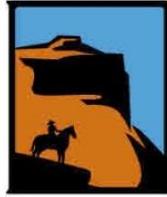


Mayor
Robert Houston
City Manager
Joe Decker
Treasurer
RaeLene Johnson



City Council
Kent Burggraaf
Cheryl Brown
Kirt Carpenter
Brent Chamberlain
Joe B. Wright



KANAB CITY PLANNING COMMISSION STAFF REPORT- March 4, 2014

I. APPLICANT: Rick & Gayle Lewis (Black Feather Bed & Breakfast)

REQUEST: Conditional Use Permit (Bed & Breakfast)

LOCATION: 514 North 200 East

Rick & Gale Lewis, authorized representatives of Black Feather Bed & Breakfast are requesting Conditional Use Approval for a bed and breakfast located at 514 North 200 East. The proposed project requires a conditional use permit in the R-1-8 residential zone.

II. STAFF ANALYSIS

Conditional Use Permit (Bed and Breakfast)

The property resides in the R-1-8 residential zone which requires a conditional use permit in order to operate a bed and breakfast.

Section 8-6 (B) of the Land Use Ordinance stipulates that in approving a conditional use permit, the Planning Commission shall find:

1. That the proposed use is necessary or desirable and will contribute to the general well-being of the community.

The bed and breakfast operators endeavor to increase the tourism and economic development opportunities in the county. Increased lodging will undoubtedly stimulate tourism and economic development opportunities. The applicant has indicated in the application that they have consulted with adjacent neighbors, who have indicated support for the proposed establishment.

2. That the use will not be detrimental to the health, safety, or welfare of persons residing in or visiting the community.

The impact of the proposed use on the health, safety and welfare of the community and traveling public can be mitigated through the building, health and fire inspection process. Planning Staff understands that aforementioned professional bodies will be required to inspect the facility.

– A Western Classic –

3. That the proposed use will comply with the regulations of the Land Use Ordinance.

Section 17-2 of the Land Use Ordinance lists “Bed and breakfast” as a conditional use within the R-1-8 zone where the property resides. Therefore, the establishment is allowed in the zone with an accompanying conditional use permit.

Section 4-22 (2) of the Land Use Ordinance provides regulations for bed and breakfast inns. Specifically, a B&B must comply with the following requirements:

- A. The owner of the premises must reside therein.
- B. There must be a minimum of one guest room and not more than five guest rooms. No more than four guests may occupy any room. No guest may stay more than fifteen consecutive days.
- C. One off-street parking stall must be provided per guest room with two off-street parking stalls provided per premise owner.
- D. No cooking facility may be present in any guest room. No cooking may occur in any guest room. Meal services may be offered only to overnight guests.
- E. Other than a sign permitted for a Bed and Breakfast Inn established by conditional use permit, (the site) may have no advertising of any type.
- F. Any permit granted is revocable upon notice and hearing if the use of the property creates traffic, noise, health, safety, parking, or other problems in the area.
- G. A site plan must be submitted.
- H. Any hearing for the establishment of a Bed and Breakfast Inn conditional use permit shall be advertised as required by this ordinance.

In review of the Conditional Use Permit application and associated documentation, the Planning Commission will want to ensure that the requirements of Section 4-22 (2) are satisfied. According to the submitted application and accompanying site plan, the applicants are intending to adhere to all of these requirements. The site plan indicates that one guest room, with an attached bathroom, will be used for lodging. The bed and breakfast will be limited to servicing four guests within this one room at any one time. Unless the applicants re-submit an application, the establishment will be limited to only offering the described room for lodging, which is located within the same building where the owner of the premises resides. The applicants are not proposing to construct any signs on the premises. Any signs proposed at a future date would need to be accompanied by a conditional use permit.

4. That the proposed use is in harmony with the intent and purpose of the Kanab City General Plan.

Land Use Goal #2 in the Kanab City General Plan is to “encourage attractive, stable and safe residential neighborhoods.” It is anticipated that the proposed bed and breakfast will not detract from the existing character and stability of the existing residential neighborhood. Furthermore, Economic Development Goal #3 is to “increase travel and tourism to Kanab City area.” A small scale bed and breakfast, such as the proposed establishment, fills a niche for those wishing to spend time in the Kanab area. This contributes to travel and tourism in Kanab.

