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**TOWN OF SNOWMASS VILLAGE
PLANNING COMMISSION
RESOLUTION NO. 3
SERIES OF 2021**

**A RESOLUTION RECOMMENDING TOWN COUNCIL APPROVAL OF AN ANNUAL
TEMPORARY USE PERMIT FOR VIEWING PLATFORM ON LOT 7 OF THE BASE VILLAGE
PUD**

WHEREAS, East West Partners, Applicant is requesting an Annual Temporary Use Permit to construct a single viewing platform with stairs plus a sign variance addendum on Parcel 7, Base Village PUD;

WHEREAS, Section 16A-5-260 of the Town of Snowmass Village Municipal Code (“Municipal Code”) provides a mechanism for the Town to consider activities of a temporary or short-term nature that provide or facilitate an overall benefit to the community or further an official policy or objective of the Town, such as temporary activities of a civic, educational or cultural nature or entertainment-oriented activities;

WHEREAS, Section 16A-5-260(a)(3) states, “An annual temporary use permit may be issued to any short-term use not allowed as a use by right, or as an accessory use or special review use in the particular zone district where the use is proposed, or that involves the construction of any structure, provided that the described use lasts for a period of time in excess of ten (10) days, but not to exceed one (1) year”;

WHEREAS, Municipal Code Section 16A-5-260(b) establishes a Review Procedure for Annual or Administrative Temporary Use Permits;

WHEREAS, Municipal Code Section 16A-5-260(c) Application Contents sets forth the minimum contents for temporary use applications;

WHEREAS, Municipal Code Section 16A-5-260(d) establishes the Review Standards for temporary use permits;

WHEREAS, a public meeting was held by the Planning Commission on July 21, 2021 to review the Application.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the Town of Snowmass Village, as follows:

Section One: Findings. The Planning Commission finds that:

- 43 1. The application for the annual temporary use permit and the supplemental sign variance
44 have been submitted in accordance with the requirements of Municipal Code Section 16A-5-
45 260(b)(4)(b), Annual Temporary uses and Section 16A-4-580, Sign variances.
46
- 47 2. The renewal does not conflict with the Municipal Code Section 16A-5-260(a), Purpose and
48 Authority.
49
- 50 3. The renewal adequately addresses the topics outlined in Municipal Code Section 16A-5-
51 260(b), Review Procedure.
52
- 53 4. Lot 7 is approximately 2.215 acres and is approved for mixed-use development pursuant
54 to Ordinance 1, Series of 2018, regarding the approval of the Base Village Final PUD
55 Amendment.
56

57 **Section Two: Action.** In accordance with the findings stated in Section One of this Resolution,
58 The Planning Commission recommends to Town Council that it approve the Application for an
59 Annual Temporary Use Permit, subject to the following Conditions:
60

61 **A. CONTACT, LOCATION, LIMITATIONS, HOURS OF OPERATION, and DURATION**
62

- 63 1. The Applicant, East West Partners, received approval for an Annual Temporary Use
64 Permit on Lot 7, Base Village PUD (Future Site of Building 12).
65
- 66 2. Approval for a single viewing platforms with stairs approximately 17 feet in height to top of
67 railing located at the roughly the center of the current Viceroy's "wedding lawn".
68
- 69 3. Approval to locate no more than two (2) for sale 'for-sale' signs placed on the viewing
70 platform so long as the total square footage does not exceed twenty five (25) square feet
71
- 72 4. Hours of operations shall be during the daylight hours with visitations by appointment.
73
- 74 5. The viewing platforms shall be secured by a locked gate on the stair entries as a safeguard
75 with posted "No Trespassing" signs.
76
- 77 6. The platform will be removed by August 31, 2022 unless extended by request and
78 approved by the Community Development Director.
79

80 **B. AUTHORIZATION**
81

- 82 1. Use of any privately owned property, including the location of any vehicles, equipment or
83 materials within said property, is not authorized without the express written approval of the
84 landowner. A copy of said approval shall be forwarded to the Town Planning Department
85 prior to the commencement of this temporary use permit.
86

