



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration of and action on a Conditional Use Permit (CUP 2014-32) request for a contracted (Utah Department of Alcoholic Beverage Control or DABC) Type 1 Package Agency doing business as Outpost Spirits.

Agenda Date: Tuesday, February 24, 2015

Applicant: Paul Strange representing SMHG Management, L.L.C.

File Number: CUP 2014-32

Property Information

Approximate Address: 3900 North Wolf Creek Drive

Project Area: 1.74 acres

Zoning: Commercial Valley-2 (CV-2) Zone

Existing Land Use: Restaurant, retail, and office.

Proposed Land Use: Restaurant, retail, office, and DABC contracted package liquor store.

Parcel ID: 22-016-0092

Township, Range, Section: T7N, R1E, SE ¼ of Section 22

Adjacent Land Use

| | | | |
|---------------|--------------------|---------------|--------------------|
| North: | Resort Commercial | South: | Resort Golf Course |
| East: | Resort Condominium | West: | Resort Golf Course |

Staff Information

Report Presenter: Scott Mendoza
smendoza@co.weber.ut.us
801-399-8769

Report Reviewer: SW

Applicable Codes

- Title 104, Chapter 2 - Ogden Valley Architectural, Landscape, and Screening Standards
- Title 104, Chapter 16 - Ogden Valley Lighting
- Title 104, Chapter 21 - Commercial Valley Zones CV-1 and CV-2
- Title 108, Chapter 1 - Design Review
- Title 108, Chapter 4 - Conditional Use
- Title 108, Chapter 8 - Parking Regulations
- Title 110, Chapter 2 - Ogden Valley Signs

Background

The applicant is requesting the approval of a Conditional Use Permit to operate a contracted (Utah Department of Alcoholic Beverage Control or DABC) Type-1 package agency (liquor store) located at approximately 3900 North Wolf Creek Drive in Eden. The store will occupy an area of approximately 500 square feet, on the lower level, of the existing North Fork Table & Tavern building. This building was once known as the Wolf Creek Golf Clubhouse. See Map 1 below for a location map.

The North Fork Table & Tavern building is located on a 1.74 acre parcel that lies in a Commercial Valley-2 (CV-2) Zone which lists a liquor store as a conditional use. The applicant has provided a site plan and floor plan, a project narrative, and other written information that is intended to establish a basis for approving this permit request. These submittals have been attached as Exhibits A through C, respectively.

Records held in the Planning Division Office indicate that this site may have been originally approved prior to the early 1970's. The Wolf Creek Reception Center (or Pineview Lodge), located immediately to the north of the subject building and now referred to as the Arbor Lodge, was approved by the Ogden Valley Planning Commission on June 26th, 2007 as CUP #18-2005. The uses that have been established in the Arbor Lodge consist of a reception center and real estate office. The

uses that currently exist in the North Fork Table & Tavern building consist of a restaurant, seasonal golf/ski shop, and seasonal golf course café. The package agency, if approved, will be added to these uses.

Parking for both of the buildings includes 53 spaces. This number of spaces falls short of meeting the technical standard, found in Section 108-8-4 (Parking Space for Non-dwelling Buildings and Uses), which is 91. Due to this shortage, the applicant is requesting that the Ogden Valley Planning Commission approve a reduction based on the following:

1. The proposed package agency is very limited in scale (500 sq.ft.) and will not operate like a typical liquor store that services a large clientele.
2. The seasonal golf/ski shop customers will not, except for a limited number of night skiers, compete for parking spaces with the restaurant which is mostly marketed as a dinner establishment.
3. The applicant operates an existing park-n-ride lot in Eden; therefore, is and can continue to utilize the lot as needed. Additionally, the applicant is working with Snowcrest Junior High School in order to provide for greater parking needs for events held on weekends.
4. The applicant is working with the owner of the Wolf Creek Golf Course on an agreement related to an overall parking plan. This plan will take into consideration the relationship between all existing and future parking needs at the current resort core and will be illustrated on a future master plan.

The table below shows a complete summary of uses, including the proposed package agency, and the requirements related to each:

| Bldg. | Uses | Weber County Regulations | Parking Requirements |
|----------------|------------------------|---|----------------------|
| Pineview Lodge | Real Estate Office | 1 space per 2 employees + 4 spaces for client use | 15 |
| | Reception Center | Min 30 | 30 |
| Outpost | Liquor Store | Min. 20 (500 sq ft) | 20 |
| | Café (for Golf Course) | One space per seating booth | 4 |
| | Restaurant | One space per booth | 16 |
| | Ski Rental | One space per 200 sq. feet (1,200 sq ft total) | 6 |
| | | Total | 91 |
| | | Total Stalls owned by SMHG | 53 |

Section 108-8-5, of the Weber County Land Use Code, allows the Planning Commission to make adjustments to parking requirements when warranted. It states that:

The Planning Commission may adjust the required number of spaces listed in this chapter if in its determination an unusual or unique circumstance or condition, relating to the operational characteristics of the use, exists in a manner or to such a degree that such adjustment is equitable and warranted.