III. STAFF RECOMMENDATION:

That the Planning Commission approves the Application for Conditional Use Permit based on the following conditions:

1. Kanab City Building and Fire Department inspection and approval.
2. The applicants must comply with the regulations for a bed and breakfast listed in Section 4-22(2) of the Land Use Ordinance.
3. Lodging will be limited to the one room described on the site plan. No more than four guests may occupy the room.
4. No signs shall be permitted at this time. Any signs proposed in the future must be accompanied by a conditional use permit.

Kanab City Corporation
79 North Main
Kanab, UT 84741

February 5, 2014

Re: Request for Conditional Use Permit

City Council Members;

Rick & Gayle Lewis are (10) year residents of Kanab living at 514 N 200 E, and own and operate Kanab Creek Tours since 2006, providing daytime tours and stargazing outings to tourists visiting Kanab.

We have recently completed a market study and test of a business concept and respectfully request a Conditional Use Permit to operate a bed & breakfast in our home.

Our offering to the public will be specialized and targeted at the higher end of the Travel Industry Market, almost exclusively Europeans and we anticipate accommodating only one couple at a time and not more than 4 to 5 couples per month, during the tourist season, April through October.

Our operation of a bed & breakfast will produce transient and sales tax revenues for the city and benefit local business owners, as our patrons will likely spend into our economy.

Thank you in advance for your consideration.

Rick & Gayle Lewis
Black Feather B&B
644-2540





KANAB
UTAH

76 North Main
Kanab, Utah 84741
Phone: (435) 644-2534
Fax: (435) 644-2536
www.Kanab.Utah.Gov

Application for Conditional Use Permit

On-Line Version

KCfrmCUP-Ver-1.0.13

Application:

I (we) the below listed applicant(s) apply for a Conditional Use Permit.

Applicant Information:

Name Rick & Gayle Lewis Phone (435) 644-2540
Address 514N 200E P.O. Box 164
City Kanab State Utah Zip Code 84741

Type of Conditional Use

Is this Conditional Use primarily for Residential Use? Yes No n/a

Will this Conditional Use be accompanied by a Home Occupation Application? Yes No n/a

Is this Conditional Use primarily for a Commercial Use? Yes No n/a

Property Location: Indicate approximate property location using (East-West / North - South) street address

514 North 200 East

Exhibits:

These items are required before processing of Application can begin:
Legal Description of subject property. Certified by a licenced land surveyor in the State of Utah.

You must submit these Exhibits by email, mail or hand delivery to the Kanab City Office.



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KCfrmCUP-Ver-1.0.13

Exhibits:

These items are required before processing of Application can begin:

Site Plan drawn to scale and showing all proposed and/or existing buildings, fences, landscaping, parking, loading areas, topography for irregular sites.

You must submit these Exhibits by email, mail or hand delivery to the Kanab City Office.

Exhibits:

The following item is required before processing of Application can begin:

A Photocopy of the Kane County Ownership Plat Map showing all property owners within 300 feet of Applicant's property.

You must submit all Exhibits by email, mail or hand delivery to the Kanab City Office.

Use Information: (name and nature of business / operation / use)

Black Feather B&B. Overnight accommodations and morning breakfast, hosting only (1) couple each night, during tourist season: April through October.

Licensing Information:

Is a Kanab City Business License required? Yes No n/a

Is a State or Federal License required? Yes No n/a

If either license is required, this Conditional Use Permit will not become effective until said licenses are aquired and recorded with the Kanab City Business License Officer.

Parcel Information:

0.46 Acres - (less than 1 acre enter as 0.XXXX)

Parcel ID #0270-128



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Check here if this Conditional Use does not apply to a Zone Classification and Use listed below. For example a request for a Church Tower height extension you would check this box and enter in your information in the box that will be shown below:

Zoning Information -

Select the current Zone District that the business is located in. If not sure refer to the Kanab City Zoning Ordinance Map.

- | | | | | | | |
|-----------------------------|-----------------------------|---|-------------------------------|----------------------------------|-------------------------------|-------------------------------|
| <input type="radio"/> C - 1 | <input type="radio"/> M - 1 | <input checked="" type="radio"/> R1 - 8 | <input type="radio"/> RA - 2 | <input type="radio"/> RR - 1 | <input type="radio"/> RM - 7 | <input type="radio"/> RM - 9 |
| <input type="radio"/> C - 2 | <input type="radio"/> M - 2 | <input type="radio"/> R1 - 10 | <input type="radio"/> RA - 5 | <input type="radio"/> KCR
720 | <input type="radio"/> RM - 11 | <input type="radio"/> RM - 13 |
| <input type="radio"/> C - 3 | <input type="radio"/> M - 3 | <input type="radio"/> R1 - 15 | <input type="radio"/> RA - 10 | | | <input type="radio"/> RM - 15 |
| <input type="radio"/> CPD | | <input type="radio"/> R1 - 20 | | | | |

Zone District you selected: (R1-8) Single Family Residential - 8,000 sqft parcels

Bed and breakfast (C)

Use pull-down to select the appropriate approved use allowed in the zone district you selected.

