

CITY OF STEAMBOAT SPRINGS

AGENDA

REGULAR MEETING NO. 2010-02 TUESDAY, JANUARY 19, 2010

5:05 P.M.

MEETING LOCATION: Citizens' Meeting Room, Centennial Hall;
124 10th Street, Steamboat Springs, CO

MEETING PROCEDURE: Comments from the Public are welcome at two different times during the course of the meeting: 1) Comments no longer than three (3) minutes on items **not** scheduled on the Agenda will be heard under Public Comment; and 2) Comments no longer than three (3) minutes on all scheduled public hearing items will be heard **following** the presentation by Staff or the Petitioner. Please wait until you are recognized by the Council President. With the exception of subjects brought up during Public Comment, on which no action will be taken or a decision made, the City Council may take action on, and may make a decision regarding, ANY item referred to in this agenda, including, without limitation, any item referenced for "review", "update", "report", or "discussion". It is City Council's goal to adjourn all meetings by 10:00 p.m.

A City Council meeting packet is available for public review in the lobby of City Hall, 137 10th Street, Steamboat Springs, CO.

PUBLIC COMMENT: Public Comment will be provided at 7 p.m., or at the end of the meeting, (whichever comes first). CITY COUNCIL WILL MAKE NO DECISION NOR TAKE ACTION, EXCEPT TO DIRECT THE CITY MANAGER. **THOSE ADDRESSING CITY COUNCIL ARE REQUESTED TO IDENTIFY THEMSELVES BY NAME AND ADDRESS. ALL COMMENTS SHALL NOT EXCEED THREE MINUTES.**

A. ROLL CALL

B. COMMUNITY RESPORTS/CITY COUNCIL DISCUSSION TOPIC:

- 1. Affordable Housing Measurability.** (Roger Good)
- 2. Iron Horse Redevelopment.** (DuBord)
- 3. Steamboat 700 Draft Attainability Plan.** (Weiss)

C. CONSENT CALENDAR: MOTIONS, RESOLUTIONS AND ORDINANCES FIRST READINGS

LEGISLATION

ITEMS ON THE CONSENT CALENDAR GENERALLY REQUIRE LITTLE COUNCIL DELIBERATION AND MAY BE APPROVED WITH A SINGLE MOTION. ANY MEMBER OF THE COUNCIL OR THE PUBLIC MAY WITHDRAW ANY ITEM FROM THE CONSENT CALENDAR FOR FURTHER DISCUSSION AT ANY TIME PRIOR TO APPROVAL.

- 4. RESOLUTION:** A resolution acknowledging appointments to the Golf Management Committee. (Franklin)
 - 5. FIRST READING OF ORDINANCE:** An ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code, commonly referred to as the Steamboat Springs Community Development Code, to revise Sections 26-68 Final Plat, 26-141 Phasing, and Article VIII Agreements. (Shelton)
 - 6. FIRST READING OF ORDINANCE:** An ordinance amending certain Articles in Chapters 2 and 26 of the Steamboat Springs Revised Municipal Code pertaining to general administration of the City and execution of various documents, and establishing an effective date. (Lettunich)
 - 7. FIRST READING OF ORDINANCE:** An ordinance abolishing the Howelsen Hill Commission and repealing Division 13, Section 2-517, Section 2-518 and Section 2-519 of the Steamboat Springs Revised Municipal Code; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Wilson)
 - 8. FIRST READING OF ORDINANCE:** An ordinance abolishing the Tennis Advisory Committee and repealing Division 14, Section 2-520, Section 2-521 and Section 2-522 of the Steamboat Springs Revised Municipal Code; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Wilson)
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D. PUBLIC HEARING: ORDINANCE SECOND READINGS

THE CITY COUNCIL PRESIDENT OR PRESIDENT PRO-TEM WILL READ EACH ORDINANCE TITLE INTO THE RECORD. PUBLIC COMMENT WILL BE PROVIDED FOR EVERY ORDINANCE.

- 9. RESOLUTION:** A resolution adopting the Howelsen Hill Rodeo Master Plan. (Wilson)

This item was postponed from the December 15, 2009 Council meeting.

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- E. PUBLIC COMMENT: Public Comment will be provided at 7 p.m., or at the end of the meeting, (whichever comes first).** CITY COUNCIL WILL MAKE NO DECISION NOR TAKE ACTION, EXCEPT TO DIRECT THE CITY MANAGER. **THOSE ADDRESSING CITY COUNCIL ARE REQUESTED TO IDENTIFY THEMSELVES BY NAME AND ADDRESS. ALL COMMENTS SHALL NOT EXCEED THREE MINUTES.**

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- F. CONSENT CALENDAR - PLANNING COMMISSION REFERRALS:** ITEMS ON THE CONSENT CALENDAR GENERALLY REQUIRE LITTLE OR NO COUNCIL DELIBERATION AND MAY BE APPROVED WITH A SINGLE MOTION. A CITY COUNCIL MEMBER MAY REQUEST AN ITEM(S) BE REMOVED FROM THE CONSENT CALENDAR FOR FURTHER DISCUSSION. **ALL ORDINANCES APPROVED BY CONSENT SHALL BE READ INTO THE RECORD BY TITLE.**

**PLANNING
PROJECTS**

There are no items scheduled for this portion of the agenda.

G. PUBLIC HEARING – PLANNING COMMISSION REFERRALS

PUBLIC HEARING FORMAT:

- **Presentation by the Petitioner (estimated at 15 minutes). Petitioner to state name and residence address/location.**
- **Presentation by the Opposition.** Same guidelines as above.
- **Public Comment by individuals (not to exceed 3 minutes). Individuals to state name and residence address/location.**
- **City staff to provide a response.**

10. PROJECT: Ski Time Square

PETITION: Development Plan for a mixed use project totaling 680,742 gross square feet in five buildings with associated site improvements.

LOCATION: 4.62 acre Ski Time Square Property.

APPLICANT: The Atira Group, Mark Matthews, VP of Development, P.O. Box 880639, Steamboat Springs, CO 80488; 970-870-9800.

PLANNING COMMISSION VOTE: Approved 5-0.

This item was postponed from the October 20, 2009 City Council meeting.

- 11. SECOND READING OF ORDINANCE:** An ordinance amending Chapter 26, Article 148 of the Steamboat Springs Revised Municipal Code pertaining to Community Housing, with particular reference to compliance methods; and establishing an effective date. (Lettunich)

This item was postponed from the August 4, the August 18, the September 1, 15 and 29, the October 20, the November 17, and the December 15, 2009 City Council meetings.

- 12. SECOND READING OF ORDINANCE:** An ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code by amending the term and effect of approval of final development plans by allowing administrative extensions in limited circumstances; providing for severability; providing an effective date; repealing all conflicting ordinances; and setting a hearing date. (Leeson)
- 13. SECOND READING OF ORDINANCE:** An ordinance of the City of Steamboat Springs, Colorado, extending the vesting period for a site specific development plan originally approved as "Montenero at Steamboat Springs" for an additional time period of three years, repealing all conflicting ordinances; providing for severability; and providing an effective date. (Leeson)
- 14. SECOND READING OF ORDINANCE:** An ordinance of the City of Steamboat Springs, Colorado, extending the vesting period for a site specific development plan originally approved as "Rocky Peak Village" for an additional time period of three years, repealing all conflicting ordinances; providing for severability; and providing an effective date. (Leeson)
- 15. SECOND READING OF ORDINANCE:** An ordinance of the City of Steamboat Springs, Colorado, extending the vesting period for a site specific development plan originally approved as "Fulton Ridge" for an additional time period of three years, repealing all conflicting ordinances; providing for severability; and providing an effective date. (Leeson)

- 16. SECOND READING OF ORDINANCE:** An ordinance of the City of Steamboat Springs, Colorado, extending the vesting period for a site specific development plan originally approved as "Riverfront Park" for an additional time period of three years, repealing all conflicting ordinances; providing for severability; and providing an effective date. (Leeson)
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H. REPORTS

17. City Council

18. Reports

- a. Agenda Review (Franklin):
- 1.) City Council agenda for February 2, 2010.
 - 2.) SSRA agenda for February 2, 2010.
 - 3.) City Council agenda for February 16, 2010.

19. Staff Reports

- a. City Attorney's Update/Report. (Lettunich)
- b. Manager's Report: Ongoing Projects. (Roberts)
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I. ADJOURNMENT

**BY: JULIE FRANKLIN, CMC
CITY CLERK**

Affordable Housing Measurement Citizens Committee

- TEAM MEMBERS

- Mark Andersen
- Scott Ford
- Roger Good
- Steve Hofman
- Doug Labor
- Rich Lowe
- Mark Scully
- Chuck Williamson

- CITY / STAFF

- Lauren Mooney
- Scott Myller
- Jon Roberts

Mission

The mission of the citizens committee is to examine options to measure and evaluate the effective use of the resources provided as a result of the Steamboat Springs' current Affordable Housing ordinances.

The premise guiding our mission is that these resources are both limited in nature and precious. Given these realities, process metrics that can be monitored, measured, evaluated, and updated on a regular basis are essential. Such outcomes are at the core of effective governance, full accountability and transparency, and the ability to respond to changing events and circumstances.

As a guiding principle this Committee's report will look at the overall issue of affordable housing from the perspective of the intended beneficiary rather than from other perspectives such as effective revenue production or the efficient administration of Affordable Housing ordinances. Measuring effectiveness is a vital program function. But equally as vital is measuring the variable that best defines the program's purpose.

The findings and recommendations of the committee shall be provided to the Steamboat Springs City Council to assist the Council in determining the effectiveness and future direction of the City's Affordable Housing ordinances.

Overview

The single most important aspect of any affordable / attainable housing program should be a crisp definition of who is the intended beneficiary of such a program. All too often this priority gets lost in policy discussions that emphasize other factors such as site considerations, size, government management, and neighborhood diversity, among others. These factors are not unimportant, but they should be of secondary consideration compared to defining a program's intended beneficiary.

Of equal importance with any program is the "why", or the purpose of an affordable housing program. We can house individuals (rent or ownership) within specified income levels and never achieve the purpose of the program. We raise this issue largely because this Committee was unable to extrapolate a focused defined "purpose" from the City to have an affordable housing program and who should best be served by this program. Previous versions of the Yampa Valley Housing Authority (YVHA) report have talked about seniors, disabled and poverty. Are these categories of program service what the City wants to address in an affordable housing program? For one, these have little to do with the issue of what it takes to support the community's critical lower and middle income workforce housing issues.

Any program such as affordable / attainable housing must subscribe to the axiom that we manage what is important, and in order to manage, we must measure results. The Committee believes that there needs to be additional indicators/measures that specifically address the purpose of the program. Without a clear defined purpose, it will be impossible for the City to measure the success of the program.

The City must ultimately define the reason/purpose for investing in an affordable housing program (clearly define what the City wants to achieve) in order for anyone to be able to measure its success. Without that definition, success can neither be recognized, nor will the accomplishments of any program likely have a positive long-term impact on the initial purpose of the program.

A multi-faceted approach to addressing the measurable needs of affordable, attainable housing should be considered rather than a singular focus on new development. As the fees charged the development community increase, the net result will likely exacerbate the very problems the community is attempting to solve. The Committee offers this observation in the belief that more revenues will likely result in more misallocation of resources and misdirection of policy goals, particularly as the City continues to not specify its overall program priorities – e.g., workforce stabilization, poverty offsets, rental vs. ownership, etc.

It is further worth pointing out that any subsidy, whether it is for housing or any other commodity, can artificially increase demand. To the degree that the subsidy grows, the artificial demand that develops because of it can become greater than the need the original process was designed to meet. It is precisely this kind of unintended consequence of a policy not tied to actual demand that the City needs to avoid if it hopes to wisely apply Affordable Housing revenues to its program goals.

Existing City documents as well as documents from the YVHA consistently mention workforce housing as one of the program's primary purposes. An analysis of the workforce defined by age group independent of AMI (Area Median Income) can be used to compare workforce housing ratios between Routt County and other similar mountain counties. This should be updated and reviewed periodically to assess progress towards any workforce housing goal. But it should be recognized that this data has limitations owing to its application to Routt County rather than the narrower focus of Steamboat Springs. It is also worth noting that the strength of this data is that it allows direct comparisons to four other similar counties.

A long-term and ultimately more sustainable approach to the problem should seek to shift the thinking from a reliance on public-funded subsidies to encouraging and assisting business to grow and compete. As indicated earlier, a multi-faceted approach provides a better balance between the two. One metric that should be utilized and updated annually is the ratio of the rate at which AMI is growing to the rate at which median home prices are rising. This will assist policymakers and the community in assessing whether demand for affordable housing is growing in relation to the allocation of the housing stock.

The ultimate goal of Steamboat Springs' Affordable Housing policy should be to get to the point where market forces regulate fully the balance between demand and supply, and nobody in the community sees the need for any tax or fee, or a housing authority that has to try to figure out how to distribute the proceeds, whether the distribution model is focused on a bricks and mortar policy or the provision of funds and subsidies to offset deficiencies in labor market opportunities for a diverse and necessary workforce. The Committee believes this is a goal that will not be achieved over the long-term without a range of reforms, many of which may be drawn from the discussion in this report.

Goals of Affordable Housing

Observation

The current goals of the City's Affordable Housing policies are found in the Steamboat Springs Community Housing Implementation Program dated December 2006.

This document outlines and describes various aspects of the affordable housing program. But it is the position of this Committee that any and all quantified goals from this earlier period are largely meaningless in the economic realities of the 2009/10 real estate market and overall regional economy. Updating them to reflect today's realities is necessary so that measures of effectiveness can be evaluated against realistic expectations, current and projected needs and demands, and available fiscal resources

The discussion to follow starts with each specific goal from the December 2006 document and offers suggestions to create a more up-to-date context.

Goal 1: Moving the in-community workforce from 56% homeownership in 2000 to 70% at an unspecified time.

This goal is readily quantifiable. And we have observed that many communities have similar goals. But none measure the accomplishment of that goal. It should further be pointed out that while this may be a desirable goal, it neither focuses on the intended beneficiary of the funds generated by the affordable housing initiatives nor does it speak directly to the issue of housing affordability. For example, this goal could be attained by an influx of in-community workers for whom affordable housing is not an issue.

A possible alternative to this ill-defined goal would be a goal of meeting the housing needs of the permanent workforce with incomes equal to or less than 120% AMI. This goal, which is focused directly on the actual marketplace demand for affordable housing, could be measured by a survey of business owners who help assess if affordable housing is causing employee recruitment or retention problems, e.g., are teachers leaving their jobs because of the cost of housing, or is the hospital dealing with unusual turnover due to housing costs?

Goal 2: Maintain the existing relationship of 36% of the housing stock being vacation/ rental, 40% owner occupied, and 24% full time rental.

This goal is easily measured, but it is not specifically targeted towards the intended beneficiary of the low to moderate income workforce. Specifically, the category of "owner occupied" does not provide distinctions between distributions of income-levels that could assist the community in realizing its affordable housing goals.

This goal, moreover, has no direct link to any aspect of the community's affordable housing goals, no matter how one quantifies it, and provides no guidance for policy development or implementation.

One way to update this goal would be to match the availability of rental and ownership subsidies to some community agreed upon distribution of the housing stock. This way the community can measure the result of resource allocations against other goals the community values, such as the housing stock distribution.

Goal 3: Maintain the distributions of housing units at approximate historical ratios. It further states that the percentage of units in the less than 120% AMI should increase.

It should be pointed out that if this goal (increase the percentage of housing for less than 120% AMI) is realized, the net result will be that the economic vitality of the community will be decreased, as it will drive DOWN the average homeowner income.

We believe the intended result and possible revision of this goal would be to maintain the existing economic diversity of the community, with the availability of affordable housing designed to match existing demand.

A better way to measure this goal would be to match it against overall development activities in Steamboat Springs. For example, ratios could be established to measure different cost and income levels of housing development, so that development does not skew excessively to higher or lower income levels.

RESEARCH FINDINGS

The Committee engaged in two research approaches.

The Committee examined, as a group and individually, a wide range of published data and literature on affordable housing related to communities similar in size and characteristics to Steamboat Springs. Second, the Committee engaged experts and/or responsible program authorities from several mountain communities in the state to meet telephonically with the Committee and provide relevant materials and information about programs in their areas.

Notes from our meetings and other significant materials are attached in the Appendix section of this report.

In summary, the Committee identified a number of findings relevant to its review.

1. Other communities have much higher specificity in where funds are targeted.

Both Aspen and Breckenridge use funds from a Real Estate Transfer Tax as the primary funding source for their affordable housing programs. In both communities, the focus with these funds has been to acquire land, build infrastructure and build dwelling units.

