



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To consider and take action on a request to amend the Weber County zone map to rezone approximately 5.0 acres from the CVR-1 zone to the FR-3 zone at approximately 947 East Highway 39.

Agenda Date: Tuesday, April 29, 2021

Applicant: CW Land Company; Agent: Todd Meyers

File Number: ZMA 2021-01

Property Information

Approximate Address: 947 East Highway 39, Huntsville (Unincorporated Weber County)

Zoning: The property is currently zoned CVR-1

Existing Land Use: Vacant

Proposed Land Use: Residential (FR-3 zone)

Township, Range, Section: T5N, R1W, Section 23

Adjacent Land Use

North: Residential	South: Residential
East: Underdeveloped Residential	West: Residential

Staff Information

Report Presenter: Charlie Ewert
cewert@webercountyutah.gov
801-399-8763

Report Reviewer: RG

Applicable Ordinances

- §102-5: Rezoning Procedures
- §104-11: Commercial Valley Resort Recreation Zone (CVR-1)
- §104-17: Forest Residential Zone (FR-3)

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. For this circumstance, criteria for recommendations in a legislative matter require a review for compatibility with the general plan and existing ordinances.

Summary

This report is a review of a request to rezone approximately 3.22 acres from the CVR-1 zone to the FR-3 zone. Upon an evaluation of the zoning in the area, staff recommends also rezoning the adjacent property (to the east across Old Snowbasin Road) from the CV-2 zone to the FR-3 zone. This will preserve zoning consistency in the area. The two properties together comprise about 5 acres. We have received consent from the other landowner for this rezone.

The CVR-1 zone and the FR-3 zone have almost identical lot development standards, meaning the overall density of the area will not be increased with this rezone, which is a critical recommendation found in the Ogden Valley General Plan.

The subject properties are located in a village area, as depicted in the general plan. A village area is noted as being a primary receiving area for residential uses. Between the residential uses allowed by the CVR-1 zone and the village areas of the plan, residential uses of the applicant's property appears to be a foregone conclusion. The future of commercial in this village, however, may not be as certain, or even recommended.

Despite the property to the north of the subject parcel also being zoned CVR-1, very little if any commercial uses have been established. The commercial uses approved within that development are likely to be the result of the minimum requirement of the CVR-1 zone to provide 10 percent commercial space. The location of the intersection in proximity to existing residential properties, the reservoir, and federal land may render this location a poor choice for a commercial village. Even if a market existed to establish commercial uses in this village, the additional supply of commercial land will reduce the demand for commercial space at the intersection of Trappers Loop and Highway 39 – which is only a little over three quarters of a mile to the east of this intersection. The Trappers Loop intersection provides for a better location for commercial opportunities, and is already pre-planned in the Snowbasin Masterplan.

For these reasons, staff feel it may be prudent to consider this village more residential in nature. Staff are recommending approval of the rezone.

Policy Analysis

The Weber County Land Use Code has a chapter that governs application-driven rezones. The following is a policy analysis of the requested rezone based on the Land Use Code and best planning practices. Figure 1 displays the subject parcels.

Figure 1: Subject Parcels.



Zoning. The current zone of the subject parcel is CVR-1. **Figure 2** displays current zoning and the subject parcels and surrounding area, and **Figure 3** displays the proposed zoning.

Figure 2: Current Zoning Map and the Subject Parcel(s).

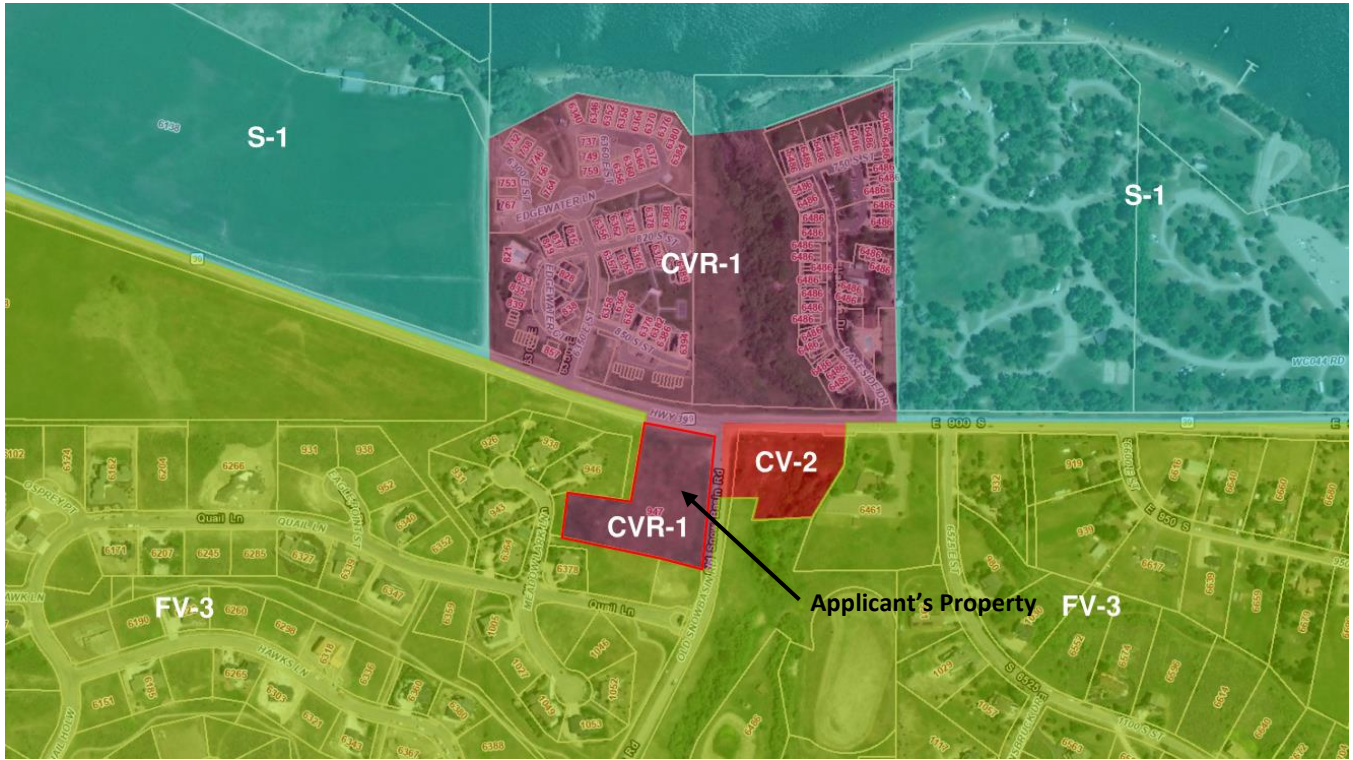


Figure 3: Proposed Zoning Map and the Subject Parcel(s).