NOTE: (C) = Conditional Use permit required to conduct business. Refer to the On-Line Conditional Use Permit Application.
(P) = Permitted Use. (*) = Special requirements - see Land Use Chart found in the Kanab City Land Use Ordinance.

Adjacent Property Owner(s) Notification:

A list of names, street addresses and mailing addresses for owners of property within 300 feet from the outer boundary of the subject property. (Note: this includes property owners across the street and in the rear of the subject property. In determining the 300 feet, the width of any intervening street or alley shall not be included. To add additional Adjacent Property Owner press the button below.

Name Thierry Willner/Cortney Cox Phone (000) 000-0000 0

Mailing Address 526 N 200 E

continued on Next Page



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KCfrmCUP-Ver-1.0.13

Adjacent Property Owner(s) Notification: - continued

Street Address 526 N 200 E

P.O. Box _____

City Kanab State Utah Zip Code 84741

Name Mariette McCoy Phone (435) 644-2144 1

Mailing Address 531 N 200 E

Street Address 531 N 200 E

P.O. Box _____

City Kanab State Utah Zip Code 84741

Name Barbara Giddo Phone (000) 000-0000 2

Mailing Address Absentee Owner-Mailing Address/Phone Number Unknown

Street Address 502 N 200 E

P.O. Box _____

City Kanab State Utah Zip Code 84741

Name Dr. John/Peggy Schmutz Phone (435) 644-5030 3

Mailing Address 547 N 200 E

Street Address 547 N 200 E

P.O. Box _____

continued on Next Page



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Application for Conditional Use Permit

On-Line Version

KCfrmCUP-Ver-1.0.13

Adjacent Property Owner(s) Notification: - continued

City Kanab State Utah Zip Code 84741

Name Mark & Pam Foley Phone (435) 644-5360 4

Mailing Address 488 N 200 E

Street Address 488 N 200 E

P.O. Box _____

City Kanab State Utah Zip Code 84741

Fees:

Fees Required \$50.00 Deposit Req'd \$0.00

The calculated fees that are shown above are required before processing of this application can begin. After submitting this form the applicant will have an opportunity to pay the required fees/deposits by either making payment on-line , by mail or by hand delivery to the Kanab City Office in the form of a check or money order.

NOTE1: When this Application for Conditional Use Permit is accompanied with a Application for Home Occupation Permit, the fees for this application will be waived.

NOTE2: Additional deposits will be required when initial deposits are fully expended. Any unused portion of deposits will be refunded to applicant upon completion of the project.

Contact Information:

Applicant must provide at least one email address for correspondence with City Administrative Staff.

Primary Email kanabstars@gmail.com 2nd Email - optional _____



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Signature of Property Owner(s) within the Subject Property:

Each Owner(s) of property within this requested Change Amendment must enter his/her name and date. Owner(s) understand that this change application may require a public hearing before the Kanab City Planning Commission and/or the Kanab City Council. If a publication notice is required (Refer to Utah State Land Use Code for the requirements).

NOTE: Filling in Signature Name and Date and submitting form will serve as a valid signature. Form will be date and time stamped when submitted.

Warning - once form has been submitted the form information can not be edited. If you need to change any information please contact the Kanab City Office.

Signature Rick Lewis Date (mmddyyyy) 02-04-2014 0

Signature Gayle Lewis Date (mmddyyyy) 02-04-2014 1

For City USE ONLY

Accepted _____ Date (mmddyyyy) _____

Planning Commission USE ONLY:

PLANNING COMMISSION APPROVAL

The Planning Commission finds:

1. That the proposed use is necessary or desirable and will contribute to the general well being of the community.
2. That the use will not be detrimental to the health safety or general welfare of persons or persons residing or working in the community, or injurious to property or improvements in the vicinity.
- 3a. That the proposed use will comply with the regulations of the Kanab City Land Use Ordinance; i.e. it is listed a listed conditional use.
or.
- 3b. That the proposed use is in harmony with the character and intent of the zone in which the use resides.
4. That the proposed use is in harmony with the intent of the Kanab City General Plan.