All applicable development standards, including those listed above in the *Applicable Codes* section, have been reviewed and the application for a conditional use permit to operate a package agency in the CV-2 Zone, has been determined to be complete and in compliance with the Weber County Land Use Code.

Also, the proposed package agency application has been reviewed by the Weber County Engineering Division, Weber-Morgan Health Department, Weber County Building Inspection Division, and the Weber Fire District. All County agencies have approved the application.

Summary of Planning Commission Considerations

- Does the proposed use meet the requirements of all applicable County codes?
- Does the Planning Commission agree with the proposed reduction in parking spaces?
- Are there any potentially detrimental effects that can be mitigated by imposing conditions of approval, and if so, what are the appropriate conditions?

In order for a conditional use permit to be approved, it must meet the requirements listed under "Basis for Issuance of Conditional Use Permit." The Planning Commission needs to determine whether or not the proposed package agency meets

these requirements. See Exhibit C for the applicant's written information that is intended to establish a basis for approving this permit request.

Section 108-4-4 (Criteria for Issuance of Condition Use Permit) states:

Conditional uses shall be approved on a case-by-case basis. The planning commission shall not authorize a conditional use permit unless evidence is presented to establish:

- 1. Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.*
- 2. That the proposed use will comply with the regulations and conditions specified in the Land Use Code and other applicable agency standards for such use.*

After reviewing this conditional use request, staff has determined that the criteria listed above have been met in the following ways:

1. No detrimental effects are anticipated.
2. The proposed use complies with the standards found in the Weber County Land Use Code as well as other applicable agency requirements.

Conformance to the General Plan

One of the Ogden Valley General Plan's goals is to encourage commercial development within established commercial areas. The proposed package agency is located in an existing building within the Wolf Creek commercial core area. The proposed use does not negatively affect any goals or objectives as outlined in the General Plan.

Conditions of Approval

- Requirements of the Weber County Engineering Division.
- Requirements of the Weber County Health Department.
- Requirements of the Weber County Building Inspection Department.
- Requirements of the Weber Fire District.
- Requirements of any other applicable review agencies.
- Compliance with DABC requirements.

Staff Recommendation

Staff recommends approval of the proposed package agency (liquor store) as presented by the applicant. This recommendation is subject to all review agency requirements and based on the application's compliance with applicable code requirements as described in this staff report. Also, this recommendation includes the requested reduction in parking spaces.

Exhibits

- A. Site plan and Floor Plan.
- B. Applicant's narrative.
- C. Application and response to the Basis of Issuance criteria.

Map 1



OUTPOST SPIRITS SITE PLAN

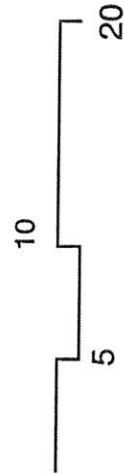
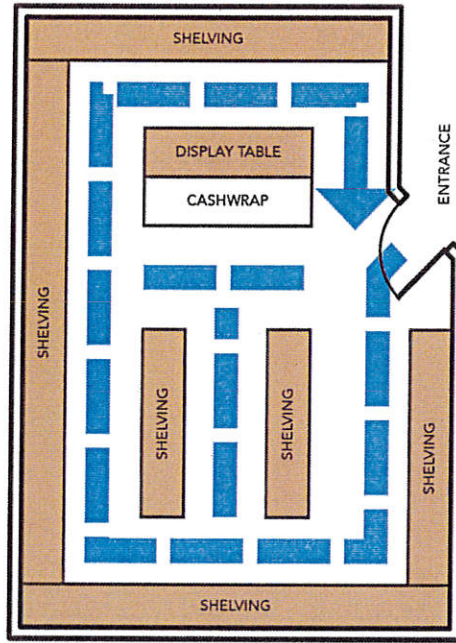
EXHIBIT A
1/4



