conditions upon a tavern could mitigate the possible negative effects of locating a tavern near residences or other uses.

IV. STAFF RECOMMENDATION:

That the Kanab City Planning Commission recommend to the Kanab City Council to amend the Kanab City Land Use Ordinance and establish “Tavern” as a conditional use in the C1 zone.

From: [Valerie Heinz](#)
To: duane.Huffman@kanab.net
Subject: Laid Back Larry's
Date: Thursday, May 16, 2013 8:31:21 AM

May 14, 2013

Kanab City:

I am requesting that "Tavern" be added to uses in zone C-1.

LAI D BACK LARRY'S will be going out of business soon due to lack of revenue. I have done what I can to grow my business and believe I may have a chance to succeed with a new business.

I would like to have a Tavern & Restaurant open only in the evening. We would offer a small dinner menu and only 3.2 beer. I think getting a "beer" license to add beer to my restaurant would not increase revenue enough for me to make a living. Instead, I am asking for a "tavern" license so a food order would not be required. In speaking with many of my current patrons I find that there is interest in having a location to stop and have a beer and not order food. I believe this would increase my "local" business.

I believe that a beer tavern would be an asset to tourism. There is a lot of tourist foot traffic through town in the evenings with little to offer. I think a beer on the patio would be inviting to many of them.

Since tourism is so important to our economy, I think allowing new business opportunities could help the tourist population to grow.

Mostly, I believe that it would be a shame if yet another store front in the heart of Kanab was empty.

Thank you for your consideration,

Valerie Heinz

KANAB

Land Use Ordinance

Chapter 20

COMMERCIAL ZONES

Ordinance which provides for various commercial uses in three Kanab City Commercial Zones: C-1 C-2 and C-3

Adopted January 22, 2008
Revised Feb 28, 2012

Permitted and Conditional Uses

LAND USE CHART COMMERCIAL	ZONES			
	C1	C2	C3	CPD
Office Supply	P	P	P	P
Park	C	P	P	P
Pet Store	C	P	P	P
Photographic and Electronic Store	P	P	P	P
Police / Fire Facility	C	P	P	P
Printing / Publishing	C	P	P	P
Professional Office	P	P	P	P
Public / Private Parking	C	C	C	C
Recreational Center	C	C	P	P
Residential Incidental to the Primary Use of the Business	C	C	C	C
Restaurant	P	P	P	P
RV / Camp Park	P	P	P	-
Self-Service Storage	-	-	C	-
Single Detached Dwelling Unit	-	C	C	-
Single Attached Dwelling Unit	-	C	C	-
Social / Public Agency offices	P	P	P	P
Sporting Goods and Related Stores	P	P	P	P
<u>Tavern</u>	<u>C</u>	<u>-</u>	<u>-</u>	<u>-</u>
Theater	P	P	P	P
Towing Operation	-	C	P	-
Townhouses	-	C	C	-
Transitional Housing	-	C	C	-
Truck Stop	-	-	C	-
Veterinary Clinic large animal	-	-	C	-
Veterinary Clinic small animal	-	C	C	C
Vocational School	-	C	C	C
Youth Home	-	C	C	-
Wholesale / Bulk Store	-	C	P	-
Wireless Telecommunications retail	P	P	P	P