Approval Comments

continued on Next Page



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Application for Conditional Use Permit

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Planning Commission Approval - continued

This Conditional Use Permit shall be null and void one year after approval unless substantial work shall have been accomplished toward its completion. This Conditional Use Permit may be revoked upon failure to comply with any of the condition imposed with the original approval of the permit.

Planning Commission Chairperson _____

Date (mmddyyyy) _____

Approval

Denied

Reason for Denial

Any appeal of the above decision shall be made in writing to the Kanab City Council. Appeals shall be filed with the City Clerk/Recorder not more than ten working days after the decision. The City Council may affirm, modify or reverse the decision of the Planning Commission. However, the City Council shall present, in writing, the reasons for its action.

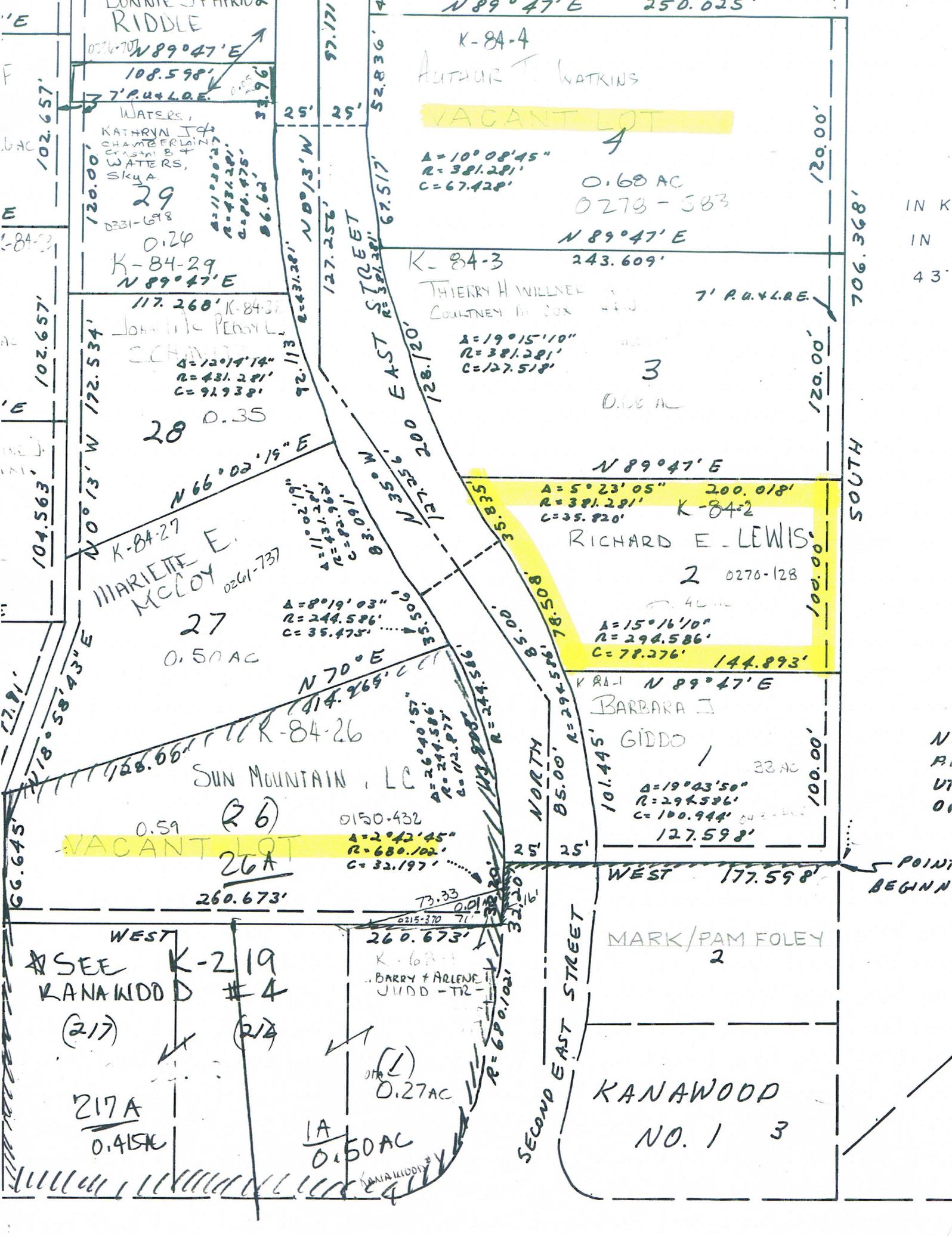
Legal Description

All of Lot Two (2), KANAWOOD NO. 3, according to the Official Plat thereof, on file in the Office of the Recorder of Kane County, State of Utah

Parcel #0270-128 .46 AC

Belonging to:

Richard E. Lewis
514N 200 E
Kanab, UT 84741



LOUISE STARK
RIDDLE

0216-707 N 89° 47' E

108.598' 7' P.U. & L.R.E.