EXHIBIT
A
1/4

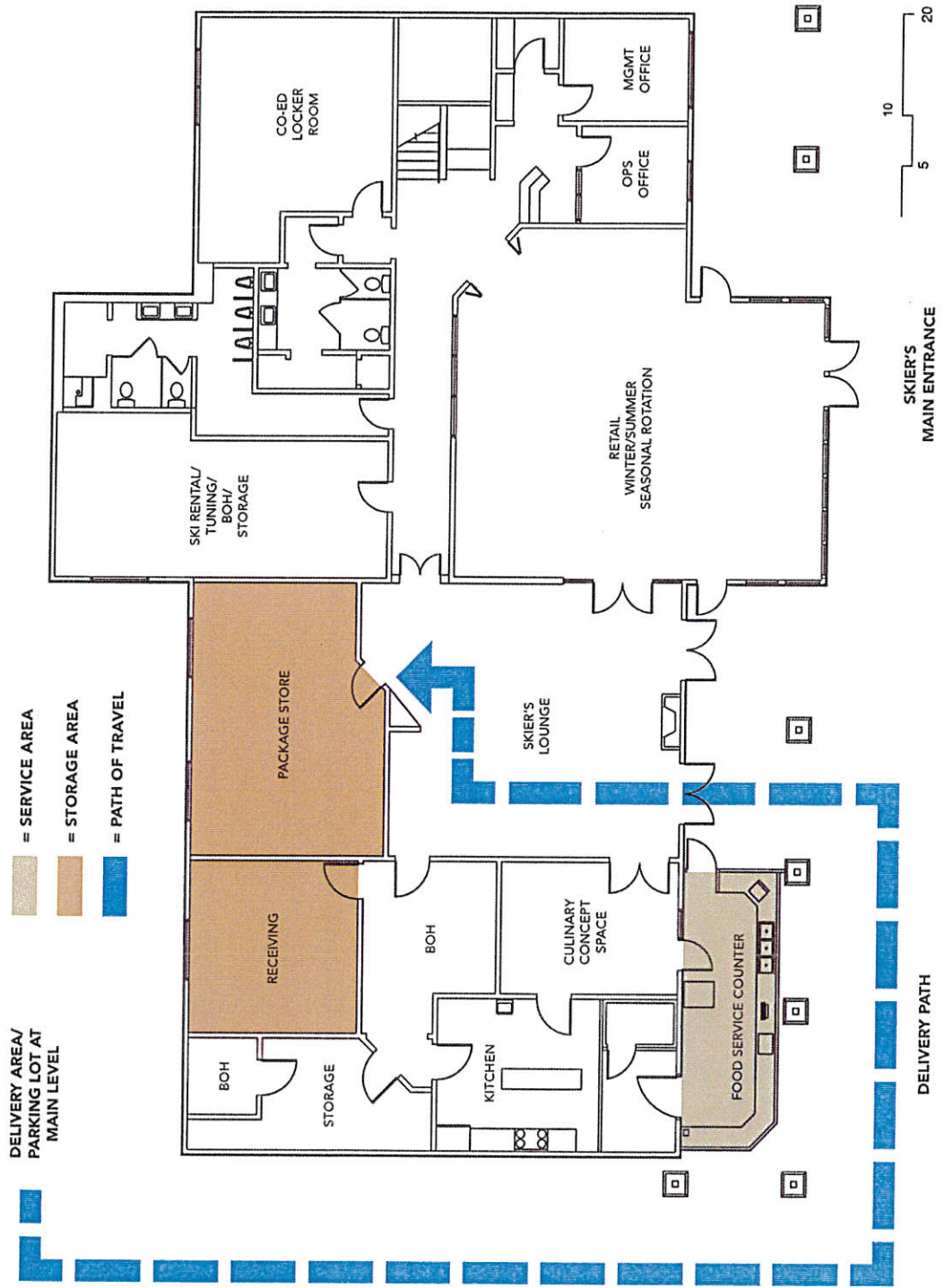
Spirit Haus: Floor Plan

- [Light Brown Box] = SERVICE AREA
- [Dark Brown Box] = STORAGE AREA
- [Blue Box] = PATH OF TRAVEL



