



The Regular Meeting of the
BRIAN HEAD TOWN
PLANNING COMMISSION
56 N. Hwy 143, Brian Head, UT 84719
Via Zoom Meeting ID# 868 4002 6863
www.zoom.us
Tuesday May 04, 2021 @ 1:00 p.m.

Agenda

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. DISCLOSURES

D. REPORTS / PUBLIC INPUT

E. AGENDA ITEMS

- 1. CONDITIONAL USE PERMIT REVIEW– 249 S. VILLAGE WAY – Hayden Bryant**
The Planning Commission will review a Conditional Use Permit that was issued for 249 S. Village Way for a temporary ice rink. The owner is requesting possible changes to the conditional use permit.

F. ADJOURNMENT

Dated the 30th day of April, 2021

Available to Board Members as per Resolution No. 347 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the public body may participate by means of telephonic or telecommunications conference.
In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029, giving at least 48 hours advance notice.

CERTIFICATE OF POSTING

I hereby certify that I have posted a copy of this agenda on the Utah State Public Meeting Notice Website and have caused a copy of this notice to be delivered to the Daily Spectrum.


Wendy Dowland,
Planning Commission Secretary



STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: Conditional Use Permit – 249 S. Village Way
AUTHOR: Wendy Dowland
DEPARTMENT: Administration
DATE: May 4, 2021
TYPE OF ITEM: Legislative Action

SUMMARY:

The Planning Commission will review the Temporary Ice Rink Conditional Use Permit for 249 S. Village Way that was approved on November 17, 2020.

BACKGROUND:

The Planning Commission granted a Conditional Use Permit for a temporary ice rink to be located on the property to the north of the Mall at 249 S. Village Way. The Ice Rink has now operated for one season and the owner would like to request modifications to the original Conditional Use Permit.

Hayden Bryant, the owner of Brian Head Ice, would like to know the following:

1. Would expanding the restrooms on the south side of the Mall suffice for condition #7?
2. Will the Commission be willing to grant an extension date for condition #1 and possibly condition #2?

This is also an opportunity for the Commission to review all aspects of the Conditional Use Permit.

ANALYSIS:

The Standards for Review for a Conditional Use are as follows (LMC Chapter 11):

D. Standards for Review:

1. No conditional use permit may be issued unless the Planning Commission finds that the application meets the following standards and conditions:
 - a. Protects the safety of persons and property:
 - (1) Will not result in unreasonable traffic congestion or traffic hazards;
 - (2) Has adequate and necessary access for municipal services.
 - b. Will not exceed the obligations and/or financial capability of the town and will not require a level of community facilities and services greater than that which is available or which may be provided.
 - c. Will protect environmental values:
 - (1) Will not cause unreasonable air, water, groundwater, light or noise pollution;
 - (2) Does not have critically expansive soils, high water table, slope instability, or other soil problems which cannot be mitigated.
 - d. Consistent with the town General Plan:
 - (1) Will comply with the requirements of the zoning district in which the use is to be established and with all other requirements of this title;
 - (2) Will be compatible with the character of the neighborhood and surrounding structures in scale, mass and traffic circulation.

- e. The applicant has assured performance of obligations by posting bond or other adequate security as determined necessary by the Planning Commission per [chapter13](#) of this title.
2. With its approval, the Planning Commission may impose such conditions and safeguards to ensure compliance with the requirements, standards or conditions of this section. The violation of any condition, safeguard or commitment of record by the applicant shall be sufficient grounds for revocation of conditional use approval.

STAFF RECOMMENDATION:

Staff proposes applying the Standards for Review to assess any changes to the Conditional Use Permit. See attached CUP.

PROPOSED MOTION:

I move to *approve / table / deny* changes to the Conditional Use Permit for 249 S. Village Way with the attached conditions.