2. Some communities specifically exclude certain income levels from their programs; e.g. <60% AMI.

Both Aspen and Breckenridge use income as the key method for determining if an individual/family qualifies for the affordable housing programs that are available. The intent of the affordable housing programs in both communities has been targeted to workforce housing with the hope that a full-time worker will be able to afford at least a small apartment in the area where he or she finds employment.

Programs in Aspen or Breckenridge offer only limited services to individuals living in relative poverty, which is usually defined as households earning less than 60% of AMI.

For those that do meet the income requirements for the affordable housing programs there is also a requirement that the primary wage earner in the household work within the city/county. This has become a troublesome provision with the growth of remote workers and location neutral businesses. There is a recognition that these situations exist but no effort has been made to formulate policy as it relates to affordable housing.

3. Many rely on one-time studies done three or more years ago.

Aspen and Breckenridge rely on housing need studies that are done periodically. The studies are a mix of primary and secondary data. Studies have not been updated for at least 3 to 4 years. Both communities do not have or use standardized methods of reporting. Neither community has a routine schedule when these studies are to be updated.

The studies are done by advocacy groups and by their own admission may not be entirely objective. The complexity of the studies and the reliance on primary data, i.e., community surveys, likely precludes them from being updated routinely.

Both communities rely on significant amounts of anecdotal information and assume the magnitude of the need. The underlying assumptions in the studies are not aggressively confirmed with readily available secondary data sources.

4. No silver bullet was found in the Committee's research than can be readily grafted onto the specific community needs or goals of Steamboat Springs.

The two communities studied have long established affordable housing programs that focus primarily on creating a bricks and mortar inventory. This focus is because of a dedicated and reasonably "reliable" pre-TABOR funding source. This makes both of these communities very different than Steamboat Springs. Accountability and efficient use of funds did not appear to be significant components of the affordable housing program in either of these two communities.

In fact, the funds have been used to buy inventory that will, through rent controls or deed restrictions, be kept in the inventory over a long term. Repeatedly in the discussions with Aspen and Breckenridge, the number of dwelling units was discussed. The focus of their efforts going forward is to either build and/or secure more dwelling units, even though there appeared to be no ongoing assessment of marketplace demand.

Despite there being no single, comprehensive, model, with appropriate standards and measures, that could be applied to Steamboat Springs, there are lessons to be learned from practices in other communities. The focus on assisting a permanent lower to middle income workforce over other categories of need is one. Another is having a process of continuous independent data collection that could assist policy development and community education. A third is tackling the question of impacts that are regional and not limited by geographic or political boundaries.

RECOMMENDATIONS

Recommendation 1: The affordable housing initiatives must be focused specifically on the intended beneficiary.

The committee offers this recommendation because it believes it will result in a policy and program focus that is directed toward those in our community that are most in need. It will also provide for far greater flexibility and choice for beneficiaries and the market place to most efficiently match needs and resources. Moreover, if managed appropriately, this approach will allow an increase in the leveraging of available funds, as compared to investments in bricks and mortar solutions.

Lastly, this approach to affordable housing will allow an ability to create standards of program success that can be continuously measured by policymakers and the community.

Recommendation 2: The affordable housing program must define very specific upper and lower income limits for the intended beneficiaries.

This recommendation is driven by a number of realities. One is that resources are finite and the need to target around resources and identified need is essential. This approach will also allow policymakers to measure numbers of beneficiaries served by the program, as well as how resources are being applied to existing demand. Including means testing will also minimize the potential for the misuse of funds. Lastly, as we learned from other affordable housing programs, it is important that the range of incomes and means should be viewed and defined to address both rental and ownership, so that a range of housing options can be served.

Recommendation 3: Develop a survey that could be conducted of local employers on an annual basis that provides information of both job and wage outlook.

This recommendation is designed to enable policy makers to be proactive in identifying affordable housing demand, in particular as it applies to the lower to middle income permanent workforce. It also enables a judgment to be made as to how fully a targeted group is being served by the allocation of affordable housing resources.

This survey must be developed by an objective group and be repeatable annually, for at least the first five years of the program's existence and then reevaluated from that point on.

Recommendation 4: Utilize existing data to identify, on an ongoing basis, the workforce home ownership parity ratio as shown in Attachment A.

This recommendation is focused on assisting policymakers in understanding what percentage of homes are owned by specific age groups. While not income-based, age-related data does correlate highly with income and assets.

For example, if 25-44 year old citizens represent 30% of the adult population and they own 24% of the available housing stock, the home ownership parity ratio would be .8 (this is part of the livability index and is included in Attachment A). As this ratio increases, it may indicate a decreased demand for affordable housing. Conversely, a decrease in the ratio may signal increased demand. This is a data point worth monitoring.

Along with this, we recommend that the Council also monitor the relative rate of change between median income and the median sales price of homes. In the event this gap increases it may indicate a growing need for assistance.

Recommendation 5: Develop a semi-annual report that includes the total inventory of homes on the market in the target price range, the number of qualified applicants, the number of new and removed applicants in the previous quarter, and the number of applicants that received a subsidy. This should include both down payment assistance as well as rental subsidies.

This recommendation is consistent with the committee's fully held view that policy implementation must be linked to relevant variables and up-to-date data, so that the success or failure of policy goals can be measured and policy implementation can be adjusted as necessary. Data reflective of the above variables will also assist policymakers in measuring fully the actual demand for program services, as opposed to often used and undefined notions of need.

Recommendation 6: Develop a targeted income ratio that distinguishes between rental and ownership assistance.

The Committee believes that affordable housing goals must recognize that workforce incomes will span a range that would require a policy that provides both rental and ownership assistance. For example, with an income of 80% AMI, a rental subsidy of "x" would exist. As the AMI reaches 120% the rental subsidy could decrease to .5x. But under an ownership circumstance, the 120% AMI would qualify for a far higher level of assistance than a rental beneficiary (see Attachment C).

Recommendation 7: The City Council along with County leadership needs to bridge artificial geographic boundaries that determine eligibility for affordable housing assistance.

The Committee believes strongly that the economic and social policy goals of an affordable housing program do not stop at the boundaries of the city of Steamboat Springs. The community needs to have a diverse permanent workforce, including those in the lower to middle income range. These citizens are an important part of the community's economic base, no matter whether they live in Routt County or within the city.

For example, if someone works in Steamboat Springs, but lives outside of the city, should they be deemed ineligible for housing assistance? Or if a person lives in Steamboat Springs, but works outside of the city, are they any less eligible? We believe that the big picture is all about the vitality of the region. And we urge policymakers and members of the community to consider this perspective in shaping policy.

As part of this review of city and regional distinctions, we also recommend that our governing institutions consider whether it is cost-effective to continue having a city run program apart from the Yampa Valley Housing Authority. With our suggested program focus on intended beneficiaries, the duplication of overhead and the costs of management impacts significantly the amount of resources that can be targeted directly to housing assistance. A process similar to that operated by the Education Fund Board, which allows revenues collected by the city to be shared within the county and provides for reporting and oversight, could serve as a model for the regional effort we suggest.

CONCLUSION

Steamboat Springs has a long history of a commitment to provide affordable housing to its citizens. The community, in our view, has been motivated by a desire to support policies that are smart (economic diversity) as well as right (compassionate and fair). But that commitment has not always translated into the most effective outcomes.

The goals of this committee have been two-fold. One is to introduce a range of policy initiatives where standards related to policy goals can be established, and the results can be evaluated and measured. The second goal is to initiate a conversation among policymakers and in the community around a number of different and creative ways to achieve affordable housing goals, now and in the future.

The committee was motivated to pursue these goals by our direction from the City Council to identify ways to measure existing affordable housing policy, and by our conclusion that current policy could not be effectively measured and evaluated. We believe that city resources should not continue to be devoted to approaches that are uncertain and guided by anecdotal information. Our economic future will be better in the long term if we think better about it in the near term. As we stated in the outset of this report, metrics that can be monitored, measured, evaluated and updated on a regular basis are essential.

SUPPLEMENTAL VIEWS

Doug Labor:

Through my years working as a real estate broker, I have become involved in the personal lives of many full time residents in mountain resort communities. I have sat beside them and counseled them; working through the challenges they faced when trying to fulfill their dream of home ownership. These are good, decent people, many of whom I have seen through their perseverance to live in the mountains, and who have made valuable contributions and become precious assets to the community.

Steamboat Springs is one of the most beautiful and genuine communities in the United States, increasing the demand from those who want to live here. This demand has also increased prices for those who desire to own a primary, second, investment or retirement home. The lands surrounding Steamboat Springs can provide a means to meet that supply, but rampant development is looked upon as a deterrent to the very reason that makes Steamboat so special in the first place. If the free market cannot meet those needs, then there needs to be some form of control to delicately balance the demand and supply without Steamboat Springs losing its character and charm. Further government intervention, by means of an affordable housing policy, is one way to accomplish that.

When developing policy to create affordable housing, I would ask the policy makers to keep the following in mind:

- 1) Intervene only if the free market is not capable of meeting specific demands of the beneficiary or stakeholder;
- 2) Know there are negative consequences every time a surcharge is placed on a property or project to compensate for an affordable housing program. It only passes that burden onto another homeowner;
- 3) Don't make a rush to judgment based upon current conditions. Look at the long term, for markets go up and down;
- 4) Provide ownership opportunities of properties consistent to lifestyles similar to those of the beneficiary. Primary residents do not want to live in the same complex or neighborhood as second home owners or renters;
- 5) Respect and honor the opinions of the beneficiaries.

Scott L. Ford

Workforce housing needs to be viewed as critical community economic infrastructure. In addition, the definition and understanding of workforce needs to be expanded beyond those individuals that are working for major employers in the community.

At best estimate, there are approximately 2,700 full-time business enterprises in Routt County. This is based on data from the IRS Master File and Dunn & Bradstreet reports. The highest concentrations of these enterprises are in the immediate Steamboat Springs area. Of these 2,700 enterprises, 80% have five or few employees and of this 80%, over half have no employees. These solo business enterprises are either sole proprietorships or single member LLCs.

The ratios mentioned above simply highlight the strong entrepreneurial nature of the area. The entrepreneurial nature of the community is one of the community's underlying economic strengths. Over the past 10 years, entrepreneurial enterprise growth has helped contribute to local economic diversification in both sources of employment and income.

Affordable/attainable housing is as important to the small business owner as it is to employees of the hospital, school district, etc. Affordable Housing policies that are developed need to focus beyond just the major employers and recognize the local entrepreneurial nature of the community. A large segment of the workforce either is "one-man bands" or work for businesses that have fewer than 5 employees.

Roger Good:

As has been said a number of times, we can only manage what we measure. As the economy varies, the funds collected via any means must be managed very closely with specific goals and objectives. It is my belief that the recommendations in this report once fully articulated and embraced will allow for the efficacy of the affordable housing initiatives to be measured, understood, and adjusted to ensure the intended beneficiaries are truly the ones we serve.

Chuck Williamson:

I would very much like to see an approach to solving this problem (if it truly is a problem, which I think is debatable) that acknowledges the fact that throwing tax and fee revenue at it is not the only way to move the needle. An increase in the area median income can balance the equation also. In other words, affordability is, in part, a function of what employers are willing to pay. Housing prices are a function of supply and demand: Always have been, always will be. Whether or not people can afford the price set by supply and demand is a function of what employers pay. If you accept the proposition that affordable housing is really a workforce issue, then the problem should fall on the shoulders of employers who want to do business in the community. Subsidizing housing with public funds really only enables employers to artificially keep wages below what the "true" market is. We should be looking at a method that can perhaps shift the thinking from publicly funded subsidies to employer pay rates. With that thinking in mind, perhaps taking a look at a ratio of the rate at which median income is growing to the rate at which median home price is rising could give us a view into whether or not opportunity exists there. A value of more than 1 would indicate that employers are shouldering more of the responsibility for the "problem" (as it should be in my opinion), while a value of less than 1 would indicate that the general public is likely picking up the tab through allocation of tax and fee revenues in the form of subsidies (where we are now, I think). The question in my mind is how to use such a measure to change current employer behavior? Current employer behavior seems to suggest an expectation on their part

that the public should be helping them attract talent by subsidizing the below-market-rate wages they are paying. If the subsidies are out there, employers have no incentive to start paying market rate wages. How do you wean employers off the publicly-funded housing dole so that if employers want to attract good human resources they do so by paying the wage that allows those talented people to actually live here? Could one possible answer be to stop using public funds to subsidize employers that aren't willing to shoulder a responsibility that is really theirs?

Rich Lowe

There is an ancient Chinese Proverb that says “Wisdom begins by calling things by their right name.” In short, our Citizens Committee have come to the conclusion that rather than trying to provide affordable housing, The City of Steamboat Springs should be focused on how to most effectively and efficiently provide housing assistance.

BBC Research and Consulting released the Routt County Housing Needs Assessment in October of 2009. This study along with the Yampa Valley Housing Authority commissioned report done by the RCL Company, released in September of 2008, both discuss various gaps in affordable housing availability in Routt County and Steamboat Springs. While these studies clearly identify preferences by potential buyers, they also discuss “where the market is most out of balance.” Like trying to manage and control the weather, trying to get the market to conform to some pre-described market balance doesn’t make sense to.

What does make sense is to focus on providing affordable housing support that would provide funding assistance to specific individuals or families who are eligible and qualify. This would shift from trying to build and manage various “bricks and mortar” programs to focusing money to individual beneficiaries while tapping into properties available in the open market.

Finally, along with measuring AMI, other key indicators such as percentage of homes owned by various age categories, population growth or decline by various age categories, and specifically, the 25-44 year old age group should be measured and reported on annually. This key age group is the one that fills many of the jobs being created or replaced as people move on or out of Routt County and The City of Steamboat Springs.

COMMITTEE PROCESS

The Committee used a process where significant amounts of work were done outside of regular meetings.

Each member read and reviewed a number of documents, including but not limited to; YVHA 2009 Strategic Plan, YVHA 2009 Annual Report, YHVA IGA, YVHA Needs Assessment, 2006 2007 YVHA Financial statements, Various Steamboat Springs Ordinances and Plans, Steamboat Springs 2006 Housing Plan, Breckenridge Housing Plan documents, Maine's Affordable Housing data etc. In addition, presentations were given by both YVHA and the Steamboat Springs affordable housing representative,

The Committee met a total of four times (minutes included).

The final meeting particularly focused on what were the consensus views of the committee members and how those views should be brought forward as a policy statement. A subcommittee consisting of committee chair Roger Good and members Mark Scully, Scott Ford and Steve Hofman was formed by the committee and directed to draft the committee's public statement and circulate draft documents for review. This product is the outcome of that process.

COMMITTEE MEMBERS

Mark Andersen: Mark Andersen moved to Steamboat Springs in 1993 and is currently the Executive Director of the Yampa Valley Community Foundation and serves as president of the Education Fund Board. He has over 15 years of experience in nonprofit administration, fundraising, program management, and public relations. Mark has helped lead multiple granting organizations through a transition from service-based to an outcome-based funding philosophy.

Scott L. Ford: Scott Ford has been involved in economic development efforts in the Yampa Valley for the past 16 years. He is skilled at being able to locate secondary data sources and providing the underlying analysis to make the data have local application. He has been involved with a number of projects including the Yampa Valley Partners Community Indicators to the Routt Livability Index.

Scott Myller: Scott is the YVHA City of Steamboat Springs City Council representative. He has lived in Steamboat for 13 years and came from the Minneapolis, MN area. Scott is a registered Architect and is a principal in the firm West Elevation Architects. The firm has enjoyed a successful existence creating a locally inspired modern design aesthetic. Affordable housing is an interest of Scott's as it is a primary issue for resort communities. He designed, developed, and still resides in the Butcherknife Creek Co-Housing Group. That project provided 10 market rate affordable homes for 10 local families utilizing a small, difficult lot in the downtown area of Steamboat Springs. Scott's political career began with the City of Steamboat's Planning Commission where he served for 6 years prior to being elected to the City Council in 2007. Scott is married to Ellyn and has three children: Sophie, 15, Lesley, 13, and Peter, 11. He enjoys racing and training for Nordic Skiing and Mountain Biking.

Roger Good: Roger retired from a 33 year career in the computer industry during which he held executive positions ranging from software development, Asia Pacific Latin America service and Worldwide Customer Satisfaction. He has lived in Steamboat Springs since 2002 and is currently an active member of SCORE, Routt County EDC, Education Fund Board as well as the initial product manager for the Routt County Livability Index.

Chuck Williamson: Chuck has lived in Steamboat Springs for 21 years, having come from the Chicago suburbs. Chuck has been employed locally in a variety of accounting and finance positions including Asst. Controller for Sportstalker/Christy Sports, Terry Sports controller, public accounting with Wither & Associates, and most recently as Director of Revenue Accounting for Steamboat Ski & Resort Corporation. Chuck's experience with local businesses has given him a direct, up close view into the impacts of affordable housing issues on hiring and maintaining a large seasonal and year round workforce through a number of economic cycles.