WATERS, KATHRYN J. CHAMBERLAIN, WATERS, SKYA

29 0.24

K-84-29 N 89° 47' E

117.260' K-84-29

JOHN L. & PERRY L. CHAMBERS

Δ = 120° 14' 14" R = 431.281' C = 91.938'

28 0.35

N 66° 02' 19" E

K-84-27

MARIETTE E. McCLOY

27 0.50 AC

Δ = 8° 19' 03" R = 244.586' C = 35.475'

N 70° E

K-84-26

SUN MOUNTAIN, LC

26 0.59

VACANT LOT 26A

Δ = 2° 42' 45" R = 680.102' C = 32.197'

WEST 260.673'

SEE KANAWOOD #4 (217)

217A 0.41 AC

K-219

1A 0.50 AC

WEST 260.673'

BARRY & ARLENE JUDG - T12

260.673'

KANAWOOD #4

N 89° 47' E 250.025'

K-84-4

AUTHUR T. WATKINS

VACANT LOT 4

Δ = 10° 08' 45" R = 381.281' C = 67.428'

0.68 AC 0278-583

N 89° 47' E

K-84-3 243.609'

THIERRY H. WILLNER COURTNEY H. DUK

Δ = 19° 15' 10" R = 381.281' C = 127.518'

3 0.68 AC

N 89° 47' E

K-84-2

RICHARD E. LEWIS

2 0270-128

Δ = 5° 23' 05" R = 381.281' C = 35.820'

Δ = 15° 16' 10" R = 294.586' C = 78.276'

144.893'

N 89° 47' E

K-84-1

BARBARA J. GIDDO

23 AC

Δ = 19° 03' 50" R = 294.586' C = 100.944'

127.598'

WEST 177.598'

MARK/PAM FOLEY 2

WEST 177.598'

KANAWOOD NO. 1 3

SECOND EAST STREET

WEST 177.598'

POINT BEGINN

WEST 177.598'

WEST 177.598'

SOUTH 706.368'

NORTH 85.00'

100.00'

100.00'

IN K
IN
43'

N
P
U
O

POINT
BEGINN

Kanab City Corporation
Gary McBride-Land Use Coordinator
79 North Main
Kanab, UT 84741

February 12, 2014

Re: Request for Conditional Use Permit

Gary;

Thanks for your call.

Enclosed please find a site plan of the interior of our home along with approval letters from neighbors, nearby.

We have discussed with each of them and ensured that quiet time after 10 pm will be observed, only one couple at a time will be accommodated (no children or pets) and no signage will be displayed.

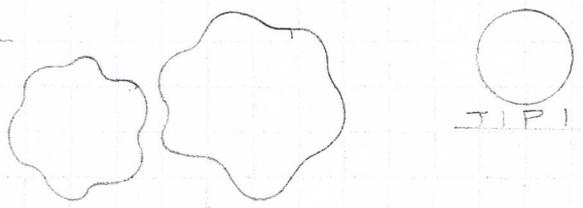
Patrons will stay in our Guest Room, with an attached private bath as indicated on the site plan drawing. Breakfasts' will be served in our courtyard, weather permitting.

Thank you in advance for your consideration.