ATTACHMENTS:

Conditional Use Permit



CONDITIONAL USE PERMIT

APPLICANT: Hayden Bryant
PROPERTY: 249 South Village Way
ZONE: Village Commercial
USE: Recreational Activities – Temporary Ice Rink
DATE APPROVED: November 17, 2020

In accordance with §9-11-2 of the Brian Head Town Code, the following conditions are required to be met for the above-referenced use at the above-referenced location in order to assure compatibility and harmonious relationships between the proposed use and the surrounding properties and the town in general. Conditional use approval may be revoked upon failure to comply with all conditions set forth in this conditional use permit.

Reasonably anticipated detrimental effects:

1. Traffic & Parking congestion
2. Light and Noise Pollution
3. Visual impact to neighbors and public right-of-way
4. Impact on the natural environment and vegetation
 - a. Permanent impact on land/vegetation for temporary use
5. Sufficient utilities and sanitation service for use

Recommended conditions for mitigation of anticipated detrimental effects:

1. Applicant may use public parking until November 1, 2021 and must submit a permanent parking plan for Planning Commission approval thereafter.
2. Lighting will strictly comply with Chapter 12 lighting requirements. All lighting will be fully shielded and downward facing. No light sources will be directly visible from adjacent property or the right-of-way.
 - a. A permanent lighting plan will be submitted and approved by the Planning Commission and attached as an exhibit to this permit by November 1, 2021
 - b. Lights will not be permitted to be on after 10pm
3. Disturbed areas will be revegetated and maintained in perpetuity.
4. Mature trees within the footprint of the rink will be relocated rather than removed.
5. Due to the temporary nature of this use, a bond sufficient for reclamation/revegetation of the property will be maintained until vegetation is established.
6. Maintenance equipment will be stored inside
7. On-site sanitation facilities will be provided which meet design standards in Chapter 12 by November 1, 2021. Temporary sanitary facilities may be required upon request of Town staff.
8. Equipment which produces noise can only be used during hours of operation.
9. Hours of operation will be restricted to 7am until 10pm
10. Temporary building size is limited to 12' x 30'.

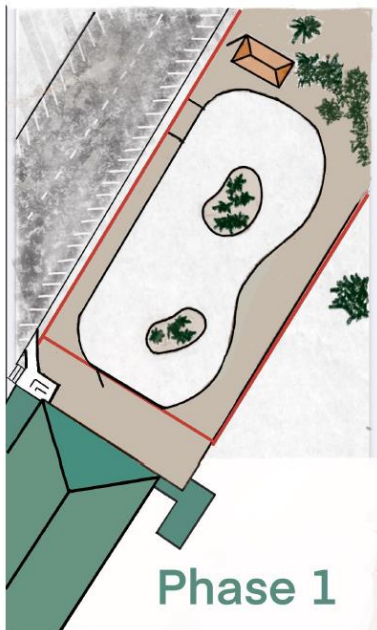
Exhibit A – Site Plan

Footprint:

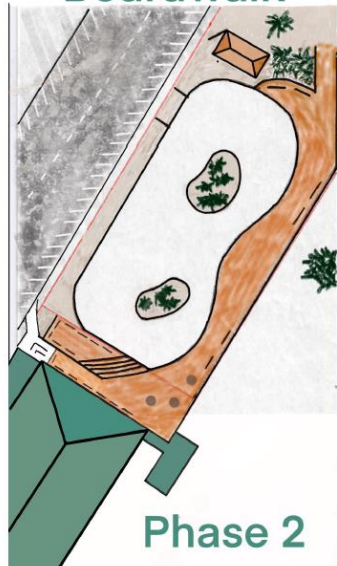
The property at 249 S Village Way is approximately 374 x 100 feet (0.88 acres). We plan to install a recreational sized ice rink, 152 x 69 feet. We would set the rink back from the street-side property line approximately 5 feet, and it would be shifted all the way to the southwest side of the lot so as to minimize the need to remove trees. There would be a 12x30 foot, rustic Cumberland Building to house the Zamboni and snow equipment on the northwest side. Below is a to-scale representation of how the rink and building would fit on the property.



Brian Head Ice



Brian Head Boardwalk



Brian Head Mall 2