Rich Lowe: Rich retired from International Paper Company where he held a variety of positions including President and CEO of xpedx, A Division of International Paper. Rich was responsible for all facets of xpedx which encompassed over \$8 Billion in revenue, 8,000 employees in the U.S., Mexico, and Canada. Rich has lived in Steamboat full time for two years and is a SCORE volunteer, a member of the Steamboat Springs Economic Development Council, a member of the Old Town Hot Springs Board of Directors, and Secretary/Treasurer of the Yampa Valley Housing Authority Board of Directors.

Mark Scully: Mark Scully is Principal of Scully Partners, LLC. A long time visitor to Steamboat, Mark has relocated his family and made Steamboat his new home town. Mark leads the day to day sales, leasing, development and acquisitions for Green Courte Partners, LLC in Boulder, Fort Collins, Steamboat and Denver. He was most recently with The Blackstone Group and Equity Office Properties Trust. During his 24 year career he has overseen office/retail development projects in Ballston, VA, Tysons Corner, VA, Washington, D.C., Atlanta, GA, San Francisco, CA, and Walnut Creek, CA.

Doug Labor: For the past 27 years, Doug has held executive level positions and consulting assignments in the areas of resort real estate sales, marketing, development, master and strategic planning and operations management for some of the largest resort communities in the US. He is the owner of Buyer's Resource Real Estate and Resort Realty & Consulting, Inc. Doug and his family of five have lived in Steamboat Springs since 1997.

Steve Hofman: has resided in Steamboat Springs full-time for more than two years. He has served as a community representative on the editorial board of the Pilot. He is a former Assistant Secretary of Labor of the United States, and served as Director of Research and Policy for the Republican leadership in the US House of Representatives. He is member of the Council on Foreign Relations and a former Guest Scholar at the Brookings Institution. He has developed national policy initiatives in tax policy, labor policy, health policy, and housing policy, among others. He currently has a practice in which he advises the CEOs of a number of major companies on the business strategies, including the Washington Post, Walker Digital, and Barclays Global Investors.

Staff: Jon Roberts, Lauren Mooney

APPENDIX

a. Meeting Minutes

Meeting Notes from September 10

Affordable Housing Measurement Team Meeting

In attendance: Jack Troutman, Mark Anderson, Scott Ford, Scott Myller, Roger Good, Chuck Williamson, Rich Lowe, Mark Scully

Absent: PJ Wharton, Doug Labor, Steve Hofman

Staff: Jon Roberts, Lauren Mooney

Jon Roberts presented a brief overview. He noted that there was consensus on the need to address affordable housing among the City Council and within the community. The second reading of the Affordable Housing Initiative will go before City Council on September 15, 2009. The timing is good to determine goals, objective and measurements for the money received from this initiative.

Roger Good thanked the group for participating. Jack Trautman will facilitate the meetings.

Jack went over Facilitation Roles:

- Manage Time – start and end on time
- Manage Conversation – focus on single conversation i.e. no side conversations
- Manage Decisions – live with decisions made in the meeting (for those not in attendance). The decisions can be revisited with new data **at** a meeting. Final decisions will be made by consensus. Other suggestion: Re-frame the decisions so all are on same page.
- Manage Devices – turn off cell phones
- Other –
 - Agree to Disband when job done.
 - Responsibility to do homework – come prepared
 - These will not be public meetings – there is a need to stay on task
 - Roger will be the spokesperson if the press calls
 -

Roger noted the editorial in the Pilot regarding “Hows of Housing”

http://www.steamboatpilot.com/news/2009/aug/30/our_view_hows_housing/

The Team is tasked with proposing a way to measure the success of the ordinance. There was consensus that the **scope** be limited to measurement. The **goal** is to accomplish this in 4-5 meetings. The second meeting will focus on hearing presentations from Nancy Engelken and Mary Alice Page. The third

meeting will hear from representatives from Breckenridge and Aspen (tentative) on their initiatives. The fourth meeting will discuss measurement options. The fifth meeting will be the wrap-up.

Does the chosen measurement formula need to be re-visited annually or should the goal be to create a measurement that can stand the test of time/economic ups and downs?

Housing Analysis:

How to spend the \$

Where does it go?

There is a fine line between policy and measurement

The ordinance assumes ownership vs. rental

Direction needed – by what year do you want ___# of units?

What is “affordable”?

Discussion took place regarding what the group wanted to hear from the presentations:

- Present an overview of your organization and to find out what you would like to see the Affordable Housing Initiative accomplish.
- A copy of your current Mission and/or Charter other relevant documents that define your goals.
- At a minimum they would like to see the following included in your presentation:
- What are the goals of your organization and why have you chosen them?
- What are your "bragging" rights to date? I.e. what's working and what's not working, or what are lessons learned that you would do differently in the future?
- A 2019 Vision - If you were given 100% of the proceeds from the current Fee in Lieu ordinance, how would your organization report its success in 2019?
- How do you currently measure success? What metrics do you rely on?
- What statistics or process do you use to manage your organization now?
- Please note your presentation should be limited to no more than 20 minutes total, and expect an additional 10 minutes for Q&A for a total of 30 minutes maximum.
- The team also requests that the presentation you plan to give be sent to them by end of day Tuesday Sept. 15th so that they can read it prior to Thursday.

Rich Lowe will email the **draft** 2009 Routt County Housing Needs Assessment.

Homework: read what you can to be most productive at the meetings.

September 24 Agenda:

Aspen and Breckenridge (tentative) they will be invited and will either attend in person or via conference call.

Meeting Notes from September 24

Affordable Housing Measurement Team Meeting

In attendance: Mark Anderson, Roger Good, Chuck Williamson, Rich Lowe, Mark Scully, Doug Labor, Steve Hofman, Scott Ford, Scott Myller

Absent: PJ Wharton, Jack Troutman

Guests via conference call: Cindy Christensen, Aspen, and Laurie Best, Breckenridge

Staff: Lauren Mooney

Conference call with Cindy Christensen, Aspen

Their mission/purpose is to assure existence of desirable housing for employees of Pitkin County. They use the *lottery* to keep track of how many people bid per unit. No database per say, but they keep track of the demand.

There are currently 2800 units: 1500 are ownership units and the rest are rentals. The demand exceeds the supply. They are supported by a county-wide RET (extended to 2040), a 1% City sales tax, and impact fees. There is an IGA between the City and the County to subsidize the Housing Authority 50/50. They prefer that developers provide housing first, followed by employee housing or impact fees. They focused their dollars on land banking, so now are land rich but development poor.

Some of the guidelines in place include 8 categories where people in lower categories can go for higher categories but not the other way around. Their biggest need is in the 2, 3, and 4 bedroom units for ownership and rentals. No more than 30% of their income can go towards the loan. Employee housing is to be built within the Urban Growth Boundaries with a goal of 60% of employees living within the UGB. Approximately 25% of the employees lived within the UGB five years ago, and now it is around 35% - 40% (a rough estimate). Developers must mitigate 100%.

Cindy acknowledged that they have no information in regards to the total number of people served vs. the total number of money spent. Asset Management may know the answer to this. They do keep a record for each lottery of where people were living before and where they are living now. She doesn't feel the housing demand has slowed down; getting loans takes longer. They are trying for FHA loans which may help speed up the process. They do not have down payment assistance funds but do use Sec. 8, the rental assistance program. Some projects are rent controlled – not according to income but lower than market rate. They have a very restrictive deed restriction. There is a limit to the appreciation so it stays affordable, and they are constantly updating the guidelines/plans.

Discussion following the conference call focused on:

- Demand as the driver
- RET and the 1% city sales tax is a huge part of their funding
- Doesn't appear to be any measures, no accountability
- Very little demands on employer community

Conference call with Laurie Best, Breckenridge

Laurie is the only staff person working on affordable housing. Their annexation policy requires 80% of the units be deed restricted. They have 800 units online or soon to go online. The bulk of the units have come from annexations. A 2006 survey of employers showed that employees living in Breckenridge did not drop below 47%. Their goal is to have a large percentage of employees living in the town. They try to re-survey every 5 years. The next census will also help. Laurie acknowledged that the needs assessment is due for an update. The current economic situation makes having accurate data tricky but the trends seem to stay similar.

Their goal: Retaining community character and diversity of all income levels to maintain a middle class.

Deed restrictions used to be loose and are now more restrictive. They require a person to be working in the County with priority for those working in the Upper Blue Basin i.e. Breckenridge. The population in Breckenridge is around 3200 and the County approx. 25,000. There are County-wide policies for the Multi-jurisdictional Housing Authority. The Authority is a clearing house for sales activity for the deed restricted units. They also advise and/or counsel buyers.

Funding sources: 1/8% sales tax and an Impact Fee of \$2 per sq ft. Their RET funds capital projects. Laurie feels they should start land banking. The Breckenridge City Council is very committed to affordable housing. They transfer 1 million to 1 ½ million each year from the general fund to the housing fund. The annual town budget is 43 million.

Available units are divided 66% ownership and 33% rental (determined by a needs assessment). Less than 70% AMI becomes rentals. The reasons given for the strong commitment to affordable housing is that they don't want employees to commute and they had trouble in the past with recruiting and retaining employees. A very small number of rentals are not filled. There are approximately 10 resales for the 800 units right now; hence a strong demand still exists. The current concern is that many units are up to market rate and if those sell, they will no longer be affordable. The loss of some of their housing stock is also a concern.

Discussion following the conference call focused on:

- Measurements aren't being done – not the driving force
- There is some notion of demand when subsidies are great

Next Steps:

- Come up with measurement ideas/strategies

- What **aren't** we going to do?
- May need to take a hybrid approach – what have we done, who have we served and apply it to a measurement.
- What resources do we have in Steamboat Springs?
- Bureaucratic costs?
-

Scott noted that there is a lot of data – see handout. Metrics will help allocate resources smartly.

Goal: To conceptualize some measurement processes. What needs to be collected so measurements can be done?

Assumptions:

- get reliable data i.e. % of home ownership / rental (Roger has a list of suggestions)
- Workforce – should age be a factor in addition to AMI demographic?

Homework:

Come up with 1 or 2 ideas for formulas and email them around. Brainstorm online.

Future meetings:

October 8 2:00 – 4:00

October 15 meeting space and time reserved if needed

Meeting Notes from October 8

Affordable Housing Measurement Team Meeting

In attendance: Mark Anderson, Roger Good, Mark Scully, Doug Labor, Steve Hofman, Scott Ford, and Scott Myller

Staff: Lauren Mooney

Agenda ideas:

1. Conceptual Ideas
2. Presentation for Council

Create subgroups to work on this and forego a 5th mtg.

- It was suggested that the group might want to come up with a process vs. a formula. For example, do an employer survey of projected needs that should be revisited periodically. Survey questions would need to be the same year after year and not rely on old data/studies.
- Metrics could be driven by the results of the survey.
- What does the work force look like?
- After gathering more information, it may not be relevant to compare to other communities.
- Also, past data may not be relevant in today's economy. Several participants noted that market changes, work force needs, and evolving demands make for a significantly different environment going forward than would be reflected in the years leading up to 2008 and beyond. It was further noted that policy considerations and measures of policy effectiveness should attempt to reflect these evolving realities.
- Perhaps have City Council define what the policy/subsidy won't do.
- Create a business plan (strategic plan), or outline of one, for affordable housing

Steve H., Mark S, Jon and Roger will meet to formulate an outline for a strategic plan and will circulate to the group in one week. Next meeting will be in two weeks (October 22) to go over initial outline. It was further agreed that once an outline was circulated, task force members would provide their comments and suggestions so that the drafting group could provide a final outline to the task force, leading to the drafting of a draft report.

The group also discussed a strategy of the initial presentation of its report. For City Council meeting: A 15 minute presentation to articulate the mission, discuss the findings and offer recommendations, followed by Q & A. Further discussion of outreach was deferred to latter meetings.

Meeting Notes from October 22

Affordable Housing Measurement Team Meeting

In attendance: Mark Anderson, Roger Good, Doug Labor, Steve Hofman, Scott Ford, Chuck Williamson and Scott Myller

Staff: Jon Roberts and Lauren Mooney

Review of work product and corresponding discussions:

- Consensus to add Doug's additions to the Mission Statement
- An intro-narrative is needed at the top in "Goals of Affordable Housing" under Observation.
- Each goal should be updated on a regular basis and be organic not static.
- Under Goal #1 – Include a reference to the Community Housing Implementation doc for example "As specified in the Community Housing Implementation Plan (if that is the correct document), moving the in-community..."
- Income & asset restrictions
- Eligibility vs. benefit levels
- Keep focus on "intended beneficiary"
- In order to measure success, the goals should support each other.

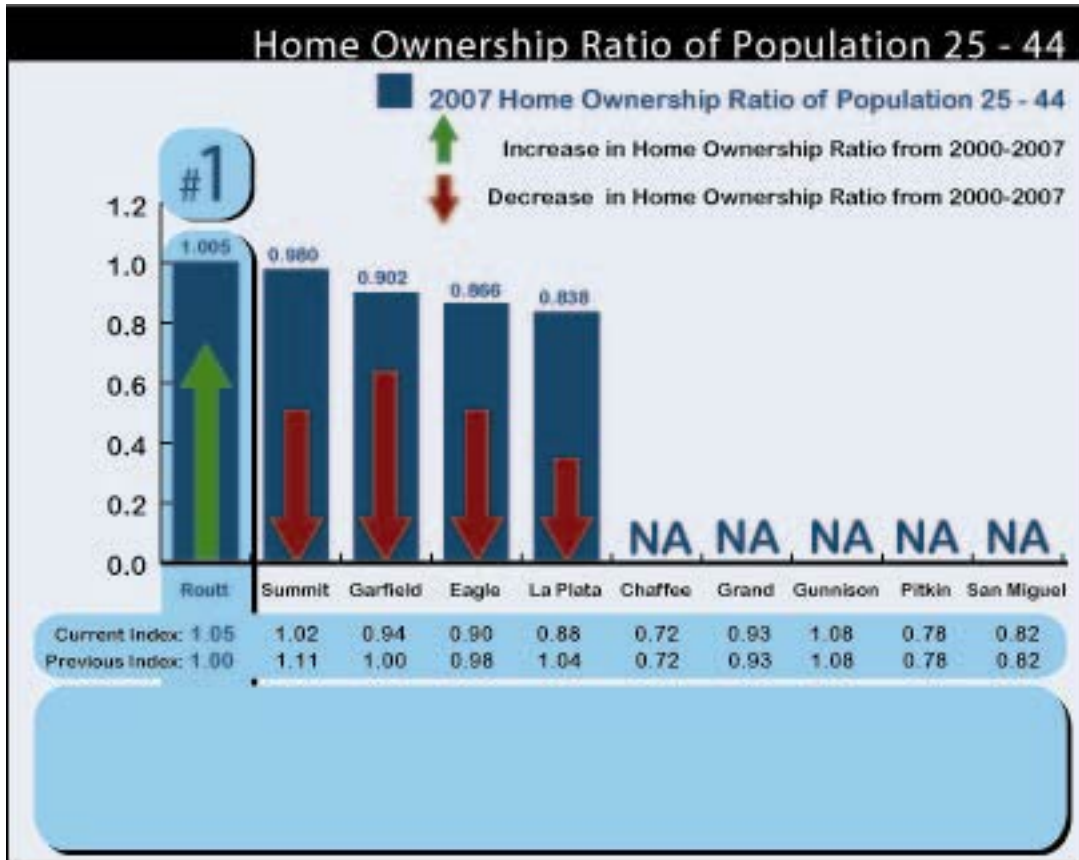
Roger will talk to PJ to get a financial point of view on something similar to fee in lieu vs. inclusionary zoning.

- Goal #2 – The question arose as to whether this goal was irrelevant to affordable housing (intended beneficiaries) or does it focus on intended beneficiaries? The original intent was diversity.
- Goal # 3 – may need to point out the potential for unintended consequences of this goal.