- 87 2. Future renewal of this Annual Temporary Use Permit may be approved administratively
88 when the Planning Director determines that the site conditions and/or operations remain
89 unchanged or when any proposed changes or circumstances are determined to be
90 insubstantial in nature and generally consistent with this approval.
91

92 **C. GENERAL**

- 93
94 1. Applicant shall be responsible for supervising all aspects of this activity to ensure
95 conformance with the terms and conditions of this annual temporary use permit.
96
97 2. Applicant is responsible for full and complete compliance with all applicable Federal, State
98 and Local laws and regulations in the management and operation of this annual temporary
99 use.
100
101 3. Applicant shall promptly notify the Town Planning Department of any additions,
102 modifications or amendments to the Operations Plan. Any such changes should not be in
103 conflict with the findings and review standards relative to this Annual Temporary Use
104 Permit and are not permitted without written approval of the Town Manager or designee.
105
106 4. Applicant acknowledges that due to the nature of this type of use, certain impacts
107 associated with the operation that may affect surrounding properties may not have been
108 apparent at the time this application was made. In the event the Applicant or Town
109 receives any complaint arising from this annual temporary use, Applicant shall exhibit due
110 diligence in attempting to resolve the problem. Failure by the Applicant to demonstrate
111 that reasonable efforts were made to resolve a significant majority of any such complaints
112 shall be cause for modification or revocation of this permit.
113
114 7. The temporary use and/or events shall not generate debris, excessive noise, traffic or
115 congestion that will adversely or unreasonably affect the surrounding lodging operations,
116 private residences and other special events or activities.
117
118 8. Activities on the viewing platforms shall occur during daylight hours.
119

120 **D. CONSTRUCTION**

- 121
122 1. At the time of building permit application, the viewing platforms will be required to meet
123 the minimum provisions of the 2015 International Building Code for deck and stair
124 construction. This will include foundation details, structural loading requirements, stair
125 construction & geometry, guard provisions, and hand railing details.
126
127 2. Town Police is not providing security for this annual temporary use.
128
129 3. Should the temporary use or special event involve major disruptions in normal traffic
130 flow, the applicant shall mitigate for traffic disruption.
131

132 **F. INSURANCE and LIABILITY**

133
134 1. Applicant agrees to indemnify and hold the Town harmless from all cost, loss, damage,
135 expenses, (including attorney and expert fees), and claim of liability of any and every kind
136 (collectively "Claims") which may arise as a direct result of activities in which Applicant is
137 engaged or over which the Town has control with respect to the use of the above described
138 property pursuant to this permit. The forgoing shall obligate Applicant to defend any claims,
139 suits or other proceedings naming the Town of Snowmass Village as a defendant on any
140 claim that may arise as a direct result of Applicant's use of the above described property
141 pursuant to this permit.

142 2. Attorney Fees. In the event litigation is necessary to enforce the rights of the Town under
143 this Agreement, the Town shall be entitled to reimbursements of its reasonable attorney fees
144 and costs of suit, actually incurred in the litigation, as part of its judgment or award.
145

146 **Section Four. Severability.** If any provision of this Resolution or application hereof to any
147 person or circumstance is held invalid, the invalidity will not affect any other provision or
148 application of this Resolution which can be given effect without the invalid provision or application,
149 and, to this end, the provisions of this Resolution are severable.

150 **INTRODUCED, READ AND APPROVED WITH CONDITIONS** by the Planning Commission of
151 the Town of Snowmass Village on June 21, 2021, upon a motion by Commissioner
152 _____, and the second of Commissioner _____, and upon a vote of
153 ___ in favor and ___ against.

154
155 TOWN OF SNOWMASS VILLAGE
156 PLANNING COMMISSION

157
158
159 _____
160 Brian Marshack, Chairperson

161
162 ATTEST:

163
164
165 _____
166 Sara Nester, Planning Commission Secretary
167