The purposes of the CVR-1 zone and the FR-3 zone are interrelated:

Weber County Code §104-11-1 says the purpose of the CVR-1 zone is:

“The purpose of this zone is to provide locations in the Ogden Valley and at major recreation resort areas, where service facilities and goods normally required by the public in the pursuit of general recreation activities can be obtained. In this role, even though the area is primarily commercial in nature, it should be compatible with the general surrounding natural environment. To this end, the general siting and architectural design of buildings and structures, the layout of parking areas and landscaping shall be subject to review and recommendations by the public agencies, design review and approval by the planning commission to ensure that the natural environment is preserved to the greatest possible extent.”

Weber County Code §104-11-1 says the purpose of the FR-3 zone is:

“The purpose in establishing the Forest Residential, FR-3 zone is to provide for medium density residential uses of apartment clusters or condo-tels adjacent to and in conjunction with major recreational resorts, recreation areas and facilities in the mountain areas of Weber County on the basis that such medium density multiple-family housing is an integral and normal part of a recreational resort complex catering to the needs of both tourists and permanent home ownership. This zone is intended to be used in mountain locations in areas associated with major recreational resorts.”

As can be reviewed in these purposes, the FR-3 zone is the residential compliment of a CVR-1 zone, and is intended to be located near recreation/resort areas.

The intent for the FR-3 zone to be located near and be a part of “recreation areas and facilities” in the mountains could be interpreted to mean that this location is not intended for the zone since no recreation resort or area is immediately adjacent. If the Planning Commission desires to interpret it this way, then the rezone probably be denied. However, when staff evaluated other FR-3 zones in the valley, it seems that locating the FR-3 zone in the general proximity of recreation land or other property zoned for recreational uses in the valley have been sufficient to grant this zone on other property. Considering that the applicant’s property is currently zoned for recreation uses, as are the properties on the north side of Highway 39, Anderson Cove campground and the Pineview boat launch area are just east of the property, and Highway 39 is a major access corridor to Snowbasin and National Forest access, the area may be sufficiently recreational in nature to meet the FR-3 zoning intent.

The site development standards of the two zones are very similar in application. See **Figures 4 and 5**.

Figure 5: FR-3 Site Development Standards:

- (2) Developments using a community or group wastewater disposal facility meeting the requirements of the state division of health code of wastewater disposal regulations:
 - a. One building dwelling: 6,000 square feet of net developable area:
 - 1. Single-family.
 - 2. Two-family: 7,500 square feet or net developable area for a two-family dwelling.
 - 3. Multiple-family: 7,500 square feet of net developable area plus 2,000 square feet of net developable area for each dwelling unit in excess of two.
 - b. Group dwellings: 7,500 square feet of net developable area for each dwelling plus 2,000 square feet of net developable area for each dwelling unit in excess of two in each building.
 - c. Other main buildings: 7,500 square feet of net developable area. Each rental sleeping room including lockout sleeping: 500 square feet of net developable area in including lockout sleeping addition to the area required for the room dwelling unit containing the sleeping room.
 - d. Notwithstanding the above requirements, the maximum residential density shall not exceed 20 dwelling units or 40 rental guest sleeping rooms per net developable acre of land or part thereof.
 - e. Net developable area or acre. The term "net developable area" or "net developable acre" is defined as a quantity of ground within a parcel or parcels of land with slopes of less than 30 percent and with soils of sufficient depth and suitable types to ensure against development being a detriment to surface water and groundwater quality.

Figure 5: CVR-1 Site Development Standards:

- (a) **Area.** The following minimum overall project development area is required for the uses specified, but never less than two and one-half acres:

USE	AREA
Condominium rental apartment or other lodging use that provides nightly or longer lodging:	7,500 square feet of overall net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of overall net developable area for each dwelling unit in excess of two dwelling units per building.
Dwelling unit, if approved as part of a PRUD overlay zone:	7,500 square feet of overall net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of overall net developable area for each dwelling unit in excess of two dwelling units per building.
Lockout sleeping room:	500 square feet of overall net developable area.
Other uses:	None.

- (b) **Width.** 150-foot minimum overall project development width is required, as measured at the yard setback and the street frontage.
- (c) **Yard setback.** The minimum yard setbacks from the overall project development boundary are as follows:

YARD	SETBACK
Front:	30 feet
Side:	20 feet minimum, except as otherwise required by this or any other county ordinance.
Rear:	20 feet minimum, except as otherwise required by this or any other county ordinance.

Because the CVR-1 zone requires 10 percent commercial uses, rezoning the property to the FR-3 zone provides for a less intense use of the land than allowing it to remain in the CVR-1 zone. In fact, at the time the property was zoned to the CVR-1 zone, it was approved for a hotel. The proposed change will have less impact on the surrounding area.

The maximum residential density for both zones is approximately 20 dwelling units to the acre. Despite this maximum potential, obtaining a density this great will require a sewer connection for every dwelling unit. Currently, the applicant asserts that no more than 13 sewer connections are available for the property, so the actual resulting density will be no greater than 13 total units on the applicant's property. The applicant's intended subdivision layout can be seen in **Figure 6**.

Figure 6: Site Development Plan



1 Site Plan
1" = 30'-0"

A review of **Figures 7-8** will show that the allowed uses between the two zones also generally show less intense overall uses in the FR-3 zone.

Figure 8: FR-3 Use

Sec 104-14-2 Permitted Uses

The following uses are permitted in the Forest Valley Zone FV-3:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted, and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture.
- (d) Animals and fowl kept for family food production.
- (e) Cluster subdivision, in accordance with title 108, chapter 3.
- (f) Corral, stable or building for keeping animals or fowl, provided such building shall be located not less than 100 feet from a public street, and not less than 25 feet from any side or rear lot line.
- (g) Greenhouse, noncommercial only.
- (h) Home occupations.
- (i) Horses for private use only, and provided that not more than two horses may be kept for each one acre of land exclusively devoted to the keeping of horses.
- (j) Household pets which do not constitute a kennel.
- (k) Single-family dwelling.
- (l) Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- (m) Residential facilities for handicapped persons meeting the requirements of section 108-7-13.