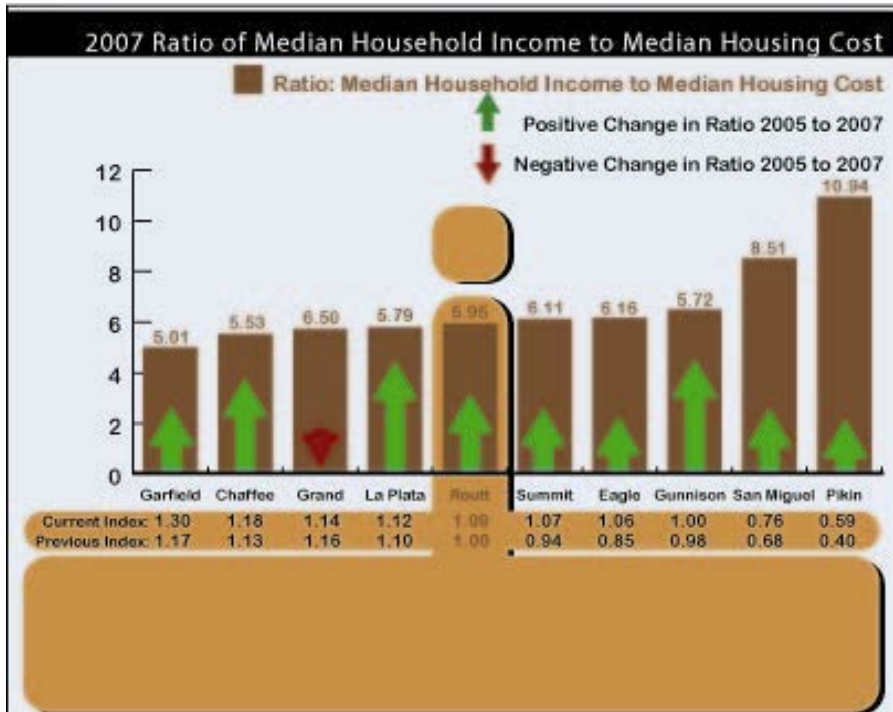
Homework:

- Submit suggestions for the narrative and send any suggested findings and/or recommendations to Roger. Make sure to offer specific wording.
- The definition of workforce needs to be clearly defined.

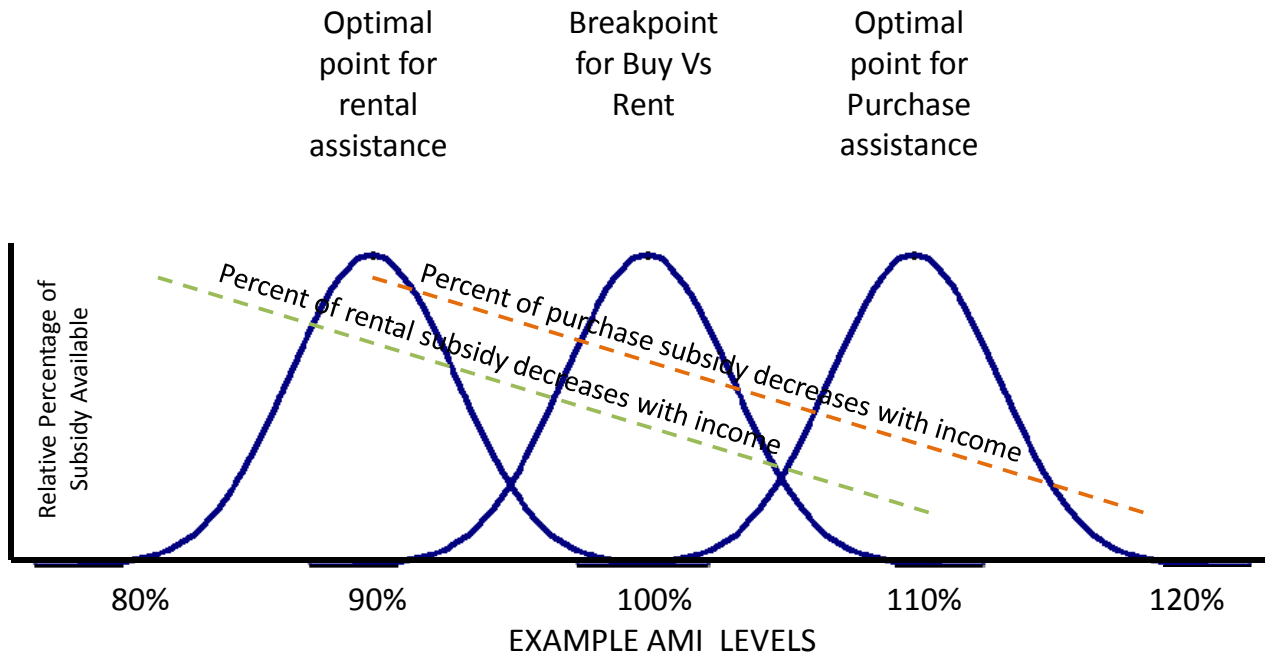
Future mtg: none scheduled



Attachment B



Example of Income vs. Subsidy Provided



Affordable Housing Measurement Committee

- TEAM MEMBERS
- Mark Andersen
- Scott Ford
- Roger Good
- Steve Hofman
- Doug Labor
- Rich Lowe
- Mark Scully
- Chuck Williamson
- CITY / STAFF
- Lauren Mooney
- Scott Myller
- Jon Roberts

Process

- Most work was done independently with substantial amounts of personal research and reading
 - Source documents provided by City and YVHA
- Total of four meetings
- Sub team charged with writing the final report

Key Observations

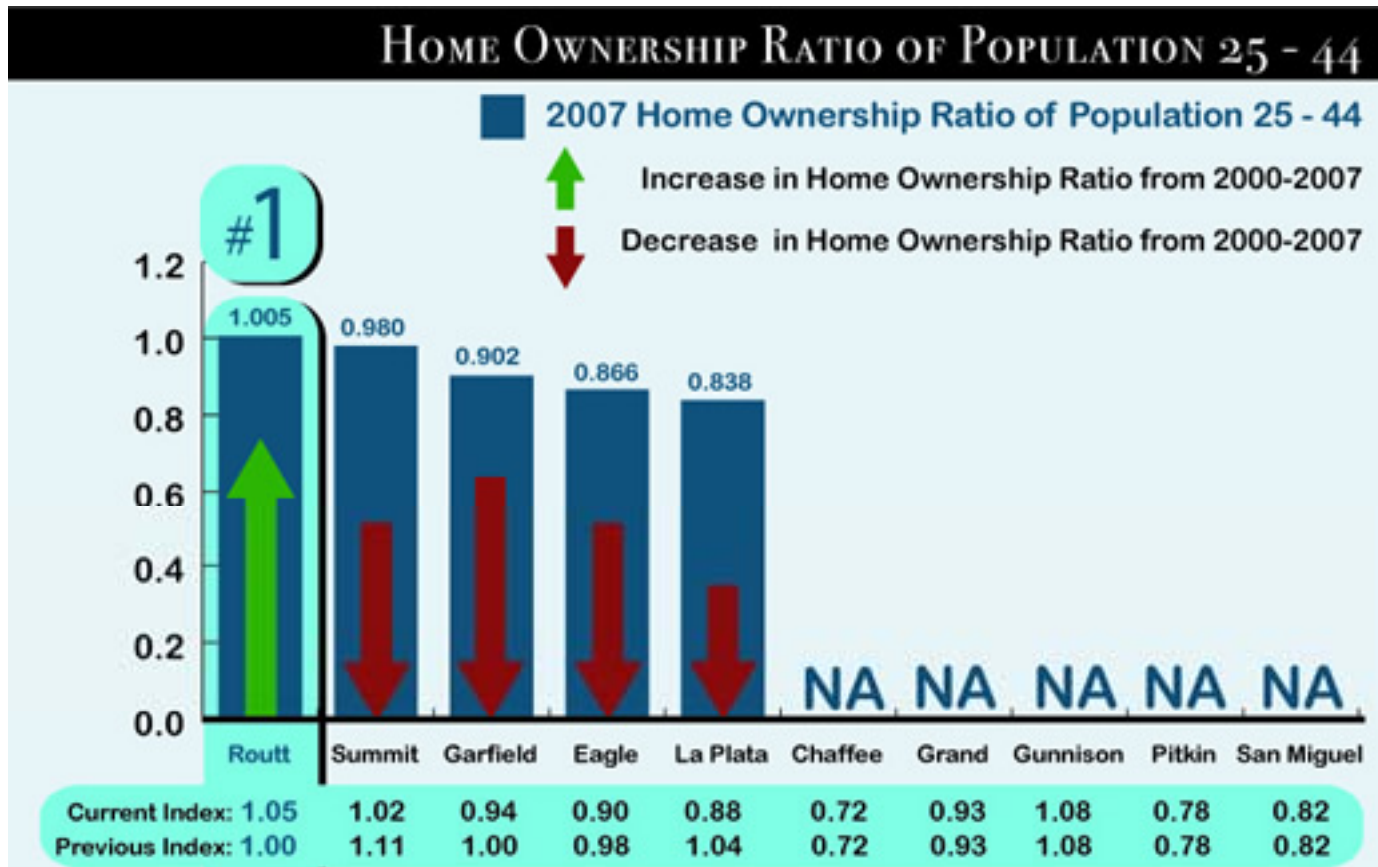
- Of the various communities researched, none measured the effectiveness of their programs
- No “SILVER BULLETS” exist
- Existing goals are either not measured, not measurable, or not aligned with stated outcomes
- Purpose for Affordable Housing initiatives is not clear

Recommendations

1. The affordable housing initiatives must be focused specifically on the intended beneficiary.
2. The affordable housing program must define very specific upper and lower income limits for the intended beneficiaries.
3. Develop a survey that could be conducted of local employers on an annual basis that provides information of both job and wage outlook.

Recommendations continued 1

- Utilize existing data to identify, on an ongoing basis, the workforce home ownership parity ratio as shown

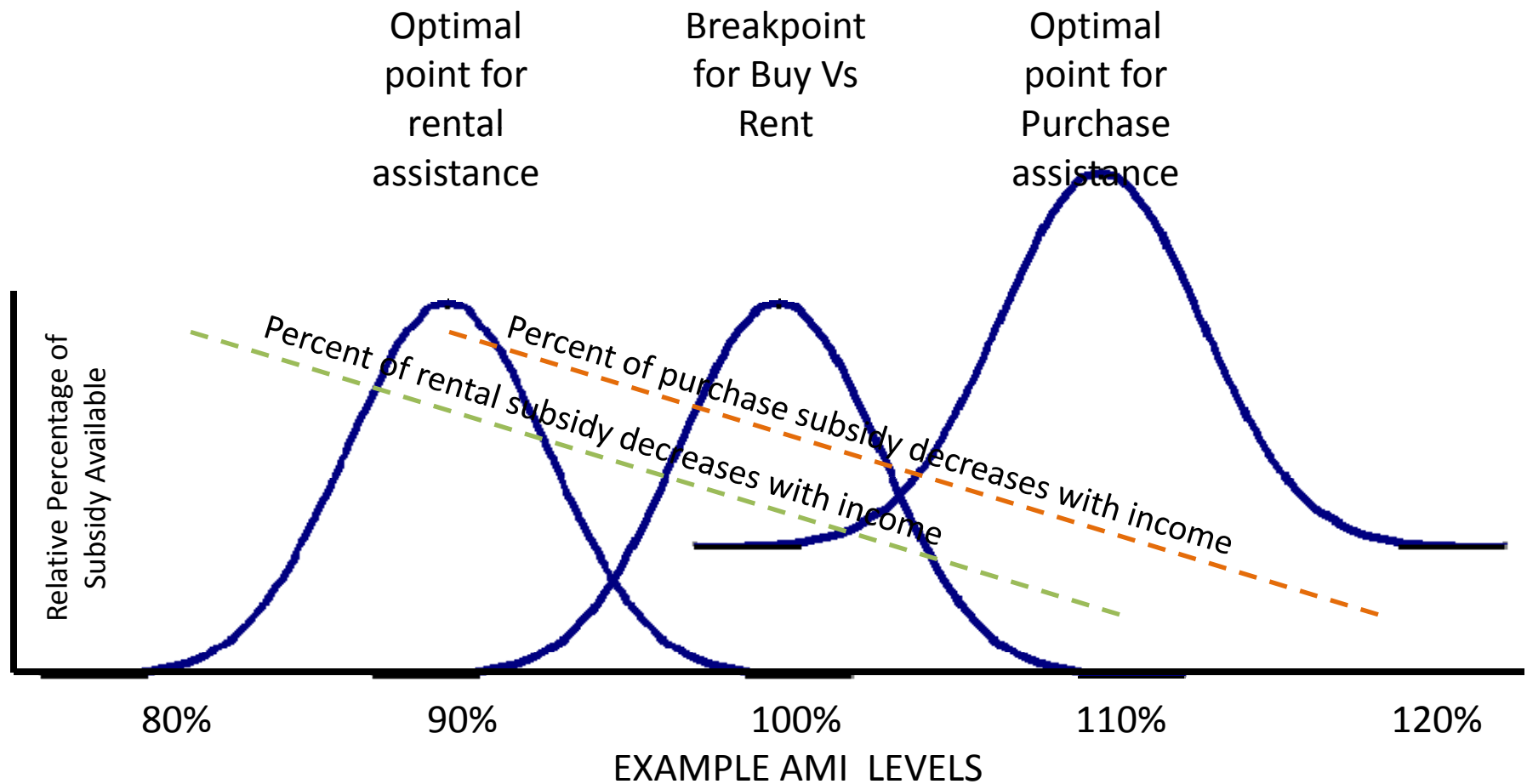


Recommendations continued 2

5. Develop a semi-annual report that includes the total inventory of homes on the market in the target price range, the number of qualified applicants, the number of new and removed applicants in the previous quarter, and the number of applicants that received a subsidy. This should include both down payment assistance as well as rental subsidies

Recommendations continued 3

6. Develop a targeted income ratio that distinguishes between rental and ownership assistance.



Recommendations continued 4

7. The Council along with County leadership needs to bridge artificial geographic boundaries that determine eligibility for affordable housing assistance.

Questions

AGENDA ITEM # 2

CITY COUNCIL COMMUNICATION FORM

FROM: Tom Leeson, Planning Director (Ext. 244)
Wendy DuBord, Deputy City Manager (Ext. 219)
Bob Litzau, Interim Finance Director (Ext. 239)
Bob Robichaud, Facilities Manager (Ext. 264)
Citizen Task Force Members Dean Vogelaar, Wade Gebhardt, Mike Forney

THROUGH: Jon Roberts, City Manager (Ext. 228)

DATE: January 19, 2010

ITEM: Future of Iron Horse (Leeson/DuBord/Robichaud)

NEXT STEP: **Council Direction on future regarding redevelopment**

DIRECTION
 INFORMATION

I. REQUEST OR ISSUE:

Staff seeks Council direction whether to move forward with interviews with two (2) affordable housing developers for the redevelopment of the Iron Horse. Previous Council direction established a Task Force to give recommendations on the future of the Iron Horse. This Task Force worked with staff (primarily Nancy Engelken) to issue a RFQ (Request for Qualifications) resulting in 9 respondents and RFP (Request For Proposal) resulting in only 2 respondents. Obviously, over the last year, there was significantly less interest in redevelopment opportunities as many of the qualified affordable housing developers dropped out of the process. We have presented other alternatives which we do not recommend at this time.

Moving to the next step to evaluate the two (2) proposals will require additional time and expense for the developers and Taskforce. Before we move forward with interviews and requests for additional information, we request Council direction to make sure you still wish to move forward with evaluation of redevelopment vs. waiting until the real estate and financing markets change, attempting to sell the facility, or mothballing the facility. The Task Force feels that the current economy, demand for housing and financing situation are disadvantages to redevelopment at this time.

II. RECOMMENDED ACTION/NEXT STEP:

Staff and the Task Force seek a Council motion for one of the following:

1. Postpone moving forward for at least 12 months, continue with the status quo management contract and release the proposers from further review. **Recommended by Task Force. We also recommend that the redevelopment should not be revisited until demand increases and the financing markets improve. The Task Force believes that redevelopment remains the ultimate goal; however, recent changes in the real estate market, financing markets and housing demand do not make redevelopment economically feasible at this time. We should review this position annually.**
2. Move forward with the interviews with the two (2) proposers- move forward with redevelopment ONLY with significant grant funds. (Not recommended at this time)
3. Attempt to sell the facility (Not recommended this option at this time)
4. Mothball the facility (Not recommended at this time)

Second Motion:

We also request a motion, based on the Task Force recommendation to use all or a portion of the \$1 million in the Iron Horse Fund for debt service payments over the next 3 years rather than making the debt payments from the General Fund (\$343K in 2010; \$389K in 2011; \$386K in 2012). Currently the \$1 million is held for improvements only and the Task Force recommends using this money to make payments as needed and perhaps use a portion as match for grants. Below is the evaluation of this recommendation from Interim Finance Director Debra Hinsvark:

....There are three approved uses of the remaining funds (\$1million):

- 1) We make more improvements to the Iron Horse, 2) we put the funds in the Principal and/or Interest accounts for debt service payments and 3) we use the funds on any other capital project of the City. There seems to be no time limit on these actions, so we could leave the money in the Project Fund until we needed it for any of the three above items, i.e. We could put money in the Principal and Interest accounts as debt service payments are needed. (we do not recommend using the \$1million for any other purpose than debt service payments or capital needs of the Iron Horse.

III. FISCAL IMPACTS:

Attached are several scenarios that give an estimate of the fiscal impacts.