NT

The Outpost Lower Floor Plan



Spirit Haus 4

SUMMIT POWDER MOUNTAIN

N1

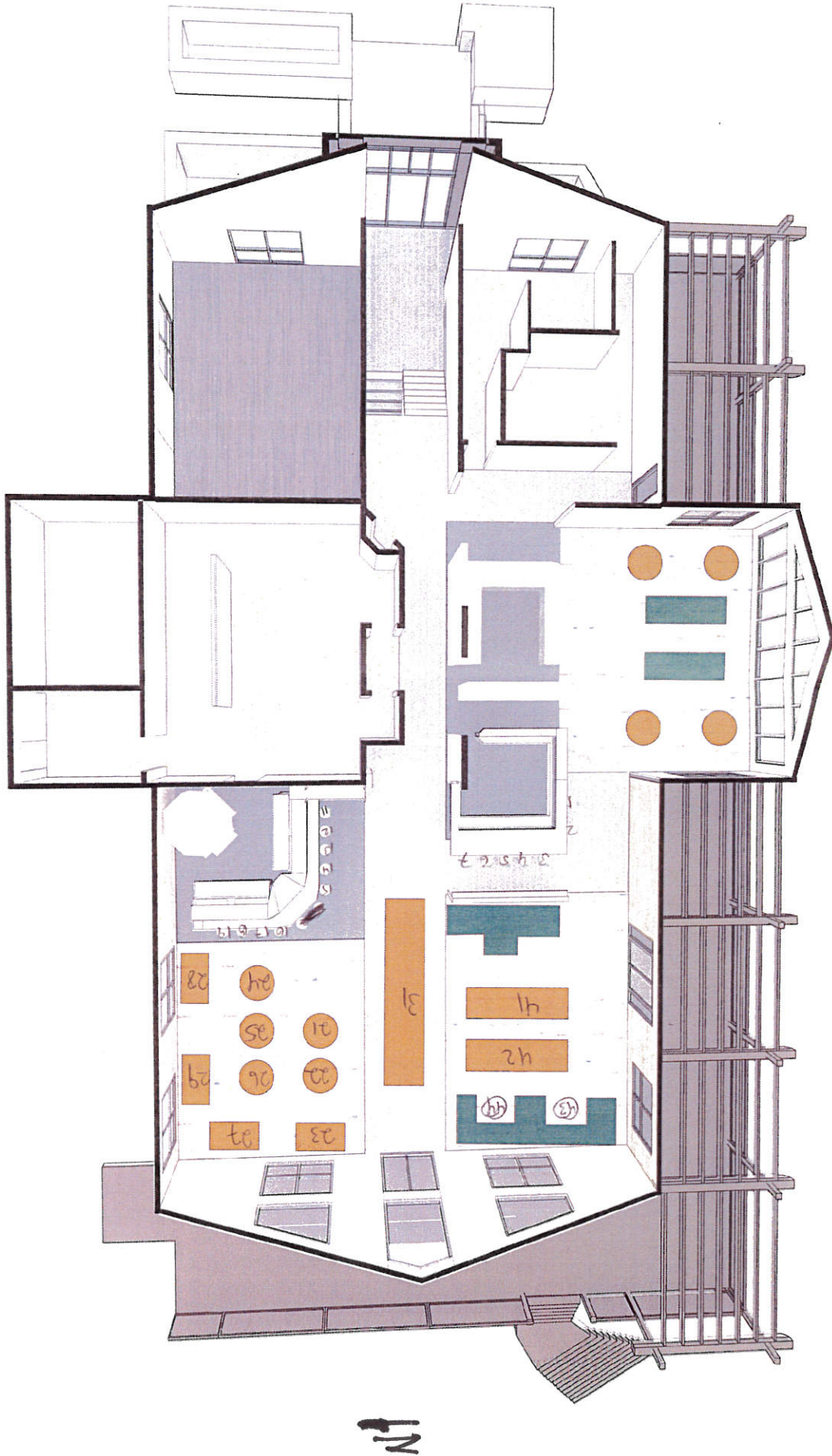


EXHIBIT B
1/2

NARRATIVE
OUTPOST SPIRITS
BUSINESS PLAN

SUMMARY

Outpost Spirits is a retail liquor outlet and sundry shop located at 3900 North Wolf Creek Drive in Eden, Utah.

Outpost Spirits will offer packaged liquor, mixers and soft drinks, as well as snack foods, magazines, souvenirs and other miscellaneous items.

Outpost Spirits will be open to the general public.

Outpost Spirits will be operated by SMHG Management, LLC, which is the manager of Powder Mountain Ski Resort.

DABC AUTHORIZATION

Outpost Spirits will sell packaged liquor for off-premise consumption under a "Package Agency" contract with the Utah Department of Alcoholic Beverage Control (DABC). Outpost Spirits will be designated by the DABC as a "Type 1" Package Agency, which is specifically intended to serve resort environments, such as hotels, ski lodges and summer recreational areas.