(Ord. of 1956, § 12B-2; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

HISTORY

Amended by Ord. 2020-27 on 12/22/2020

Sec 104-14-3 Conditional Uses

The following uses shall be permitted only when authorized by a conditional use permit obtained as provided in title 108, chapter 4 of this Land Use Code:

- (a) Agri-tourism; meeting the requirements of title 108, chapter 21 (agri-tourism).
- (b) Bed and Breakfast dwelling subject to the following standards:
 - (1) Two parking spaces shall be provided for the host family plus one space for each guest room;
 - (2) Proprietor or owner shall occupy the property;
 - (3) Meals shall only be served to overnight guests;
 - (4) Signs are limited to a nameplate identification sign not exceeding two square feet in area per dwelling;
 - (5) Not more than two guests sleeping rooms per dwelling;
 - (6) Allowed only in existing dwellings with no exterior additions nor change in residential character;
 - (7) Business license shall be obtained.
- (c) Bed and breakfast inn subject to the following standards and criteria:
 - (1) Proprietor or owner shall occupy the premises;
 - (2) Not more than seven sleeping rooms per inn;
 - (3) The lot shall be at least three acres in area with frontage on a public street of at least 250 feet in width;
 - (4) The lot shall have frontage on a major street as shown on the county master plan (state highway or county major street);
 - (5) The inn shall be at least 300 feet from the nearest existing dwelling;
 - (6) Two parking spaces shall be provided for the host family plus one space for each guest sleeping room;
 - (7) The guest parking shall be in the rear of the Inn;
 - (8) Meals shall be served to registered overnight guests only;
 - (9) Signs are limited to one name plate or one identification sign of not more than eight square feet in area;
 - (10) The site shall be landscaped to provide a visual and noise buffer to adjoining property; a landscape plan shall be submitted with site plan.
 - (11) The inn shall be of a historic period or other distinguishable architectural style or design so as not to resemble the modern block motel appearance;
 - (12) A business license shall be obtained;
 - (13) All units to be in one building together with owner's residence.
- (d) Small events, such as weddings, family reunions, business retreats and art/cooking classes, not to exceed 75 participants and not more than four events held per calendar month, and only when conducted as an accessory use to an approved bed and breakfast inn.
- (e) Church, synagogue or similar permanent building used for regular religious worship.
- (f) Educational institution.
- (g) Educational/institutional identification sign.
- (h) Golf course, except miniature golf.
- (i) Parking lot accessory to uses permitted in this zone.
- (j) Private park, playground or recreation area, but not including privately owned commercial amusement business.
- (k) Public building, public park, recreation grounds and associated buildings.
 - (l) Public utility substations.
- (m) Recreation lodge.
- (n) Ski resorts, including summer skateboard activities as an accessory use.
- (o) Water pumping plants and reservoirs.
- (p) Recreation lodge.
- (q) Waste water treatment or disposal facilities meeting the requirements of the Utah State Division of Health Code of Waste Disposal Regulations, but not including individual water disposal systems.

Figure 8: CVR-1 Uses

Sec 104-11-3 Permitted Uses

The following uses are permitted in the Commercial Valley Resort Recreation Zone CVR-1:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted, and accessory uses customarily incidental to a main use.
- (b) Art gallery.
- (c) Bank.
- (d) Bookstore/newsstand.
- (e) Beauty shop/barbershop.
- (f) Day spa/fitness center.
- (g) Deli/small grocery store.
- (h) Florist shop.
- (i) Gift shop, boutique.
- (j) Music and video store.
- (k) Restaurants, excluding those with drive-up windows.
- (l) Restaurant: fast food, excluding those with drive-up windows.
- (m) Sporting goods store.
- (n) Sports clothing store.
- (o) Public and private swimming pools.
- (p) Vendor, short term.

Sec 104-11-4 Conditional Uses

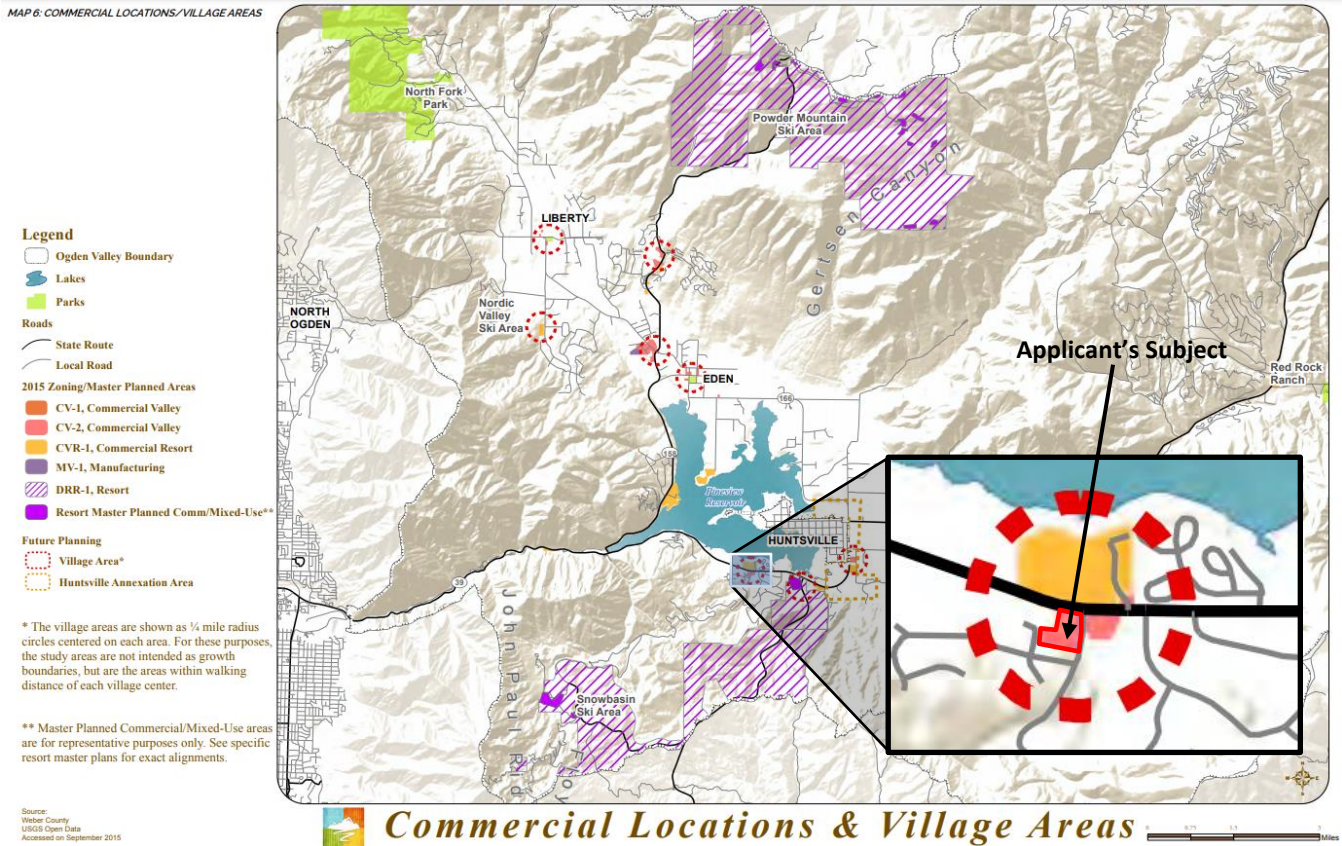
The following uses shall be allowed only when authorized by a Conditional Use Permit obtained as provided in title 108, chapter 4 of this Land Use Code:

- (a) Beer parlor, sale of draft beer.
- (b) Bed and breakfast inn.
- (c) Bed and breakfast hotel.
- (d) Recreation lodge.
- (e) Dry cleaning pickup station.
- (f) Dwelling unit, when a part of a recreation resort development.
- (g) Recreation resort complex.
- (h) Horse rentals (up to ten horses per acre, if stabled), horse feed store and haystack yard.
- (i) Indoor facilities for rental to clubs, private groups, parties and organizational groups for recreation activities, including dancing.
- (j) Liquor store.
- (k) Medical/dental office.
- (l) Outfitters base camp.
- (m) Pet grooming and supply store.
- (n) Public utility substations.
- (o) Real estate office.
- (p) Ski equipment, snowmobile, boat, and bicycle rentals.
- (q) Outdoor skating rink (ice or roller).
- (r) Skateboarding course.
- (s) Snowmobile and Nordic ski trails.
- (t) Equestrian trails.
- (u) Public parks.
- (v) Golf courses, including miniature golf as part of a recreation resort.
- (w) Conference/education center.
- (x) Condominium rental apartment, including lockout rooms.
- (y) Gazebo, pavilion.
- (z) Time share condominiums including lockout rooms.
- (aa) Travel agency.
- (ab) Dwelling unit as part of a commercial building for proprietor or employee who also serves as a night watchman provided that an additional 3,000 square feet of landscaped area is provided for the residential use.
- (ac) Residential property rental and management agency for recreation resort complexes.
- (ad) Off road vehicle and recreation equipment sales and service, and rental.
- (ae) Service stations.
- (af) Ski resort and ski schools.
- (ag) Hotel/motel, including lockout rooms.
- (ah) Restaurants, including those with drive-up windows.
- (ai) Accessory uses to the above listed.
- (aj) Brewpub.
- (ak) Reception/banquet facilities.

General plan. Weber County Code § 102-5-2 specifies that rezoning should be in compliance with the general plan. It does not require that a rezone be approved if it complies with the plan, but rather, it suggests pursuing opportunities to implement the plan.

The applicable general plan is the Ogden Valley General Plan. The rezone proposal appears to comply with the plan, provided the Commission is comfortable with the village in which the property is located being a residential village rather than a commercial or mixed-use village. **Figure 9** displays the commercial locations and village map from the general plan.

Figure 9: Figure 4: Ogden Valley Commercial Locations and Villages Map.



General Considerations. When considering whether a general plan implementation opportunity is appropriate, the Planning Commission should consider whether this is the right time and the right place for the proposed rezone. A review of land uses and development compatibility in the area is important. A review of the uses and existing development in the area show that the north side of Highway 39 has high density housing relative to the neighborhoods on the south side of the highway. A residential cul-de-sac immediately adjacent to the applicant's property has seven lots with an average lot size of approximately 26,500 square feet. The proposal will create 13 residential lots with an average lot size of approximately 9,200 square feet. Keep in mind however, that not rezoning the property could result in about the same residential lots or equivalent impact.

Another key consideration is traffic impact. The proposed development is a cul-de-sac with a single access onto Old Snowbasin Road. During high-traffic events, the left-hand-turn wait time to get from Old Snowbasin Road to westbound Highway 39 can get lengthy. The engineering division has no concerns over the proposal at this time, but if it is likely that traffic wait times will be materially reduced as a result of this development, then the engineering division will pursue a traffic impact analysis to determine whether turning lanes should be installed at the time of development.

Rezoning. Weber County Code § 102-5-3 sets forth approval criteria when considering a rezone. Because a rezone is legislative, this criterion allows broad deference to the County Commission's legislative decision-make authority. The criterion is twofold:

- (a) *To promote compatibility and stability in zoning and appropriate development of property within the county, no application for rezoning shall be approved unless it is demonstrated that the proposed rezoning promotes the health, safety and welfare of the county and the purposes of this chapter.*
- (b) *The planning commission and the county commission will consider whether the application should be approved or disapproved based upon the merits and compatibility of the proposed project with the general plan, surrounding land uses, and impacts on the surrounding area. The commissions will consider whether the proposed development, and in turn the application-for rezoning, is needed to provide a service or convenience brought about by changing conditions and which therefore promotes the public welfare. The county commission may require changes in the concept plan in order to achieve compatibility and may impose any conditions to lessen or eliminate adverse impacts.*

Water, waste water, fire, engineering, and other utilities. This application was sent for review by all relevant review agencies. None of them returned any negative responses. When the project proceeds to subdivision review, all utility and firefighting provisions will be required before the subdivision can be approved.

Staff Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission regarding File #ZMA 2021-01, a proposal to rezone approximately 5.0 acres from the CVR-1 zone to the FR-3 zone. This recommendation comes with the following findings:

Findings:

1. The Ogden Valley General Plan provides for a greater residential density on this property – as long as no new density is created. The proposal creates no new residential density than already entitled.
2. The proposed rezone will promote the health, safety, and general welfare of the Weber County public by offering more affordable lot sizes than surrounding zoning.
3. The proposed zone is more harmonious with surround land uses than the property's current zone.

Exhibits

Exhibit A: Concept Development Plan



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C.W. URBAN

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PROJECT
The Redtail
Old Snow Basin Road

REVISIONS:

TITLE:
Site Plan

SHEET:
A003

ISSUE DATE: 12.11.2020

Design Development

1 Site Plan
1" = 30'-0"



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PROJECT
The Redtail
Old Snow Basin Road

REVISIONS:

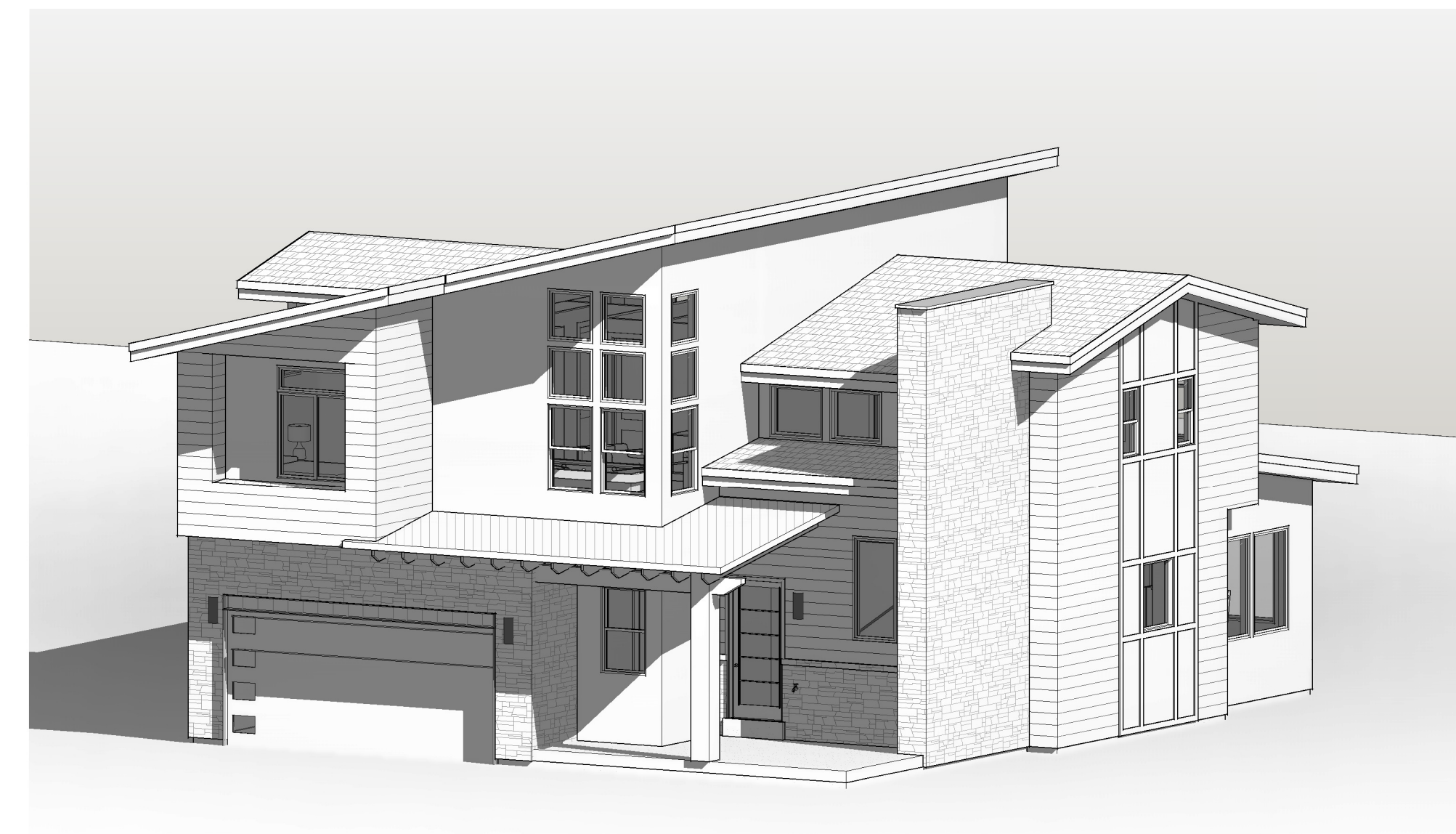
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Renderings

SHEET:
A200

ISSUE DATE: 12.11.2020



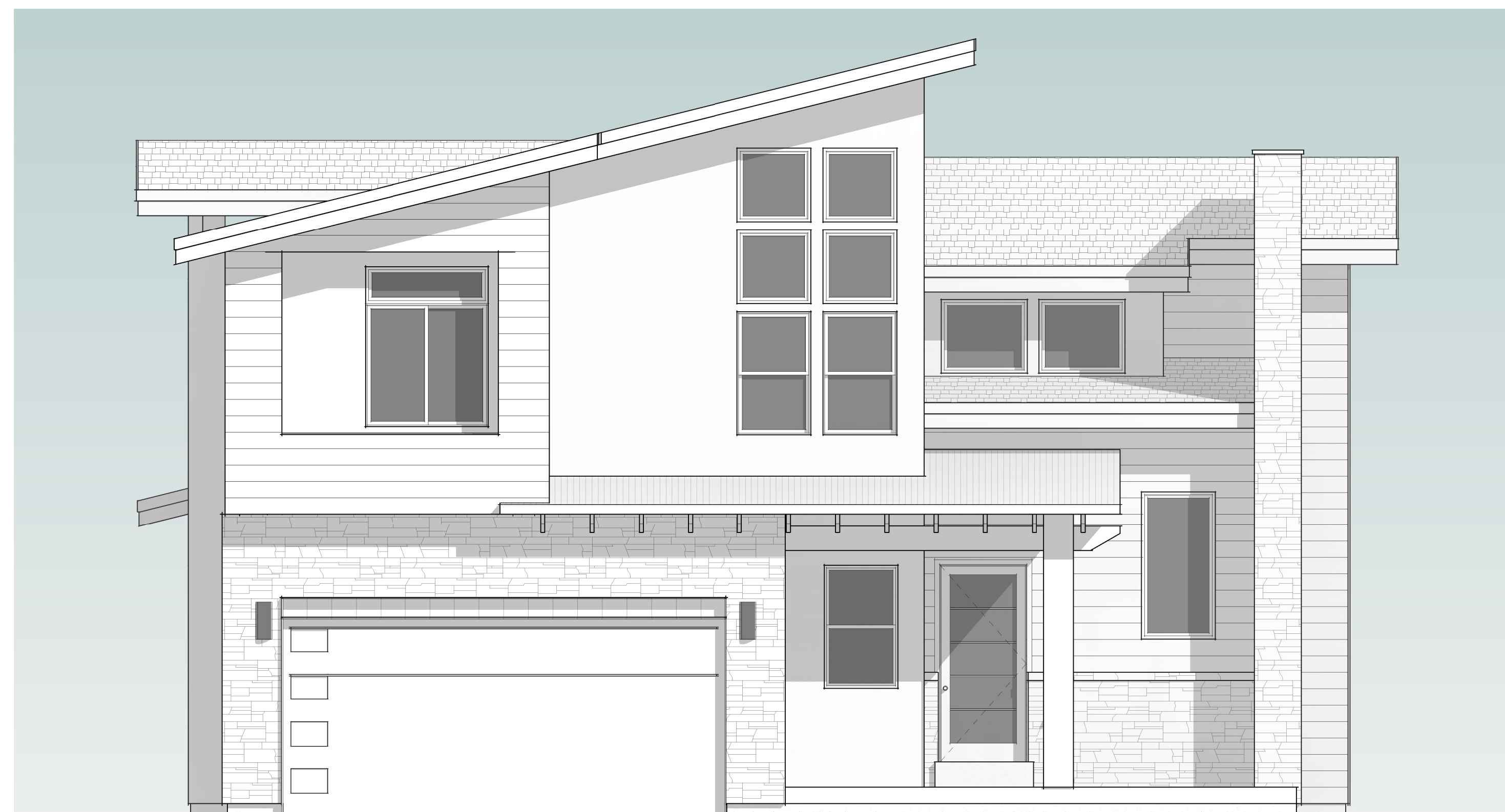
1 Rear Elevation
1/4" = 1'-0"