- Scenario 1 (status quo)= Operate at a loss of \$250,000 to \$300,000/year (2010 debt service is \$343,000) – revised estimate of loss based on New West Inn revised proposal for nightly and long-term rentals.
- Scenario 2 (redevelop the property) = \$1,000,000 to \$7,000,000 (costs to City) depending on type of development and ownership option selected.*
- Scenario 3 (sell the property) =\$5,251,000 (require \$2.5 Million from reserves)
- Scenario 4 (mothball the property) = \$363,000 annual loss

*We would only consider Scenario 2 **ONLY** if significant grant funds (\$2 to \$4 million) can be leveraged. If we are successful in obtaining grant funds, the property would have a legal requirement for use as affordable housing for 30 years.

VI. BACKGROUND INFORMATION:

We believe most of Council is aware of the history behind the Iron Horse Inn. It was purchased in October 2007 for workforce housing. At that time, the City was renting housing for \$30,000/year for many employees, particularly bus drivers. For many years, we had a very difficult time hiring 20-25 winter bus drivers without providing housing. The Inn has operated under several scenarios since its purchase. During the winter/spring/summer of 2007/2008, the inn operated as a combination nightly rental and workforce housing with the previous manager, and staff. At that time, the facility was close to breaking even. Since the fall of 2008 the Inn has lost money.

After an RFP process in 2008, the City entered into a contract with Resort Group to "master lease" most of the building for workforce housing beginning Nov. 2008. Resort Group terminated that agreement in Jan. 2009 and the facility has experienced very low occupancy since then. Starting Dec. 2009, the facility was leased and operated by New West Inns as a combination long-term workforce housing and nightly rental hotel. This contract estimates a \$200,000 to \$300,000 loss to the City after debt service.

For example: in 2008, our contract with Resort Group guaranteed monthly rentals of 37 units (70% occupancy) between \$750 and \$900 and the City was renting 10-15 units at \$700/month. Under those conditions, we would nearly break even. Currently the market is more like \$600 with a **target** of 60% - 70% occupancy or approximately a \$275,000 - \$300,000 loss. In 2007/2009, the City also had long-term leases with the Sheraton Hotel and Hospital for their employee housing. That is why we did not issue tax-exempt bonds for financing.

The Task Force members include Council Member Meg Bentley, Council President Cari Hermacinski (replacing Loui); Interim Finance Director Bob Litzau; Housing Coordinator Nancy Engelken; Facilities Manager Bob Robichaud and citizen volunteers Dean Vogelaar; Wade Gebhardt; and Mike Forney. This group has spent nearly nearly 1 ½ years on this process.

We are currently in discussion with New West Inns to review the current lease agreement which is not performing as they expected. We hope to come up with an acceptable arrangement. Ultimately, we believe there will be an increased loss to the City from operations of the Inn. (approximately \$250,000 to \$300,000)

V. LEGAL ISSUES:

Any contracts must be reviewed and approved by the legal department. Until we have a contract with a developer, information in the proposals is confidential. Before any contract is executed with a developer, City Council must give formal approval. There are many legal provisions associated with the financing. Bob Litzau can answer questions regarding the requirements of the financing.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

The main conflict is the significant loss to the City's General Fund for ownership and operations. Iron Horse Inn, operating a nightly rental "hotel" competes with other local hotels in the area (i.e. Alpiner, Rabbit Ears, Western Lodge, etc.) Council has received complaints about a publicly owned facility competing with local lodges.

VII. SUMMARY AND ALTERNATIVES:

Staff has presented several alternatives/scenarios;

1. Scenario 1: Status quo operations= loss of \$200,000 to \$300,000 (this continues for the next 3 years regardless of redevelopment) We will re-evaluate redevelopment in 12 months if and when the economy and financing markets improve.
2. Scenario 2: Conduct interviews with two (2) development companies to select the "best" redevelopment proposal. This will probably take 2-6 months of meetings and negotiations and grant writing. Not recommended
3. Scenario 3: Attempt to sell the facility adhering to all the legal requirements of the financing obligations (i.e. escrow bond payments, etc.) Not recommended
4. Scenario 4: Mothball the facility until the rental market recovers. Not recommended

If Council Members have any questions, please do not hesitate to contact Wendy DuBord at ext. 219, Tom Leeson at ext. 244, Bob Litzau at ext. 239 or Bob Robichaud at ext. 264.

Cc: Tony Lettunich, City Attorney
Dan Foote, Asst. City Attorney
Anne Small, Purchasing/Contracting Manager

Iron Horse- Scenario No. 1
Operations as Nightly Rental / Monthly Rental/ Workforce Housing

	Lease Payment	Profit Share	Rental Revenue	Operating & Maint.	Staffing	Debt Service (2010, 2011, 2012 Avg.)	Annual Profit / (Loss)
Status Quo Lease facility to Management Company for operation as Nightly Rental / Workforce Housing (Average Daily Rent \$75.00) (60% Occupancy)	\$162,000 0 \$135,000	\$23,000	\$0	\$0	\$0	(\$372,000)	(\$187,000)) (\$214,000))
Revised @ 18% Gross Lease facility to Management Company for operation as Nightly Rental / Workforce Housing (Average Daily Rent \$75.00) (60% Occupancy)	\$55,000	\$0	\$0	\$0	\$0	(\$372,000)	(\$317,000))
Alternative 1A - Workforce Management of the facility by the City for operation as Monthly Rental / Workforce Housing (Monthly Rent \$600.00) (70% Occupancy)	\$0	\$0	\$260,000	(\$170,000)	(\$15,000)	(\$372,000)	(\$297,000))
Alternative 1B - Workforce Management of the facility by the City for operation as Monthly Rental / Workforce Housing (Monthly Rent \$600.00) (60% Occupancy)	\$0	\$0	\$225,000	(\$170,000)	(\$15,000)	(\$372,000)	(\$332,000))

Iron Horse – Scenario No. 2 Redevelopment for Affordable / Workforce Housing

- Proposals were received from two developers in July 2009. One developer submitted two alternatives. We know that some financing assumptions have changed since July.
- All three proposals reflect demolition of the old (efficiency building and renovation / expansion of the new (motel) building.
- All three proposals reflect some level of City subsidy.
- All three proposals will require grant funding
- Proposal A (100% Affordable Rental Housing) offers 75 rental units, owned and operated by the developer, with a \$7,150,000 City subsidy.
- Proposal B (50 – 60% For Sale & 40 – 50% Affordable Rental Housing) offers approximately 40 units for sale at market rates plus 35 rental units, owned and operated by the developer, with a \$1,650,000 City subsidy.
- Proposal C (100% Affordable Rental Housing) offers 81 smaller rental units, owned and operated by the City, with a \$1,000,000 City subsidy and debt service remaining the responsibility of the City.

This scenario is not recommended by the Task Force

Iron Horse- Scenario 3- Sell the Iron Horse- from Interim Finance Director, Debra Hinsvark

- 1) GK Baum provided Bob with an amortization schedule yesterday that shows it would take \$6,453,363 to defease the certificates. So you would have to sell the Iron Horse for \$6,453,363 less the \$932,728 remaining in the Project Fund (or \$5,520,635). Any sale of the property cannot happen without that defeasance – or after 12/31/2018, a certificate call.

Staff contacted a local realtor and estimates that the market value of the Iron Horse has probably decreased by 25-30% (\$1Million to \$1.2 Million) since it was purchased for \$4 Million in Nov. 2007.

Possible scenario:

Sell the Iron for	\$3,000,000	
Escrow from General Fund Reserves	<u>2,520,635</u>	
	\$5,250,635	defeasance

This scenario is not recommended by the Task Force at this time

Iron Horse- Scenario 4 Mothball until the rental market improves

Winterizing Labor	\$1,600
Snow Removal	1,500
Landscaping	2,500
Insurance	8,400
Security lighting	600
Alarm Monitoring	400
Contingency Costs	<u>5,000</u>
	\$20,000

Debt Service \$344,000

Total Costs \$364,000

Analysis from Interim Finance Director Debra Hinsvark:

- 2) If you shutter the hotel there will be a reaction from the certificate holder. Section 9.1 of the Master Lease states that the City must “maintain, preserve and keep the Leased Property or cause the Lease Property to be maintained, preserved and kept, with the appurtenances and every part and parcel thereof in good repair, working order and condition...” The Indenture allows the Certificate Holder to inspect the mortgaged property at any time. If shuttering is a real consideration, we will need to persuade the creditor to let us do that.

This scenario is not recommended by the Task Force at this time

Comments from Wade Gebhardt via email:

Wendy ~

I can make that. But I can not make the Council meeting the following week.

I see one typo on first perusal - double "nearly" in task force membership paragraph. Last sentence.

And I think there is one key thought that should be included in the draft, prior to discussion.....or for discussion to be included in the draft.

A decision to not move forward with the RFP implies that the full \$1MM will be used for debt service. A decision to not use the \$1MM available for debt service carries an opportunity cost to the General Fund for the difference between the taxable debt service interest rate and the current APY on the investment return. Currently that is more than \$50k annually.

The only argument for not using the \$1MM towards debt service would be to use it for obtaining grants. It is my opinion that there is no grant that would provide enough public benefit in any of the other 3 scenarios - Mothball, sale, status quo. Ultimately the property has only 2 long term directions - re-development or sale. Even if the re-development scenario is pursued, the timeline is such that we are several years away, so holding any portion of the \$1MM in abeyance is an inefficient use of funds. The City receives a 5% simple return for using it for debt service, not a bad hurdle rate given the situation and limitations on the use. Since the property will operate at loss for the foreseeable future, spending those funds on improving the property compounds our loss, regardless of how much they could be levered with grants.

Now, if we could find a grant that would make the property cash flow positive with a return higher than 5%, that would make sense.

However, Council would need to understand that once the decision is made, the \$1MM is gone. Then obtaining a grant in the future would require additional funds from the City or the RFP partner.

Wade Gebhardt, Business Banking Manager
Wells Fargo Bank NA - Steamboat Springs & Winter Park
320 Lincoln Ave.
PO Box 774888
Steamboat Springs, CO 80477
970-870-2065
970-879-2627 FAX
wade.j.gebhardt@wellsfargo.com

AGENDA ITEM # 3

WEISS AND VAN SCOYK, LLP
ATTORNEYS AT LAW
YAMPA VALLEY BANK BUILDING
600 SO. LINCOLN, SUITE 202
STEAMBOAT SPRINGS, COLORADO 80487

ROBERT G. WEISS
WARD L. VAN SCOYK
JASON M. YANOWITZ
DANIEL R. BERKEY

TELEPHONE: (970) 879-6053
FAX: (970) 879-6058
bweiss@wvsc.com

January 12, 2010

Tom Leeson, Director of Planning Services
City of Steamboat Springs
P.O. Box 775088
Steamboat Springs, CO 80477

VIA E-mail

Re: Steamboat 700 Housing Attainability Program

Dear Tom:

I am following up on our recent meetings regarding the Steamboat 700 Attainability Program. The West Steamboat Springs Area Plan (2006 Update) (WSSAP) states that one of its “fundamental objectives” is attainable housing. The WSSAP designates the Steamboat 700 property for attainable housing because:

If residential growth can not occur within the Steamboat Springs Urban Area, it will likely be forced to outlying areas such as Oak Creek, Stagecoach, Hayden and Craig. This will result in increased commuting time, road and infrastructure costs, traffic impacts, split family life and other social costs, and a higher cost for recruiting a workforce for Steamboat Springs businesses.

For the purpose of ensuring that a substantial portion of Steamboat 700 is offered for sale at price ranges that meet the need for attainable workforce housing with the City in accordance with the goals of the WSSAP, the Steamboat 700 Annexation Agreement requires City Council approval of a binding and enforceable program for housing attainability prior to commencement of development.

This Housing Attainability Program (“Program”) requires that not less than 30% of market units within Steamboat 700 be offered for sale at prices which are affordable to persons with household incomes varying between 120% and 200% of AMI. This is *in addition* to the Steamboat 700 Community Housing Plan (CHP) which requires land to be dedicated and the proceeds of a 0.5% real estate transfer fee paid to the City to provide at least 20% of the units at Steamboat 700 for rent or purchase by persons with incomes averaging 80% AMI.

This means that at least 44% of the residential units at Steamboat 700 will be affordable deed restricted units or attainable units available for purchase by the local workforce.

The language of the Annexation Agreement reads as follows:

C. Housing Attainability Program Required. For the purpose of ensuring that a substantial portion of the Dwelling Units in the Development will be offered for sale at price ranges that meet the need for attainable and workforce housing within the City in accordance with the goals of the WSSAP, the recording of the first final plat within the Property shall not occur until the City Council has first approved a program for housing attainability (“Attainability Program”). The Attainability Program will remain in place for the term of this Agreement. The Attainability Program shall be designed to ensure that not less than Thirty Percent (30%) of the Dwelling Units developed on the Property, but excluding Dwelling Units developed on land acquired by the City under Section IV.A above or otherwise acquired by the City for development of affordable housing, shall be initially offered for sale at an Attainable Price for an appropriate period of time to meet the goals of the Attainability Program (the “Attainable Units”). For purposes of this subsection, an Attainable Price shall mean a purchase price for a Dwelling Unit, based upon household size, the number of bedrooms in such Dwelling Unit and HUD’s occupancy guidelines in effect at such time, that does not require a household with total income varying between 120% and 200% of Area Median Income (“AMI”), with an average target range periodically set between Developer and City including a variety of housing types, , to pay more than 30% of annual income, as determined for mortgage underwriting purposes, to cover principal, interest, taxes and insurance on a purchase money mortgage based on conventional underwriting standards and a down payment not exceeding 20%. The Attainable Units shall be offered for sale approximately in proportion to the Dwelling Units not subject to the Attainability Program. The Attainability Program shall require the Developer to report annually to the City on compliance with the requirements of this Subsection for the prior year, but shall not require that any Dwelling Unit be subject to a deed restriction or that buyers of any Dwelling Unit be subject to income, net worth, residency or other restrictions. In addition, the Attainability Program shall contain a requirement that the availability for sale of the Attainable Units be publicized widely in the Steamboat Springs area during the first 30 days of the initial offer period.

In December, Steamboat 700 representatives met with you, Nancy Engleken and Tony Lettunich to discuss some of the technical details of the Attainability Program to be adopted in accordance with the Annexation Agreement, including the need prior to development for Steamboat 700 to present to the City an annual plan for publicizing the availability of attainable units to the local workforce and to large employers, the need to maintain a database that will be used to provide data and recommendations to achieve target price range for attainable housing, housing types needed and down payment requirements in cooperation with the Developer, and the Yampa Valley Housing Authority. Steamboat 700 also agreed that the units designated for the Program will remain on the market at attainable prices for at least a period of 12 months unless the City and Steamboat 700 agree that some other time period is more appropriate.

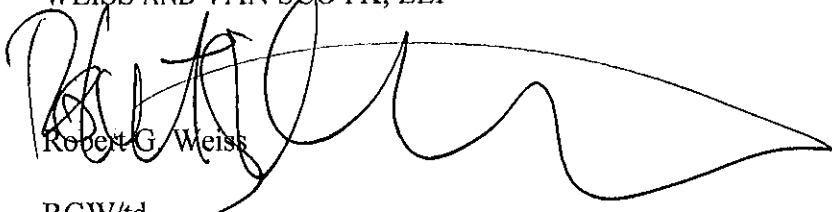
Steamboat 700 is prepared to finalize the details of the Attainability Program in accordance with requirements of the Annexation Agreement when the annexation becomes final (at the present time annexation is suspended pending outcome of the March 9, 2010 election) and prior to the commencement of development when the current market conditions, the demand for housing and financing conditions are better known, including prevailing interest rates and down payment requirements.

We point out that under the Annexation Agreement no development can commence at Steamboat 700 and no plats can be filed until the details of the Attainability Program have been finalized and approved by the City Council.

Thank you for allowing Steamboat 700 to provide this information to you. If you have any questions, please do not hesitate to contact me.

Very truly yours,

WEISS AND VAN SGOYK, LLP

A large, stylized handwritten signature in black ink, appearing to read 'Robert G. Weiss', is written over the typed name. The signature is fluid and extends across the width of the page.

Robert G. Weiss

RGW/td

Enc. as noted

Previously e-mailed

Anja Tribble

From: Anja Tribble
Sent: Wednesday, January 13, 2010 3:12 PM
To: 'Cari Hermacinski'; 'Jim Engelken'; 'Jon Quinn'; 'Kenny Reisman'; 'Meg Bentley'; 'Scott Myller'; 'Walter Magill'; Jon Roberts; Tom Leeson; Jason Peasley
Cc: Julie Franklin; Lauren Mooney
Subject: FW: [City Council] Steamboat 700 Draft Attainability Plan, January 19, 2010 City Council Meeting

-----Original Message-----

From: Anja Tribble
Sent: Wednesday, January 13, 2010 3:11 PM
To: 'tanderson@springsips.com'
Subject: RE: [City Council] Steamboat 700 Draft Attainability Plan, January 19, 2010 City Council Meeting

Dear Towny

Thank you for your comment. Your e-mail has been forwarded to City Council and the appropriate staff members, and will be included with the "Steamboat 700 Draft Attainability Plan" item in the 1/19/2010 City Council packet.