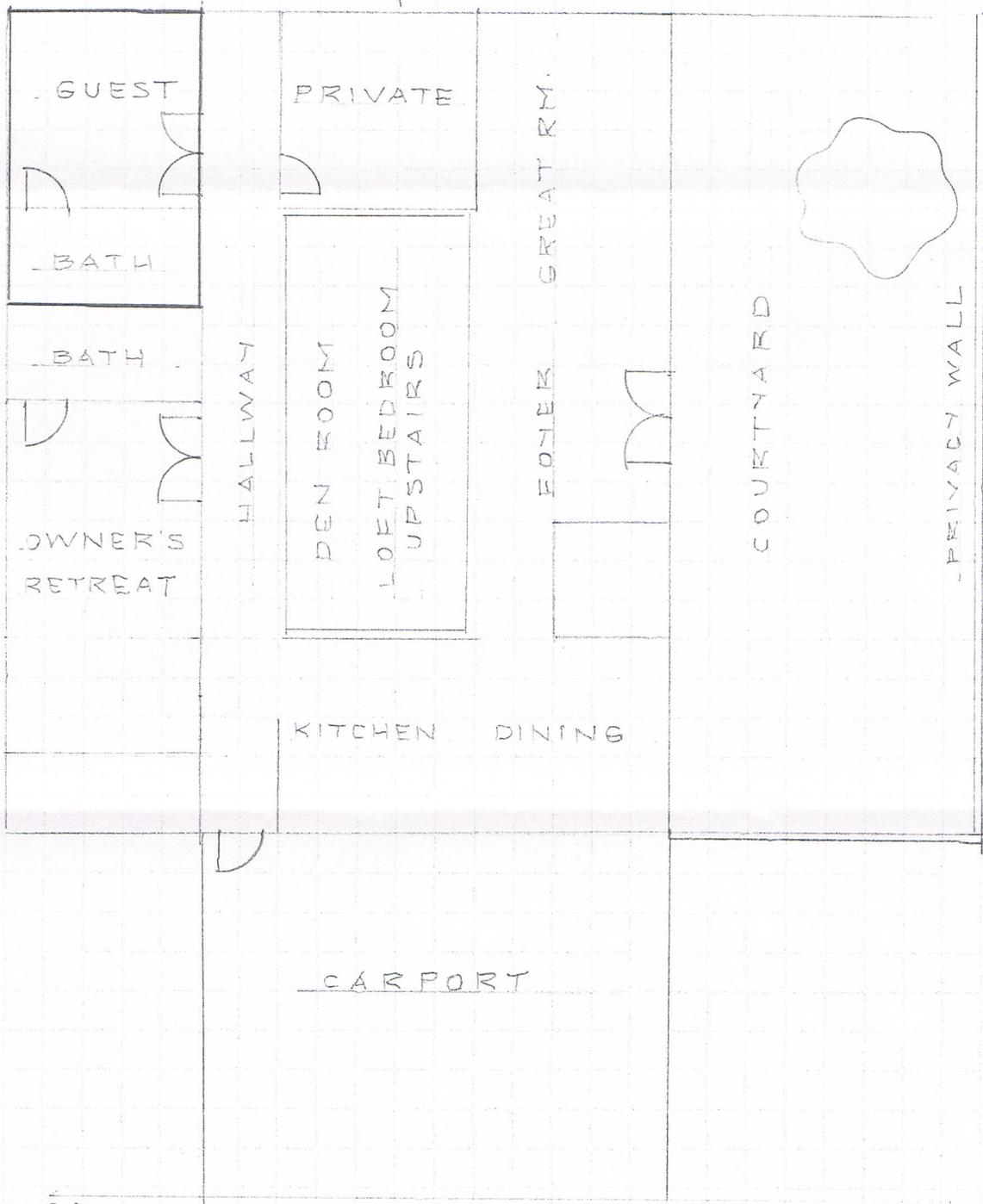
Rick & Gayle Lewis
Black Feather B&B
644-2540



NORTH ←



FENCE 6'



RESIDENCE
514 N 200 E

1" = 10'

Rick & Gayle Lewis
514N 200E
Kanab, UT 84741

Re: Conditional Use Permit

Dear Rick & Gayle;

XX We have no objection to your request for a CUP for the purpose of operating a bed & breakfast at your home. *Best of luck to you!*

_____ We have some concerns: call us to discuss your plan.

PLEASE CHECK YOUR RESPONSE, SIGN AND RETURN TO US AT YOUR EARLIEST CONVENIENCE. THANK YOU.

Mark Foley Pam Foley

Mark & Pam Foley
488 N 200 E
Kanab, UT 84741

Rick & Gayle Lewis
514N 200E
Kanab, UT 84741

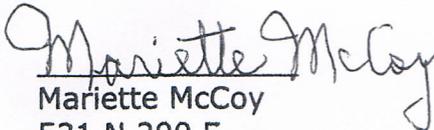
Re: Conditional Use Permit

Dear Rick & Gayle;

We have no objection to your request for a CUP for the purpose of operating a bed & breakfast at your home.

We have some concerns: call us to discuss your plan.

PLEASE CHECK YOUR RESPONSE, SIGN AND RETURN TO US AT YOUR EARLIEST CONVENIENCE. THANK YOU.


Mariette McCoy
531 N 200 E
Kanab, UT 84741