LOCAL DEMAND

The nearest State Liquor Store is located approximately 25 miles from Eden. As such, the packaged liquor portion of Outpost Spirits' business will provide a much-needed service to local residents and the thousands of vacationers who enjoy Ogden Valley's resorts and recreational areas throughout the year. This may also have the added benefit of reducing traffic through Ogden Canyon, particularly during holidays and weekends.

The sale of soft drinks, snack foods, magazines, souvenirs and other miscellaneous items will provide an additional amenity for Powder Mountain Ski Resort patrons and residents of the various subdivisions located in and around Wolf Creek Resort.

HOURS OF OPERATION

The DABC allows Type 1 Package Agencies to operate from 10:00 a.m. until 12:00 midnight, Monday through Saturday. The actual operating hours may be less at the discretion of the Package Agent with approval from the DABC.

Outpost Spirits will likely operate during the same or similar hours as the "North Fork Table & Tavern" which will be located in the same building.

SALES REVENUE & PROFIT

The packaged liquor portion of Outpost Spirits' business will not generate any profit whatsoever. As mandated by the DABC, Outpost Spirits must sell packaged liquor at the exact same price Outpost Spirits paid at either the DABC Warehouse or a State Liquor Store. As such, the packaged liquor portion of Outpost Spirits' business will be provided merely as a convenience to Powder Mountain Ski Resort patrons and members of the general public.

Outpost Spirits expects that revenue and profits from the sale of miscellaneous non-alcohol items will vary with the seasonal influx of vacationers, but anticipates a fairly steady base of local customers for such miscellaneous items even during the "off season".

Weber County Conditional Use Permit Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

| | | | |
|--|-------------------|--|--------------------------|
| Date Submitted / Completed 11/12/14 | Fees (Office Use) | Receipt Number (Office Use) | File Number (Office Use) |
| Property Owner Contact Information | | | |
| Name of Property Owner(s) SMHG Management LLC | | Mailing Address of Property Owner(s) P.O. Box 750 Eden UT 84310 | |
| Phone 801 745 2054 | Fax N/A | | |
| Email Address kimber@summit.co | | Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail | |
| Authorized Representative Contact Information | | | |
| Name of Person Authorized to Represent the Property Owner(s) Paul Strange | | Mailing Address of Authorized Person P.O. Box 750 Eden UT 84310 | |
| Phone 415-370-1100 | Fax N/A | | |
| Email Address paul@summit.co | | Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail | |
| Property Information | | | |
| Project Name outpost spirits Spirits | | Total Acreage 1.74 | Current Zoning CV-2 |
| Approximate Address 3900 No. Wolf Creek Drive Eden UT 84310 | | Land Serial Number(s) 22-016-0058 | |
| Proposed Use liquor sales | | | |
| Project Narrative see business plan attached. | | | |

Basis for Issuance of Conditional Use Permit

That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community:

The proposed store will serve the community by providing a location for liquor purchasers to buy liquor in the Ogden Valley. This will contribute to the general well being of the community by reducing traffic and trips to the closest liquor store, which is approximately 25 miles away.

That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs:

The proposed store will not be detrimental to the health, safety and general welfare of persons or the community in that it will reduce traffic and trips to the closest liquor store which is approximately 25 miles away. The proposed store is located in the Wolf Creek Resort, is adjacent to a golf course and will be in a building with a restaurant and bar. Accordingly the proposed store is compatible with the existing surrounding uses. The proposed store is not likely to generate considerable traffic in the area and the parking at the site is sufficient to support the likely volume. The building is currently being remodeled and the design, landscaping and signs will be compatible with the community.

That the proposed use will comply with the regulations and conditions specified in this Ordinance for such use:

The proposed store will comply with the regulations and conditions specified in the Ordinance.

That the proposed use conforms to the goals, policies and governing principles and land use of the General Plan for Weber County:

The proposed use is in conformance with the goals, policies and governing principles of the General Plan for Weber County.

That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity of the community or area as a whole:

The proposed use is not anticipated to lead to the deterioration of the environment or ecology of the general area. The store will be in an existing commercial building and is not expected to release any pollutants that would detrimentally affect the area.

Property Owner Affidavit

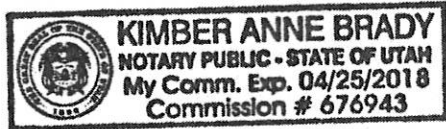
I (We), Paul Strangl, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

[Signature]

(Property Owner)

(Property Owner)

Subscribed and sworn to me this 12 day of November, 2014



[Signature]

(Notary)

Authorized Representative Affidavit

I (We), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20____, personally appeared before me _____, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.

(Notary)