Sincerely,

Anja Tribble-Husi
Staff Assistant
City Clerk's Office
Steamboat Springs, Colorado

(970) 871-8225
atribble@steamboatsprings.net

-----Original Message-----

From: webmaster@steamboatsprings.net [mailto:webmaster@steamboatsprings.net] On Behalf Of tanderson@springsips.com
Sent: Wednesday, January 13, 2010 11:12 AM
To: Anja Tribble
Subject: [City Council] Steamboat 700 Draft Attainability Plan, January 19, 2010 City Council Meeting

Towny Anderson sent a message using the contact form at http://steamboatsprings.net/contact/City_Council.

Dear City Councilors:

The following suggestions are excerpted from an email I wrote to Loui Antonucci last October 15, after the Second Reading of the Steamboat 700 Annexation Agreement. As a preface to the email to Loui copied below, recall that the results of the discussion on October 13 were:

- Home buyers would not be pre-qualified, and there would be no governmental administrative oversight;
- The units would be offered on the open market at a price that matched a pre-determined AMI range of 120% to 200%; and
- The Council agreed consensually that there would no deed restrictions.

There were no adjustments to the conditions or provisions in the Attainable Housing section of the Annexation Agreement in response to these agreed upon changes. It is to this issue that I addressed my suggestions to Loui. I trust that the following suggestions are still relevant and timely. Please consider them in your drafting of the Attainability Plan:

Loui:

Previously e-mailed

Re the Attainable Housing. I think the fact that it has been addressed is huge in itself -- thank you for listening. I hope this is constructive and helpful to committing the Attainable Housing to writing and an implementation plan that serves the City well in the long term. Hopefully it is not too late to make these adjustments:

When the structure of the Attainability Section was clarified and mutually agreed to have no pre-qualification, providing only that the units be put on the "free [open] market" at a price that matched a pre-determined AMI and have no deed restrictions per consensus of Council, a few adjustments could have been made to ensure that if there were any unintended consequences (as suggested by Cari and other Councilors, e.g. flipping, paying the capital gains/ "anti-speculation" fee, and still making a handsome profit on appreciation), they would benefit the City. I don't know whether it is too late, but the changes are simple:

1. Extend the anti-speculation period from 3 year to 5, 7 or ideally 10 years (this would be the most effective);
2. Require that the purchased homes be owner-occupied (can be in the rules that are promulgated); and
3. Ensure that the anti-speculation fees and the RETF go to the Community Housing Program Fund (the City of Steamboat Springs), and not the Steamboat 700 development association.

These are easy adjustments, Loui. I doubt they would be controversial or objectionable to Sb700, and most importantly, the payback in the event of speculation despite best efforts would directly benefit the City and future affordable housing. As I have written in the past, if we are not achieving truly affordable and attainable housing in this annexation, why are we doing it? Talk to you soon. Towny. End of excerpted email to Loui Antonucci.

I hope the comments above are helpful to your deliberations. Thank you for your consideration. Towny

Townsend. H. Anderson
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AGENDA ITEM # 4

CITY COUNCIL COMMUNICATION FORM

FROM: Julie Franklin, CMC, City Clerk (Ext. 248)
THROUGH: Jon B. Roberts, City Manager (Ext. 228)
DATE: January 19, 2010
RE: **RESOLUTION:** Acknowledging appointments to the Golf Management Committee. (Franklin)
NEXT STEP: To approve the resolution.

RESOLUTION
 MOTION
 DIRECTION

I. REQUEST OR ISSUE:

To ratify the appointments to the Golf Management Committee, as provided in the resolution.

The following individuals were selected to serve on the Golf Management Committee:

Butch Boucher *Term: To October 31, 2012; Regular position*

John Vanderbloemen *Term: To October 31, 2012; Regular position*

Barbara Robinson *Term: To October 31, 2012; Regular position;
Lodging Community Representative*

II. RECOMMENDED ACTION:

Council to approve the resolution acknowledging appointments to the Golf Management Committee.

III. FISCAL IMPACTS:

None related to these appointments.

IV. BACKGROUND INFORMATION:

Interviews for these positions were held on December 15, 2010.

V. LEGAL ISSUES:

None.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None.

VII. SUMMARY AND ALTERNATIVES:

1. Approve the appointment of the above mentioned Golf Management Committee members to the respective terms.
2. Have Clerk's Office re-advertise and interview more candidates.

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. _____

A RESOLUTION ACKNOWLEDGING APPOINTMENTS TO THE GOLF MANAGEMENT COMMITTEE.

WHEREAS, the City of Steamboat Springs appoints members to fill vacancies that occur due to resignations and other reasons; and

WHEREAS, the following committee has vacancies to be filled:

1. Golf Management Committee.

WHEREAS, the City of Steamboat Springs has advertised for and received applications from community members to serve on the above committee; and

WHEREAS, the applications have been reviewed by City Council and appointments have been determined.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, THAT:

Section 1. The following people have been appointed to fill the positions available on the above mentioned committee, effective December 15, 2009:

1. Golf Management Committee:

Regular position/serving until October 31, 2012
Butch Boucher

Regular position/serving until October 31, 2012
John Vanderbloemen

Regular position/serving until October 31, 2012
Lodging Community Representative
Barbara Robinson

PASSED, ADOPTED AND APPROVED this _____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

AGENDA ITEM # 5

CITY COUNCIL COMMUNICATION FORM

FROM: Philo Shelton, Public Works Director
Janet Hruby, City Engineer

THROUGH: Jon Roberts, City Manager

DATE: January 19, 2010

ITEM: AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE TO ALLOW PLANNING DIRECTOR APPROVAL OF PHASING PLANS; UPDATE THE CODE TO BE CONSISTENT WITH NEW ENGINEERING STANDARDS; ALLOW PUBLIC WORKS DIRECTOR ADOPTION OF NEW INFRASTRUCTURE, CLARIFY COLLATERAL REQUIREMENTS; PROVIDING AN EFFECTIVE DATE; AND REPEALING ALL CONFLICTING ORDINANCES.

NEXT STEP: Adopt the ordinance on second reading

<input checked="" type="checkbox"/>	ORDINANCE
<input type="checkbox"/>	RESOLUTION
<input type="checkbox"/>	MOTION
<input type="checkbox"/>	DIRECTION
<input type="checkbox"/>	INFORMATION

I. REQUEST OR ISSUE:

Adopt an ordinance to amend the existing Community Development Code to allow Planning Director Approval of Phasing Plans, update the code to be consistent with new engineering standards, allow Public Works Director adoption of new City infrastructure, and clarify collateral requirements.

II. RECOMMENDED ACTION:

Adopt the ordinance.

III. BACKGROUND INFORMATION:

The City Council gave staff direction to evaluate ways to streamline various City Council approvals and adoptions, and where appropriate change the process to permit City Manager and or Department Director approvals where appropriate. Staff also reviewed opportunities to change the code to allow staff more flexibility in the development process to assist developers in reducing the financial impacts of collateral and to help developers modifying their construction phasing due to market changes.

Additionally, staff has been working with the engineering community to update the Public Works Engineering standards. The Community Development Code sets the template for the collateral process that is identified in more detail in the engineering standards, so changing the code should occur prior to adoption of the new engineering standards. The Community Development Code and engineering standards have been modified to incorporate developer and engineering community suggestions to clarify the infrastructure acceptance and collateral process.

The key changes include:

- allowing the Planning Director to approve Phasing Plans
- allowing the Public Works Director to adopt new City infrastructure
- update the Community Development Code to be consistent with new Engineering Standards
- clarify the collateral process; defining public versus private improvements and changing the collateral amounts from 125% private/ 100% public to 115% for both private and public improvements

IV. CONFLICTS OR PROBLEMS:

None identified.

V. FISCAL IMPACTS:

The changes are estimated to have a positive effect on developer's cash flow. Allowing Director approval of Phasing plans and City infrastructure and clarifying the collateral process will result in quicker turnaround of collateral release, and will also provide for quicker approval of Certificates of Occupancy/ Final plats, which will facilitate developer's sales turnaround.

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 26 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE, COMMONLY REFERRED TO AS THE STEAMBOAT SPRINGS COMMUNITY DEVELOPMENT CODE, TO REVISE SECTIONS 26-68 FINAL PLAT, 26-141 PHASING, AND ARTICLE VIII AGREEMENTS.

WHEREAS, the City Council adopted the revised Community Development Code as Ordinance #1802 on July 23, 2001; and

WHEREAS, the City of Steamboat Springs is committed to a regular, ongoing review of the Community Development Code so that the provisions contained therein are relevant and applicable to the community at any given point in time; and

WHEREAS, the City of Steamboat Springs Engineering Standards are being updated and the Code needs modification to be consistent with the new standards; and

WHEREAS the City Council and Staff desire to have a development process with flexibility allowing developers to make appropriate construction phasing changes in response to market conditions; and

WHEREAS, to streamline approval processes identified in the Code, changes are proposed to allow Director approval of Phasing plans and new infrastructure acceptance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:

Section 1. The code shall be amended as noted in Exhibit 1.

Section 2. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts, thereof, are in conflict herewith.

Section 3. If any section, subsection, clause, phrase or provision of this Ordinance is, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and

provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

Section 4. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

Section 5. This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6 (h) of the Steamboat Springs Home Rule Charter.

INTRODUCED, READ, AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the _____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

FINALLY READ, PASSED AND APPROVED this _____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

Exhibit 1 - Code Changes

Sec. 26-141. Phasing.

(a)*Purpose.* The purpose of this section is to ensure that development occurs in an efficient and orderly manner and with consideration of the importance of certain improvements to the community and the project itself.

(b)*Applicability.* The requirements of this section apply to all projects that are to be constructed in phases, including but not limited to subdivisions.

(c) *General provisions.* The city may approve development and the installation, construction or reconstruction of public improvements in phases. Any such phase must be an integrated, self-contained project consisting of all public improvements necessary to serve the property to be developed as part of that phase. Such phasing cannot be used to delay construction of public improvements beyond the time when that phase of the project is occupied. Phasing may be approved by City Council in conjunction with a development plan application. Phasing may also be approved or modified administratively by the Director subsequent to development plan approval . Approved phasing shall be documented through either an improvements or development agreement as described in section 26-202 and section 26-203, or through notes on any development approval document. Any agreement addressing phased construction of public improvements may contain a schedule governing when certificates of occupancy shall be issued in order to ensure that adequate public facilities are in place to support new development as it occurs.

(d)*Critical improvements.*

(1) For final plats and final development plans, the director and the city council shall have the authority to designate at the time of development approval certain improvements as critical to the health, safety and welfare of the residents, visitors, and/or business patrons of the phase of development covered by the application. Critical improvements may include street and intersection improvements, traffic ~~signals~~control, utilities, drainage improvements, including storm water quality features, sidewalks and trails, entry features, private accessways including drives, driveways, and parking areas, and perimeter landscaping necessary to serve the demands created by, or to mitigate the impacts from a particular phase of development unless otherwise provided in an approval, annexation, improvement, or development agreement. Improvements designated as critical shall be constructed and accepted (public) or approved (private) prior to issuance of any certificate of occupancy for the applicable phase of development.

(2) No temporary certificate of occupancy or final certificates of occupancy will be issued for the first phase, or subsequent phases until the required critical improvements for such phases have been constructed: unless approved by the Director or City Council per paragraph (3) of this subsection.

(3) *Deferment of construction of critical improvements.* ~~The director shall be authorized to defer the installation of the following critical improvements for six (6) months or to the point at which weather would permit installation, whichever is less restrictive: sidewalks and trails, entry features, and perimeter landscaping. Deferment of any critical improvements shall be evaluated by the director and approved if the following conditions are met: 1) Inclement weather will prohibit the installation of the facilities; or 2) unforeseeable circumstances prevented the installation of the critical improvement. The applicant may request that the city council defer any other critical improvement. The Director may defer construction and acceptance of critical public improvements and issue~~

a temporary certificate of occupancy if the Director finds that unforeseeable circumstances have delayed the completion of the critical public improvements and that delaying the issuance of a TCO will cause a hardship to the developer. The city council, by resolution at the next available city council meeting, shall be authorized to defer any other critical improvement. If a deferment construction and acceptance of critical improvements to allow issuance of final certificates of occupancy prior to construction of critical improvements.. If deferment is granted, an improvements agreement and collateral in accordance with article VIII shall be required prior to approval of a temporary or permanent certificate of occupancy.

(e) *Subdivision phasing.* For subdivisions that will be platted and constructed in phases, the phasing plan shall provide that the first phase shall include the following improvements, provided, however, that any land dedication or public access requirements shall be roughly proportional to the impacts of the first phase of development:

- (1) Entry features such as monument signs and landscaping;
- (2) Sidewalks and trails related to that phase of development that are necessary to link the property with other properties or provide a connection to a larger pedestrian system;
- (3) Cluster mailboxes for that phase of the subdivision and/or latter phases;
- (4) Refuse facilities for that phase of the subdivision and/or latter phases;
- (5) A proportionate share of the entire development's affordable housing (if applicable), as determined by the director, based upon the percentage of unrestricted dwelling units, lodging units, or commercial gross square footage to be built in phase one;
- (6) Perimeter landscaping related to that phase of development; ~~and~~
- (7) Storm water systems and storm water quality systems for the phase and in other phases as necessary to serve drainage passing through the site;
- (8) Driveways, emergency access, and access roads for the phase, and
- (9) Critical improvements (both on-site and off-site) reasonably necessary to serve the demands created by, or mitigate impacts from, completion of the first phase of the subdivision unless otherwise provided in an approved annexation, improvements, or development agreement.

(f) *Multi-family, resort residential and Gondola zone district development phasing.* For development that will be phased in the RR-1, RR-2, G-1, G-2 or the MF zone district, the phasing plan shall provide that the first phase include the following improvements, provided, however, that any land dedication or public access requirements shall be roughly proportional to the impacts of the first phase of development:

- (1) Check-in and management facilities, if applicable;
- (2) Sidewalk and trail connections that are necessary to link the property with other properties or provide a connection to a larger pedestrian system;
- (3) A proportionate share of the entire development's proposed and planned amenities, as determined by the director as reasonable to serve the first phase, based upon the percentage of dwelling units, lodging units, or commercial gross square footage to be built in phase one;
- (4) A proportionate share of the entire development's affordable housing (if applicable), as determined by the director, based upon the percentage of unrestricted dwelling units, lodging units, or commercial gross square footage to be built in phase one;
- (5) Cluster mailboxes for that phase of the development or subdivision and/or latter phases;

- (6) Refuse facilities for that phase of the development or subdivision and/or latter phases;
 - (7) Perimeter landscaping and other landscaping adjacent to required sidewalk and trail connections; ~~and~~
 - (8) Storm water systems and storm water quality systems for the phase and in other phases as necessary to serve drainage passing through the site;
 - (9) Driveways, emergency access, and access roads for the phase, and
 - (10) Critical improvements (both on-site and off-site) reasonable necessary to serve the demands created by, or mitigate impacts from, completion of the first phase of the development or subdivision unless otherwise provided in an approved annexation, improvements, or development agreement.
- (g) *Agreement.* All conditions of development related to the phasing of development or related to dedications or improvements shall be documented in writing as:
- (1) Notes on the final plat; or
 - (2) Notes on the approved final development plan; or
 - (3) Terms of the approved PUD; or
 - (4) Terms of an improvement agreement under article VIII.
- (Ord. No. 2187, § 1, 6-3-08)

ARTICLE VIII. AGREEMENTS

26-201. General.

(a) *Purpose.* The purpose of this article is to set forth the requirements and procedures that the city will use to ensure that:

- (1) Adequate funds are available for installation of public improvements;
- (2) Public improvements are installed in a coordinated and timely manner as development occurs;
- (3) Public improvements are installed in conformance with city standards;
- (4) ~~Certain~~ Critical improvements and secured private improvements^(A), with public benefit as defined in Section 26-202, are installed in a timely manner;
- (5) Developments and improvements are made in accordance with an approved phasing plan; and
- (6) Any additional agreements between the city and the applicant are documented and enforceable; including those related to timing of development, the vesting of development rights for periods beyond three (3) years, or adjustments to required fees or dedications.

(b) *Definitions.* For the purpose of this Article VIII, public improvements shall include improvements owned or maintained by the city or those located on City owned property.

(Ord. No. 1802, § 8.1, 7-23-01)

Sec. 26-202. Improvements agreement.