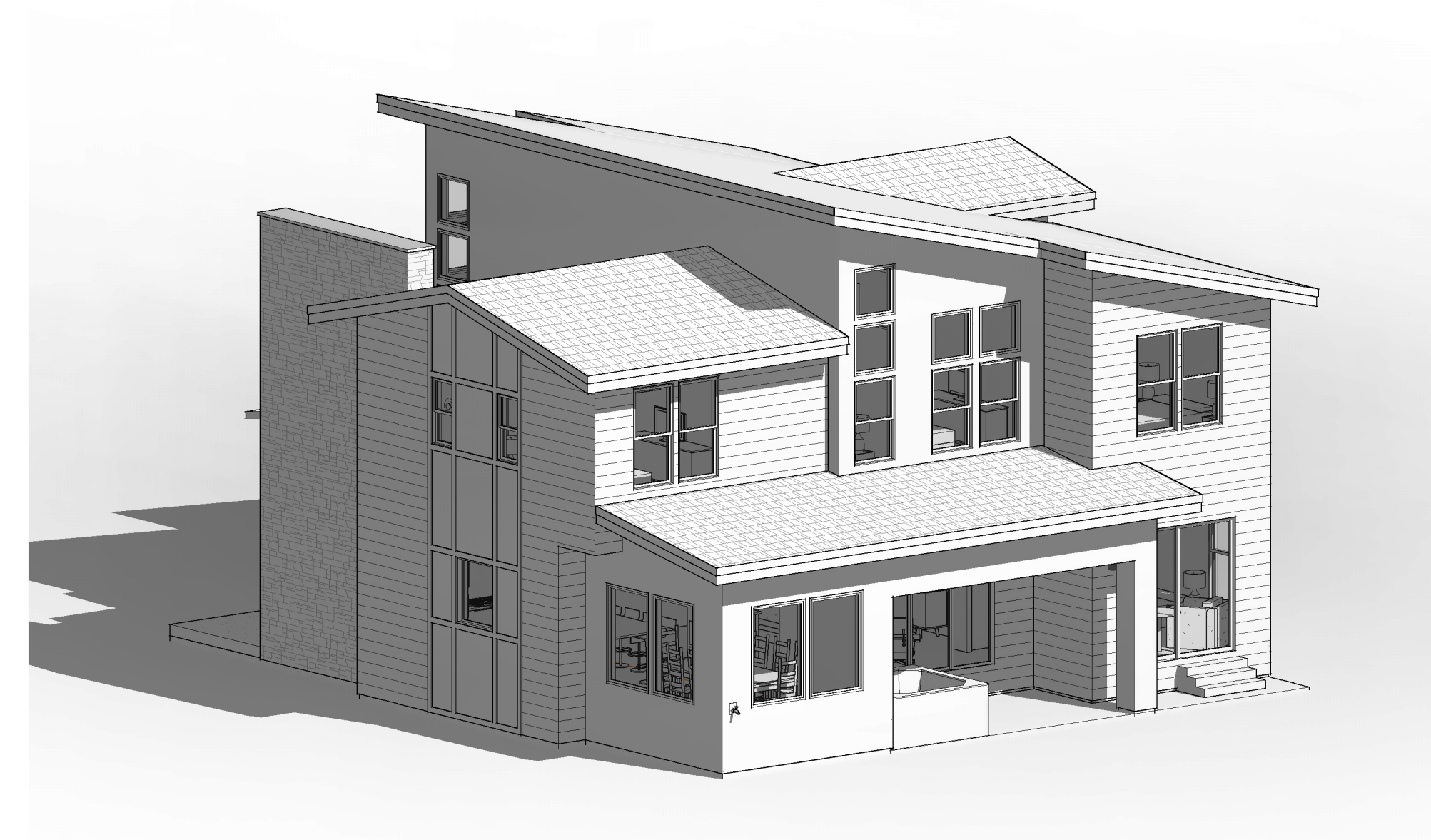
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2 Front Elevation
1/4" = 1'-0"



PROJECT
The Redtail
Old Snow Basin Road

REVISIONS:

TITLE:
Exterior Elevations

SHEET:
A201

ISSUE DATE: 12.11.2020

Design Development



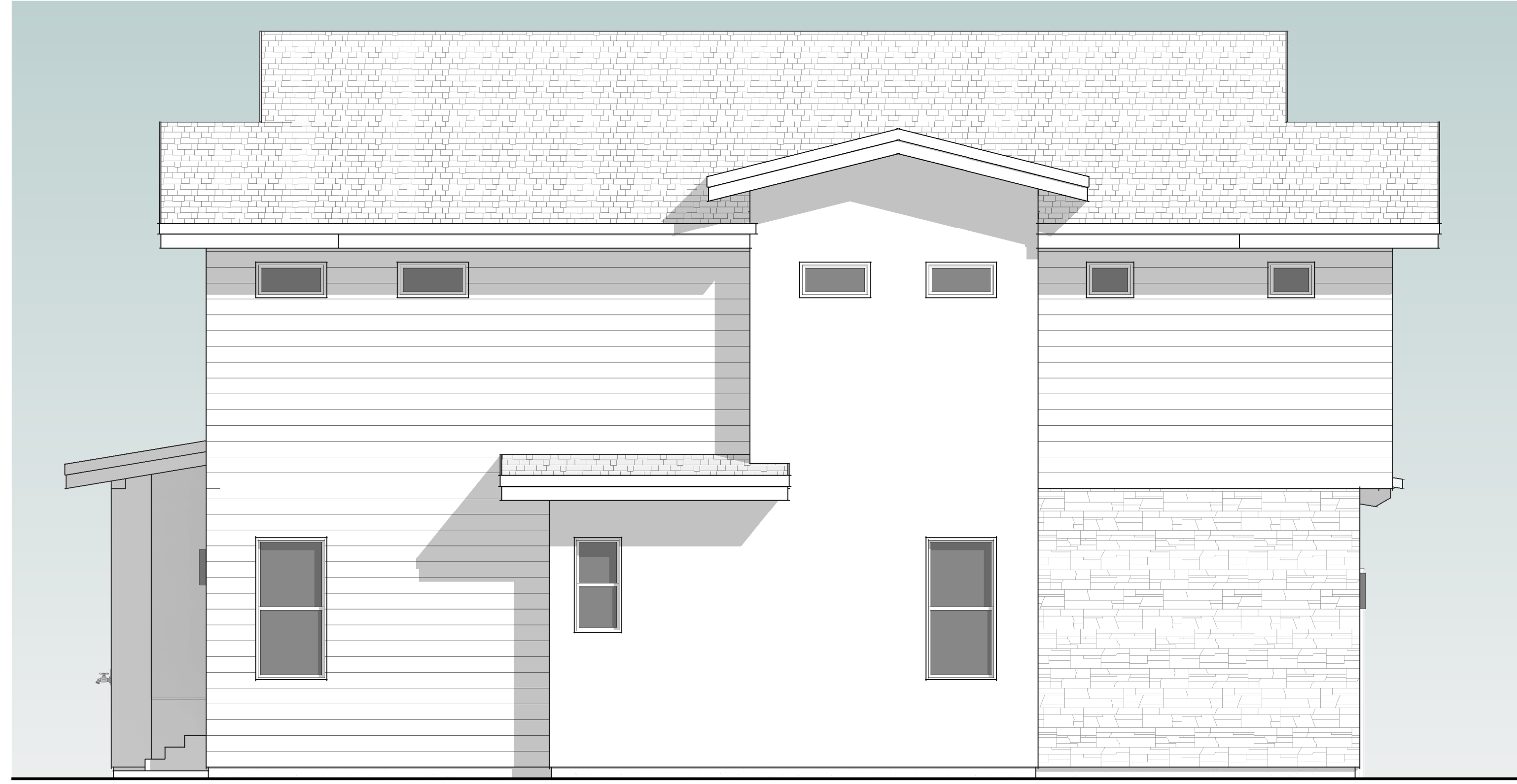
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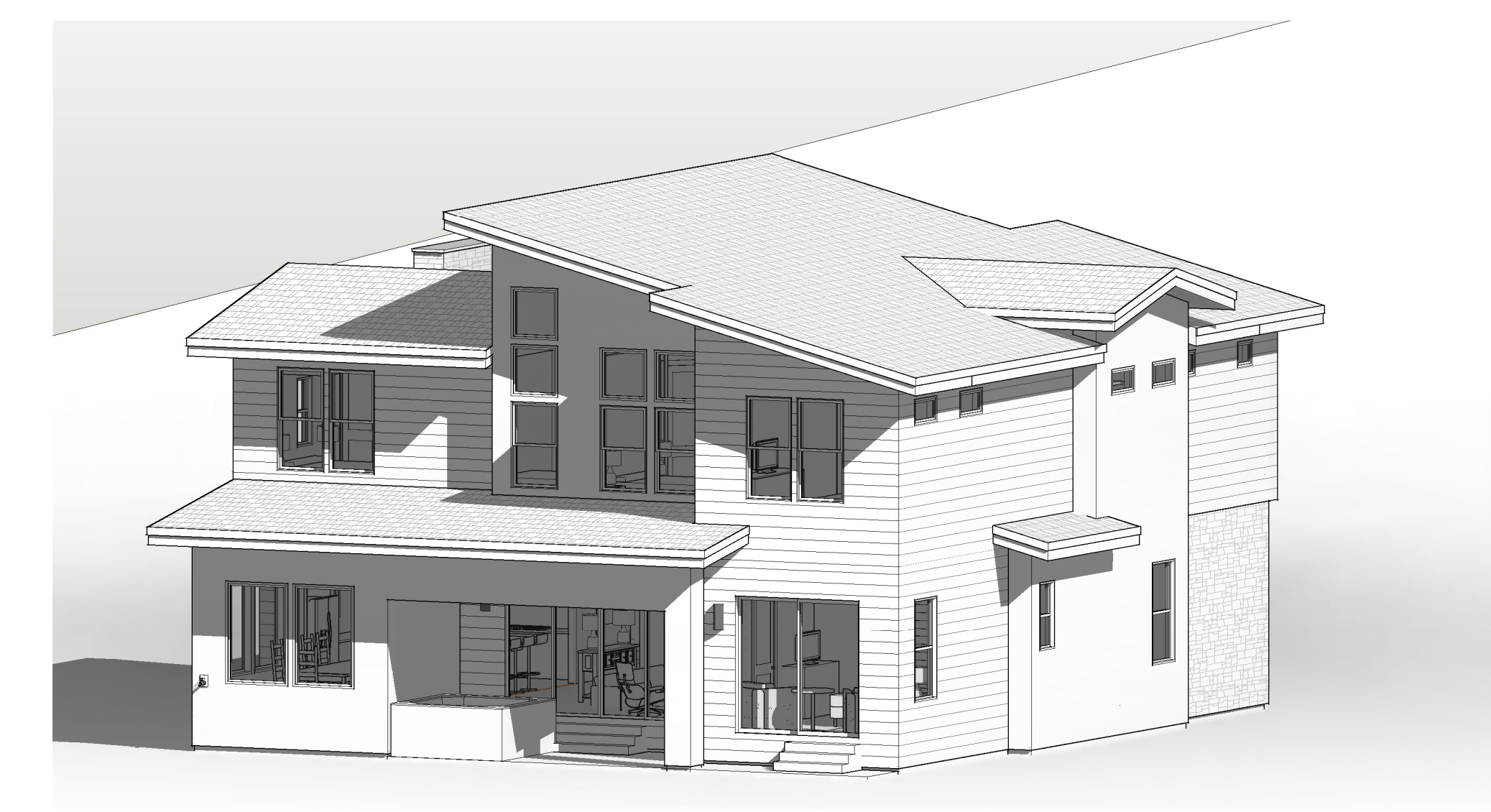
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2 Left Elevation
1/4" = 1'-0"



PROJECT
The Retail
Old Snow Basin Road

REVISIONS:

TITLE:
Exterior Elevations

SHEET:
A202

ISSUE DATE: 12.11.2020

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1 Floor Bsmt
1/4" = 1'-0"

TOTAL SQUARE FOOTAGE	
Name	Area
BSMT	1,213 SF
	1,213 SF
LEVEL 1	1,415 SF
LEVEL 2	1,638 SF
Grand total	3,053 SF
	4,266 SF

PROJECT
The Retail
Old Snow Basin Road

REVISIONS:

TITLE:
Floor Plan - Bsmt

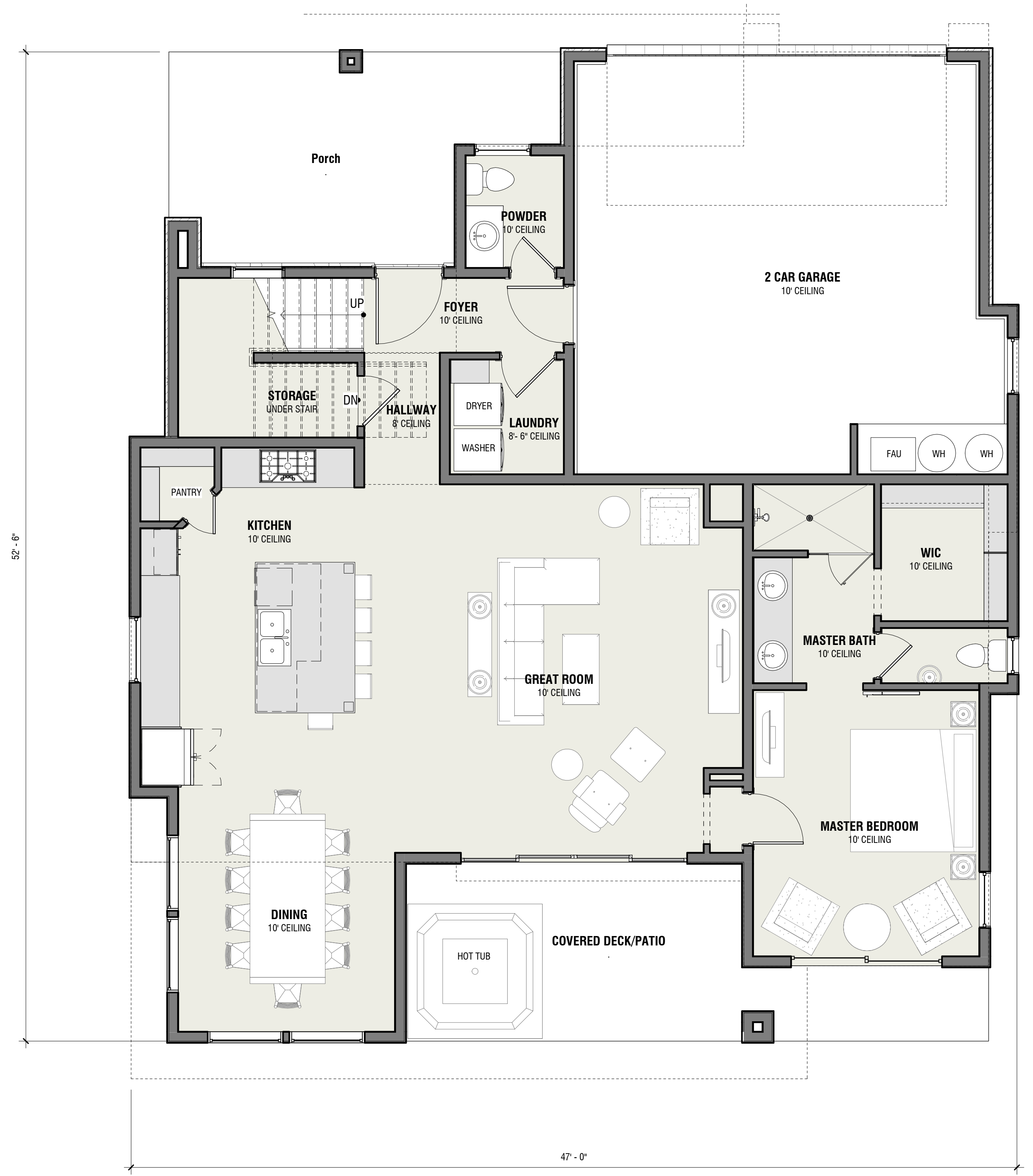
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ISSUE DATE : 12.11.2020
Design Development

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1 Floor Main
1/4" = 1'-0"

TOTAL SQUARE FOOTAGE	
Name	Area
BSMT	1,213 SF
	1,213 SF
LEVEL 1	1,415 SF
LEVEL 2	1,638 SF
	3,053 SF
Grand total	4,266 SF

PROJECT
The Retail
Old Snow Basin Road

REVISIONS:

TITLE:
Floor Plan - Level 1

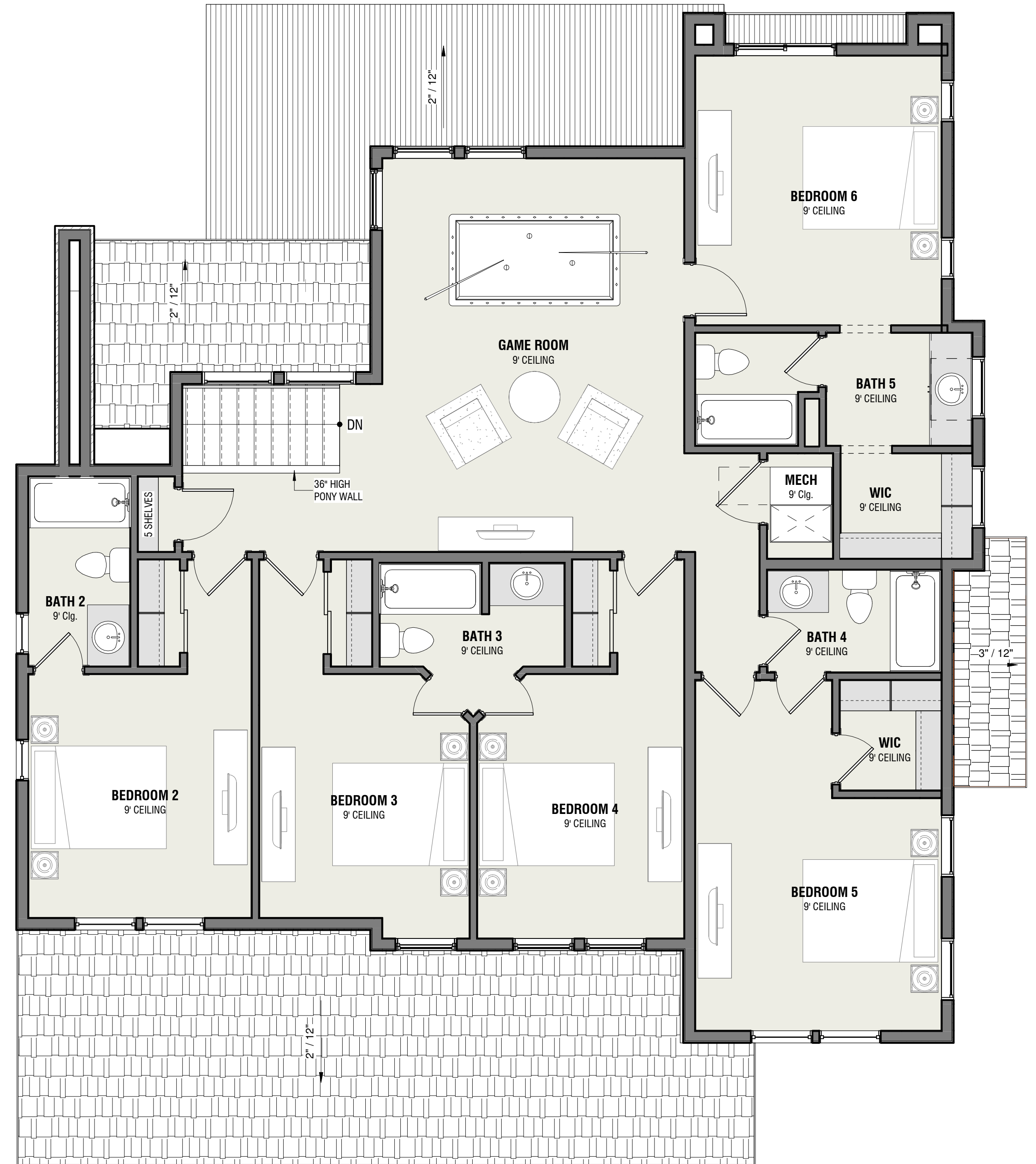
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Design Development

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1 Floor Upper
1/4" = 1'-0"

TOTAL SQUARE FOOTAGE	
Name	Area
BSMT	1,213 SF
	1,213 SF
LEVEL 1	1,415 SF
LEVEL 2	1,638 SF
	3,053 SF
Grand total	4,266 SF

PROJECT
The Retail
Old Snow Basin Road

REVISIONS:

TITLE:
Floor Plan - Level 2

SHEET:
A103

ISSUE DATE: 12.11.2020
Design Development