(a) *Purpose.* The purpose of an improvements agreement is to provide a mechanism where a developer can obtain a certificate of occupancy for a building, or receive

approval of a final plat, prior to completing all of the required public and private improvements.

(b) Applicability. No final plat shall be signed by the city or recorded at the office of the county clerk and recorder and no certificate of occupancy shall be issued for development requiring the installation of public improvements and certain private improvements with public benefit such as sidewalks and trails, until the required improvements are deemed completed and have final acceptance/approval or an improvements agreement between the city and the applicant is fully executed.

(c) Prerequisites. Prior to preparation of an improvements agreement, sufficient design information must be prepared to identify the scope of the improvements. When required by the Public Works Director for sites with public infrastructure, the design must be in the form of approved civil construction plans.

(d) General. An improvements agreement shall run with and be a burden upon the land described in the agreement.

~~(d)e~~ Types of improvements. An improvements agreement may address the following types of public and private improvements:

(1) Streets and transportation. ~~Streets~~ All elements of a complete street system including but not limited to roadway curbs and gutters, alleys, ~~street drainage~~ stormwater systems, sidewalks, street lights, traffic control (such as signs, striping, and traffic signals), bridges, railroad crossings, transit stops, transit shelters.

(2) Utilities and services. Water, fire hydrants, sewer, gas, electric, telephone, cable television, and postal delivery facilities.

(3) Recreation. Parks, open space, landscaping, playground equipment, and other facilities.

(4) Pedestrian facilities. Sidewalks, trails, associated lighting, and over and underpasses.

(5) Drainage. Stormwater detention ponds, water quality facilities, drainage ditches, flood prevention and flood mitigation improvements, ~~and wetlands,~~ and other components of the storm water system.

(6) Other. Landscaping, survey monuments and other public improvements as determined by city council or the director.

(7) Secured Private improvements. ~~Private improvements~~ The Director may be included require construction of private improvements to be secured in an improvements agreement at the discretion of the director Improvements Agreement if the private improvements are necessary for efficient and orderly development. ~~In addition, private improvements may be included in an improvements agreement at the discretion or to prevent or mitigate the impact of the city council where the community may be negatively impacted if the improvement is not completed in a timely manner.~~ development on adjacent property or the general public. Such private improvements include, but are not limited to: sidewalks and trails, private stormwater quality systems, private stormwater systems, grading, revegetation, and wetland mitigation. Private improvements so designated by the Director shall be referred to as “Secured Private Improvements”.

~~(e)f~~ Construction Management. Improvements Agreement collateral calculations shall include the cost of construction management items such as mobilization, construction

surveying, engineering testing and inspection, as-built documentation, erosion control, traffic control, and major permitting.

(g) Submittal requirements. Each improvements agreement submittal shall include the following items:

(1) Improvement Status Letter. A copy of a letter from the project engineer, or testing firm and approved by the Director of Public Works documenting those improvements that have received City acceptance and those that haven't received acceptance. The letter shall be prepared as required in the City's Engineering and Utility standards.

(2) Improvements agreement. A copy of the proposed improvements agreement with the following attachments:

- a. Schedule of improvements;
- b. Legal description;
- c. Reduced copy of the final plat; and
- d. Reduced copy of any approved phasing plan for the development.

(23) Fees. The recording fees as required by the county clerk and recorder, and any review fees as required by city resolution.

(34) Collateral. The required amount of collateral as outlined by the schedule of improvements, in a form required by section 26-204, collateral.

(h) Improvements agreements requirements. An improvements agreement shall be prepared in conformance with the requirements of this section.

(1) Format. The format for an improvements agreement and all attachments shall be reviewed and recorded in eight and one-half-inch by eleven-inch (8 1/2" × 11"), and/or eight and one-half-inch by fourteen-inch (8 1/2" × 14") format.

(2) Content. The director shall keep on file copies of a standard improvements agreement with language acceptable to the city attorney. The applicant may use a standard agreement, or choose to make revisions to the standard agreement, but any agreement prepared by the applicant must be acceptable to the director, the public works director, and the city attorney. Each improvements agreement shall contain at a minimum:

- a. The responsibilities and obligations of the landowner and/or developer;
- b. Dates for completion of the improvements;
- c. Reference to the type of ~~surety~~collateral to be held as a guarantee for the completion of such improvements;
- d. Construction specifications for the improvements or reference to the appropriate city specifications;
- e. The remedies of the city in the event of default by the developer or property owner;
- f. Terms and conditions for acceptance of improvements by the city;
- g. Signature block for the property owner(s);
- h. Signature block for the developer(s) if different from the property owner; and
- i. Signature block for the city council president.

j. Schedule of improvements in a form acceptable to the director. ~~A sample~~The form shall be provided by and revised from time to time by the director, with the following elements:

1. ~~Include a~~ table (Exhibit A) listing the description ~~and~~, quantities, and cost of all necessary public improvements and secured private improvements that have not been

- ~~constructed or have not received final acceptance from the city prepared by the site engineer for infrastructure and utility improvements;~~
- ~~2. A table listing the description of all necessary improvements, other than public improvements, that have not been completed;~~
- ~~3. The estimated cost of improvements that remain to be constructed; the total cost of all improvements, and the total cost of work remaining.~~
- ~~k. Signature blocks for the director and, for Improvements Agreements covering public improvements, Include a signature/stamp block for the licensed engineer in the state certifying and certification that the cost estimates are a true and accurate representation of the work to be completed.~~
- k. Signature blocks for the director, Public Works Director, and City Council president,
- l. Legal description of property labeled as "Exhibit B" and attached to the agreement;
- m. Subdivision plat. An eight-and one-half by eleven inch (8 1/2" × 11") copy of the approved final plat; labeled as "Exhibit C" and attached to the agreement;
- n. Phasing plan. Copy of the approved phasing plan if improvements are to be constructed in phases.

~~(g)~~ (i) *Lapse of improvement agreements.*

(1) *General lapse provision.* Unless otherwise provided in the terms of approval of the related land development application or building permit, or in the terms of the approved development agreement, all improvements shall be constructed within two (2) years of the effective date of the improvements agreement.

(2) *Extensions of lapsing period.*

a. *First request.* Prior to the expiration of the one-year lapsing period, the property owner or developer may apply in writing to the director for one extension not to exceed one year. This application shall contain updated cost estimates for any work remaining. If the Upon evidence of good cause, the director may approve such request provided that: (1) provision of this CDC, the development approval, or the improvements agreement do not prohibit the extension, and; (2) the extension request includes all completed forms, exhibits, and fees established by the director.

(3) *Use of development agreements to extend lapsing period(s).* The city may approve a development agreement pursuant to section 26-203 that allows for different time frames and lapsing provision related to public and private improvements.

(Ord. No. 1802, § 8.2, 7-23-01)

Sec. 26-203. Development agreements.

(a) *Purpose.* In connection with any discretionary development approval, including without limitation review of zoning map amendments, subdivision plats, development plans, or planned unit developments, the city council may enter into a development agreement with the applicant. Development agreements are voluntary contracts between the applicant and the city that may include provisions clarifying the phasing of construction; the timing, location, and financing of public or private infrastructure; reimbursement for oversized infrastructure; vesting of property rights for periods between three (3) years and ten (10) years; assurances that adequate public facilities (including roads, water, sewer, fire protection, and emergency medical services) will be available as they are needed to serve the development; and mitigation of anticipated impacts of the development on the general public.

- (b) *Contents.* Development agreements may, without limitation, contain the following:
- (1) Provisions for the reservation or dedication of land for public purposes;
 - (2) Provision for the timing, location, and financing of public improvements (including roads, water, sewer, fire protection, and emergency medical services);
 - (3) Provision for the timing, location, and maintenance of private on-site improvements, including landscaping of common open space, and amenities for residents, users, or the public;
 - (4) Provisions for the reimbursement of oversized infrastructure or other facilities;
 - (5) Proposed timing and phasing of public and/or private construction;
 - (6) Provisions to mitigate the impacts of the proposed development on the general public or nearby properties, including the protection of environmentally sensitive lands;
 - (7) Provisions for public benefits or improvements in excess of what is required by current city policy or law;
 - (8) Terms for subsequent discretionary actions, provided such terms shall not prevent the development of the property for the uses set forth in the agreement;
 - (9) Provisions that construction shall begin by a specified date or that certain phases shall be completed within a specified time;
 - (10) Provisions for the vesting of property rights for the periods between three (3) and ten (10) years;
 - (11) A termination date for the development agreement; and
 - (12) Any other provisions appropriate to guide the completion of the development as approved.

(c) *Procedure and review criteria.*

- (1) *Procedure for review.* A proposed development agreement shall be reviewed by the staff at the same time the related development application is reviewed. Staff shall have the same power to make recommendations regarding the proposed development agreement as it does for the related development approval. Procedures for approval of development agreements shall be the same as for the related development approval.
- (2) *Approval criteria.* In reviewing and acting upon proposed development agreements, staff shall consider the approval criteria for the development application and the following additional approval criteria:
 - a. Whether the benefit of the development agreement to the city outweighs the costs to the city;
 - b. Whether the development agreement is required to mitigate impacts that would otherwise make the proposed development unacceptable; and
 - c. Whether the city has received adequate assurances that the development will go forward as planned in return for any vesting of property rights beyond the three (3) year vesting period set forth in C.R.S. § 24-68-101 et seq.

(d) *Effect of approval; vesting of rights.* When a development agreement provides for the vesting of rights for longer than the three (3) year vesting period set forth in C.R.S. § 24-68-101 et seq., the following provisions shall govern:

- (1) *Rules prevailing at the time of execution.* Notwithstanding the provisions of C.R.S. § 24-68-102.5 and unless otherwise provided by the development agreement, the ordinances, rules, regulations, and official policies applicable to (1) permitted uses of the land; (2) density; and (3) design, improvement, and construction standards and

specifications, shall be those ordinances, rules, regulations and official policies in force at the time of execution of the development agreement.

(2) *Subsequent enacted regulations.*

a. *General rule.* Ordinances, rules, regulations, and official policies that govern permitted uses of the land, density, and design, improvement, and construction standards and specifications, and that are enacted subsequent to execution of the development agreement, shall not be enforced against development governed by the agreement.

b. *Exceptions.* Notwithstanding subsection (d)(2)a above, a development agreement shall not prevent the city, in subsequent actions, from applying any of the following to the subject property:

1. New ordinances, rules, regulations, and policies that do not conflict with those ordinances, rules, regulations, and policies applicable to the subject property as set forth in the development agreement;

2. New ordinances, rules, regulations, and policies that are specifically anticipated and provided for in the development agreement; or

3. New ordinances, rules, regulations, and policies that are necessary for the immediate preservation of the public health and safety.

(e) *Periodic review.* All development agreements may be reviewed by the ~~city council~~ Director every two (2) years, unless the development agreement provides for more frequent reviews. At the review, the developer shall provide such information as may be required by the ~~city council~~ Director to demonstrate compliance with the terms of the development agreement. If the ~~city council~~ Director determines that the developer is not in compliance with the agreement or that the agreement should be terminated or modified, the matter shall be referred to the city council for review and action.

(f) *Lapse, modification and termination.*

(1) *Lapse.* A development agreement shall automatically lapse and be null and void if the underlying land use approval lapses according to the provisions of this CDC.

(2) *Modification and termination.*

a. A development agreement may be canceled or modified by the mutual consent of the developer and the city acting through the city council.

b. The city council may terminate or modify a development agreement based upon evidence that the developer, or successor in interest thereto, has not complied with the terms or conditions of the agreement.

c. In the event that state or federal laws or regulations are enacted after execution of the development agreement and prevent or preclude compliance with one or more provisions of the development agreement, such provisions of the agreement shall be modified or suspended to the extent necessary to comply with such state or federal laws or regulations.

d. The decision-making body that approved the development agreement may modify or terminate a development agreement using the same procedures used for its approval.

(g) *Enforcement.* Unless amended or terminated pursuant to this section, a development agreement shall be enforceable by any party to the agreement.

(Ord. No. 1802, § 8.3, 7-23-01)

Sec. 26-204. Collateral.

(a) *Applicability.* All public improvements and secured private improvements that are required to be installed in accordance with a development approval, the approved civil construction drawings, and the project specifications shall be secured by a collateral in a sufficient amount and form to insure the satisfactory and timely construction of the improvements.

(b) *Submission of collateral.* Collateral, in an amount stipulated in the improvement agreement or development agreement, shall be submitted prior to the execution of the final plat in accordance with the improvements agreement, or prior to the issuance of a certificate of occupancy if the improvement requirements relate to an approval other than a subdivision.

(c) *Estimates.* The amount of required collateral shall be determined by cost estimates provided by the developer in the form of an engineer's estimate or construction bids. All cost estimates are subject to review and approval by the director and public works director. Upon rejection of any estimate, the director or public works director may obtain an estimate from a licensed engineer in the state, which shall be binding upon the landowner for purposes of determining the amount of collateral required.

(d) *Acceptable forms of collateral.* Collateral may be posted in the form of cash, letter of credit, and/or a certificate of deposit. Any letter of credit from a financial institution located outside the state shall include specific language stating that the issuer agrees that the proper venue for any legal action is the county, and that the letter of credit shall be governed by the laws of the state. All language is subject to approval by the city attorney. The amount of collateral required to accompany an improvements agreement shall be as follows:

(1) At least fifteen (15) percent of the cost of installing any public improvements that have preliminary acceptance;

(2) At least one hundred ~~twenty five (25)~~ fifteen (15) percent of the cost of installing any public improvements without preliminary acceptance; ~~or~~

~~(3) At least one hundred (100) percent of and any secured private improvements that are not completed; and approved;~~

(e) *Term.* The collateral shall remain effective for a period of not less than sixty (60) days following the completion date listed in the improvements agreement.

(f) *Release of collateral.* From time to time and as the required improvements in a development are completed, the developer may request that collateral be released in increments of not less than twenty (20) percent of the original amount held. Requests for release shall be made in writing and include documentation such as engineer estimates and copies of paid invoices to demonstrate that the work has been completed. Release requests will be processed in conformance with subsections 26-205(b) and (d) of this CDC regarding preliminary acceptance and final acceptance of improvements.

(g) *Use of collateral.* If the city manager determines that reasonable grounds exist to believe that a developer is failing or will fail to install improvements as required by the improvements agreement, the city manager shall notify the developer in writing that the city intends to draw on the collateral for the purpose of completing the improvements, and the reasons for such decision.

(h) *Appeal of city manager's decision.* The developer may request a hearing before city council on the matter, provided that the request for a hearing is made no more than fifteen (15) days following the date of the notice issued pursuant to subsection (g). Should a

hearing not be requested within fifteen (15) days, or should the city council conduct a hearing and determine that the developer is failing or has failed to satisfactorily install required improvements, the city may draw on the collateral as necessary to construct the improvements. In such event, the city shall be entitled to recover from the developer such costs as are reasonable to administer the construction of the improvements.

(i) *Developer responsibility.* It is the responsibility of the developer to maintain the necessary amount of collateral at all times until the required improvements are completed and accepted by the city. The city manager shall have the authority to draw upon collateral provided by any irrevocable letter of credit that is within fifteen (15) days of the expiration date. Determination that the developer is failing or will fail to install improvements is not required. The city will hold such funds until such time as the developer has provided a new letter of credit or other collateral in conformance with this section.

(Ord. No. 1802, § 8.4, 7-23-01)

Sec. 26-205. Acceptance of public improvements.

~~(a) Process generally.~~ Acceptance of public improvements is a ~~two~~^{three}-step process that requires preliminary acceptance by the director ~~of public works,~~ completion of a warranty period, and final acceptance by ~~resolution~~^{written decision} of the ~~city council-~~ director of public works. ~~The director of public works shall grant acceptance upon completion of an entire improvement; partial acceptance shall not be considered unless approved as part of a Phasing Plan. The process for acceptance of public improvements shall be established by the Public Works Director and at a minimum include the procedures set forth in subsection (b) of this section.~~

~~(b) Preliminary acceptance.~~ (b) Acceptance Procedures. The process for obtaining acceptance, whether ~~preliminary acceptance or final,~~ is as follows:-

(1) -Request for inspection. Upon completion of public improvements or any applicable warranty period, the developer shall notify the city in writing and request inspection.

(2) Improvements Summary Letter: Included with the request for inspection, the developer shall provide a letter from the project engineer and testing firm verifying completion of the improvements in substantial conformance with approved project plans and specifications, in the case of a request for preliminary acceptance. In the case of a request for final acceptance, the letter shall verify completion of the warranty period and that the present condition of the improvements substantially conforms to the approved project plans and specifications. The letter shall be prepared as required by the City's Engineering and Utility Standards.

(3) Inspection of Improvements. The city or its agents shall inspect the improvement for which the acceptance is being requested. The city or its agents are not required to conduct inspections when climatic conditions prevent a thorough inspection.

~~(3) If no unsatisfactory conditions are found, the~~ (4) The director of public works shall grant preliminary acceptance upon a finding that the improvements have been completed in substantial conformance with the approved project plans and specifications.

Preliminary acceptance may include the identification of conditions that will require correction prior to final acceptance. If the director of public works does not grant preliminary acceptance, the director shall notify the developer, in writing, of the reasons

for non-acceptance and identify any corrective measures that must be carried out by the developer.

~~(4)~~ (5) Warranty Period. Prior to final acceptance, a minimum two ~~(2)~~ year warranty period for public roads, bridges, water and sewer mainlines shall be completed. The warranty period for other public items shall be as established by the Public Works director. Acceptance and warranty procedures of other service providers may apply.

6) Final Acceptance. ~~If any warranty period has expired and no unsatisfactory condition is found, the director of public works shall grant final acceptance in writing.~~ If the improvements do not meet city standards for final acceptance, the director of public works shall notify the developer, in writing, of the unsatisfactory condition reasons for non-acceptance and identify any corrective measures that must be carried out by the developer.

~~(c) Effect of preliminary acceptance.~~ Upon preliminary acceptance, the city will assume responsibility for street snow removal, but the applicant shall remain responsible for all other snow removal, maintenance and repairs pending final acceptance. Preliminary acceptance shall remain in effect until revoked or until final acceptance of public improvements. Upon preliminary acceptance, the city ~~may~~ shall release ~~up to eighty five~~ (85) collateral in the amount of one hundred (100) percent of the estimated costs to construct the preliminarily accepted improvements.

~~(d) Final acceptance.~~ The process for obtaining final acceptance is as follows:

~~(1) Two (2) years following preliminary acceptance of bridges, streets, water and sewer mainlines; and three (3) months following preliminary acceptance of other public improvements, the developer may request, in writing, that the city or its agents re-inspect the improvements for final acceptance. Acceptance and warranty procedures of other service providers may apply.~~

~~(2) If the improvements meet city standards for final acceptance, the director of public works shall forward a resolution accepting the improvements to city council for consideration. If the resolution to accept the improvements is adopted by council, the developer shall be provided with a copy of the resolution and shall retain collateral in the amount of fifteen (15) percent of such costs.~~

~~(3) If the improvements do not meet city standards for final acceptance, or if the city council rejects any resolution for acceptance presented to them, the director of public works shall notify the applicant, in writing, of the reasons for non-acceptance and identify any corrective measures that must be carried out by the applicant.~~

(e) Effect of final acceptance. Upon adoption of the resolution for acceptance by city council, the city shall fully release any guarantee for the public improvements and assume full maintenance responsibility for such public improvements unless otherwise specified in the resolution.

(f) Effect of non-acceptance. If the developer fails to complete the corrective measures identified by the Public Works Director prior to the expiration of the improvements agreement date or as outlined in a notice of non-acceptance from city council, the city may revoke preliminary acceptance. In addition, the city may require the posting of additional collateral, revoke approval of any land use, subdivision, or site plan approval, cease issuing building permits for the property, and pursue any remedy provided in the improvements agreement, or otherwise available at law.

(Ord. No. 1802, § 8.5, 7-23-01; Ord. No. 1815, § 23, 11-6-01)

Sec. 26-206. Approval of private improvements.

~~(a) *Process.*—The city shall approve or disapprove the construction of private improvements according to the following process: The process for approval of private improvements shall be established by the Public Works Director and at a minimum include:~~

(1) Request for Inspection: Upon completion of the improvements the developer shall notify the city in writing, and request inspection.

(2) Letter of Completion: Included with the request for inspection, the developer shall provide a letter from the project engineer and testing firm verifying completion of the private improvements in general conformance with approved project plans and specifications. The letter shall be prepared as required by the City's Engineering and Utility Standards.

(3) Inspection of Improvements.The city or its agents shall inspect the improvement for which the approval is being requested. The city is not required to conduct inspections when climatic conditions ~~make prevent~~ a thorough inspection ~~unfeasible~~.

~~(3) If the improvements have been constructed in substantial conformance with the development approval~~(4) Approval of improvements: If no unsatisfactory conditions are found, the director of public works will notify the developer of approval in writing ~~and release the collateral being held for the related improvements.~~

~~(4)–(5) Non-approval of improvements.~~ If the improvements have not been satisfactorily completed in accordance with city standards and/or the development approval, the director of public works shall notify the developer of deficiencies in writing ~~and outline corrective measures.~~ Upon completing the corrective measures, the developer shall repeat this process, until all private improvements have been approved by the city.

(b) Effect of approval. Upon adoption of the resolution for written approval by city council ~~the Director, the city~~ City shall fully release any guarantee collateral for the private improvements. ~~Full maintenance~~ Maintenance for such private improvements shall continue to be the responsibility of the developer.

(c) Effect of non-approval. If the developer fails to ~~complete the corrective measures~~ correct the deficiencies outlined in a notice of non-approval from city council, the city may ~~revoke preliminary approval. In addition~~ from the Public Works Director, the city may require the posting of additional collateral, revoke approval of any land use, subdivision, or site plan approval, cease issuing building permits for the property, and pursue any remedy provided in the improvements agreement, or otherwise available at law.

(Ord. No. 1802, § 8.6, 7-23-01)

Sec. 26-207. Public improvements reimbursement agreements.

no changes.

Sec. 26-67. Preliminary plat.

No changes

Sec. 26-68. Final plat.

(a) *Purpose.* The purpose of the final plat process is to allow detailed administrative review of land subdivisions that do not create significant impacts on nearby lands, or land subdivisions that were reviewed and approved as preliminary plats.

(b) *Applicability.* A final plat is required for all subdivisions of land, re-subdivisions, replats, lot line adjustments, lot line eliminations, corrections, plat vacations, easement vacations, including without limitation all plats exempt from preliminary plat review. It is intended that the city exercise all powers vested in it by C.R.S. §§ 31-23-212--31-23-225.

(c) *Prerequisites.*

(1) All divisions of land required by subsection 26-67(b) to obtain approval of a preliminary plat shall obtain such approval prior to application for a final plat. The final plat shall be in substantial conformance with the preliminary plat. When a final plat is not in substantial conformance with the preliminary plat, a new preliminary plat application shall be required.

(2) The director may refer any application for a final plat to the planning commission for a recommendation if the director concludes that the application may create significant impacts on nearby properties or may be inconsistent with the preferred direction or policies within the community area plan.

(3) Prior to submittal of a final plat for a site where collateral is required sufficient design information must be prepared to identify the scope of the improvements. When required by the Public Works Director for sites with public infrastructure, the design must be in the form of approved civil construction plans plans.

(d) *Exemptions.* No final plat application may be made for the same land area in any five-year period that would result in the creation of:

- a. Creates three (3) or more industrial lots with each lot being less than one acre;
- b. Creates three (3) or more duplex lots; or
- c. Creates six (6) or more single-family lots.

(e) *Submittal requirements.* Submittal requirements are set forth in forms maintained by the director.

(f) *Criteria for approval and recording.* No final plat shall be approved and recorded until the following criteria are met. When a final plat has been reviewed and approved as a preliminary plat under the provisions of this CDC and a criterion listed below was satisfied at that review stage, and the final plat is determined to be in substantial conformity with the approved preliminary plat, the criterion shall not apply to the review of the final plat:

(1) *Conformity with CDC.* The proposed final plat substantially conforms to all applicable requirements of this CDC, including the dimensional standards of the zone district(s) in which it is located, as modified by any PUD or variance for the property or as registered as a legal nonconforming structure.

(2) *Verification of developable lots.* Each lot proposed for development in the subdivision has demonstrated, to the satisfaction of the director, that it is developable. Elements reviewed for developability include a demonstrated ability to meet the

requirements of this Community Development Code in terms of zone district standards, development standards, and subdivision standards.

(3) *Conformity with other applicable regulations.* The proposed final plat conforms to any other applicable regulations and requirements including but not limited to provisions of state law, this Code, and any requirements set by any capital improvements plan or program, or any approved subdivision improvements agreement or development agreement for the property.

(4) *Conformity with area community plan.* The proposed final plat shall conform to the preferred direction and any applicable policies of the Steamboat Springs Area Community Plan.

(5) *Compatibility with surrounding area.* The proposed final plat shall be compatible with the character or existing land uses in the area and shall not adversely affect the future development of the surrounding area.

(6) *Suitability for development.* The land proposed for subdivision shall be physically suitable for development, considering its topography (the presence of steep or unstable slopes), natural resource features (such as wetlands, floodplains, and sensitive wildlife habitat areas), and any environmental hazards (such as avalanche or landslide paths, rockfall hazard areas, or wildfire hazard areas) that may limit the property's development potential.

(7) *Phasing.* If the proposed development is to be developed in phases, then each phase shall contain the required streets, utilities, landscaping, and other improvements that are necessary and desirable for residents of the project for that phase. Each phase of the phasing plan shall meet the requirements of the CDC on its own unless a variation was granted. If the development incorporates any amenities for the benefit of the city, such as trail connections, these shall be constructed within the first phase of the project, or, if this is not practical, then as early in the project as is reasonable.

(8) *Consistency with preliminary plat.* The proposed final plat shall be consistent with the approved preliminary plat and shall include sufficient response to any issues identified during preliminary plat review or any conditions applied by the city to the approval of the preliminary plat.

(9) *Compliance with state law.* The final plat has been prepared in substantial conformance with state law governing subdivisions, plats and surveying requirements as amended from time to time.

(10) *Completion of infrastructure or improvements agreement.* The required infrastructure, including but not limited to streets, ~~drainage,~~ water, and sewer are complete and have final acceptance, or an improvements agreement has been executed.

(11) *Criteria for townhome plats for duplexes.* The subdivision of any duplex in any zone district in the city shall be allowed provided that the following criteria are met:

a. Construction and occupancy of the duplex is a conforming use and was in compliance with all applicable zoning regulations of the zone district in which the duplex is situated at the time of its construction unless a variance from the zoning regulations was granted by the board of adjustment.

b. The final plat for the duplex subdivision may divide the lot in which the duplex is located into two (2) lots, each containing one duplex unit pursuant to a recorded party wall agreement. The duplex subdivision must meet all requirements of article VII, subdivision regulations, with the exception of subsections 26-184(b)(3) and 26-184(d). A

party wall agreement will be required to be recorded concurrently with the duplex plat. For purposes of determining compliance with dimensional requirements, at the time of subdivision or with any future site development, setback standards will not be required from the common property line. In the alternative to the above, after subdivision, title to the land area at the duplex site, except for the land area occupied by the duplex itself and that area within a five-foot perimeter, shall remain undivided and owned in common by the owners of the subdivided duplex or by a corporation, partnership, or other entity consisting only of the owners of the subdivided duplexes.

(g) Term and effect of approval.

- (1) The approval of the plat shall be final for three (3) years or a term agreed upon through a development agreement when approved by the director.
- (2) Final plats shall be signed by the director and the city council president, and the city clerk shall attest the signature of the city council president. When signatures have been obtained and the plat or part thereof, recorded with the county clerk and recorder, the final plat or part thereof shall be approved in perpetuity or until amended.
- (3) Where final plats are utilized in order to vacate an easement an ordinance shall accompany the plat document and shall be filed concurrently at the county clerk and recorder.
- (4) Final plats shall run with the land unless and until amended or vacated as provided in subsection (h).

(h) Modification or vacation. Modifications to a final plat shall be processed according to the same procedures required for approval; however, the director shall have the discretion to modify the submittal requirements based upon the magnitude of the modification(s). In any case, the amended plans shall be labeled as such, contain the necessary signatures and certificates for recording and be recorded with the county clerk and recorder's office if the amendment was in sections one, two, three, four or five of the final plat. No final plat shall be modified or vacated so as to deprive any lot owner of access, open space, or any other amenity included in the approved final plat unless each affected lot owner has given written consent to such modification or vacation and the modification or vacation has been approved through the applicable process provided in this CDC.

(Ord. No. 2187, § 1, 6-3-08; Ord. No. 2208, § 1, 9-16-08)

AGENDA ITEM # 6

CITY COUNCIL COMMUNICATION FORM

FROM: Anthony B. Lettunich, City Attorney (879-0100)

THROUGH: Jon Roberts, City Manager (Ext. 228)

DATE: Tuesday, January 19, 2010

RE: Ordinance - First Reading: **AN ORDINANCE AMENDING CERTAIN ARTICLES IN CHAPTERS 2 AND 26 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE PERTAINING TO GENERAL ADMINISTRATION OF THE CITY AND EXECUTION OF VARIOUS DOCUMENTS, AND ESTABLISHING AN EFFECTIVE DATE.** (Lettunich)

NEXT STEP: Approve the Ordinance at First Reading by Motion

INFORMATION
 MOTION
 ORDINANCE

I. REQUEST OR ISSUE:

To consider various changes to the Steamboat Springs Municipal Code ("Code") regarding general administration and execution of various documents.

II. RECOMMENDED ACTION:

Approve the attached Ordinance at first reading by motion.

III. FISCAL IMPACTS:

None.

IV. BACKGROUND INFORMATION:

The City Council has requested that City Staff review the Code and propose amendments to the Code that bring the Code into compliance with current practices and make the administration of the City's business more efficient.

City Staff recommends expanding the grounds for calling an executive session to include those set forth in the state statute, since the Steamboat Springs Municipal Code varies somewhat from the state statute. Allowing an executive session based on the state statute, as that statute may be amended from time to time, provides the City additional flexibility in calling an executive session. Adding the right to go into executive session to deliberate prior to making a decision has been discussed for some years. Although not generally recommended and not used in the majority of cases, this language would allow an executive session for this reason in the unusual circumstance where it is deemed necessary for confidential or sensitive reasons.

The Code requires the administration of an oath prior to any party or witness testifying in a quasi-judicial hearing. This directive is not generally followed and has been considered inconvenient and time consuming when a large number of people wish to comment on a development plan or other quasi-judicial matter. This amendment would still allow oaths to be administered but would expressly confirm the City's long-standing legal position on this issue, which is: The failure to administer an oath would not affect any City Council action nor would it have any effect on the ability of the City Council to consider the information presented. In addition, we have always had the dilemma of whether an attorney representing a party should be sworn prior to making arguments before the City Council. Arguably, they are neither parties nor witnesses.

The amendments add the City Manager as a person authorized to sign plats, lot-line adjustments and improvement agreements.

V. SUMMARY AND ALTERNATIVES:

Approve the ordinance at first reading, with or without further amendments to the proposed language. The City Council may also table the first reading or deny the first reading.

End of Memo

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING CERTAIN ARTICLES IN CHAPTERS 2 AND 26 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE PERTAINING TO GENERAL ADMINISTRATION OF THE CITY AND EXECUTION OF VARIOUS DOCUMENTS, AND ESTABLISHING AN EFFECTIVE DATE.

RECITALS:

1. The City Council has requested that the City Staff review the Steamboat Springs Municipal Code ("Code") and suggest amendments that bring the Code into conformity with current practices and make the administration of the City more efficient; and

2. City Staff has review various articles in Chapters 2 and 26 of the Code and suggests the attached amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, THAT:

SECTION 1

The City Council finds that this ordinance is necessary for the health, safety, and welfare, peace, and prosperity of the community.

SECTION 2

The Municipal Code of the City of Steamboat Springs shall be amended as follows:

Sec. 2-3. Time and place of meetings.

The city council shall hold its regular meetings on the first, ~~second~~ and third Tuesdays of each month, commencing at 5:00 p.m., or as soon thereafter as is feasible, in Centennial Hall located at 124 10th Street, Steamboat Springs, Colorado. The place and time of any regular meeting may be changed by the council president, or, in his or her absence, the president pro tem, when the president deems it necessary; provided that notice shall be given to all members of the time and place of the meeting, in the same manner as provided by Charter for notice of special meetings. The City Council may, at its discretion and after providing notice, schedule additional meetings, as

deemed appropriate.

Sec. 2-67. Executive sessions.

(a) Upon a motion approved by a majority vote, the city council, the planning commission or the airport authority may hold an executive session for any of the following reasons:

...

(8) For any reason set forth in § § 24-6-402(4), Colorado Revised Statutes, as that section may be revised from time to time; and

(9) To deliberate prior to rendering any decision on any quasi-judicial or administrative matter pending before the City Council; provided, however, no decision shall be made on any such matter in executive session.

Sec. 2-127. Rules of procedure generally.

(a) All quasi-judicial hearings shall be conducted under procedures designed to ensure all interested parties due process of law, and shall in all cases provide for the following:

(1) The administration of oaths to all parties or witnesses who appear for the purpose of testifying upon factual matters; provided, however, the failure to administer an oath to one or more parties or witnesses shall not have any affect on the validity of any decision rendered by the City Council in the pending matter or the ability of the City Council to base its decision on the information presented.

Sec. 26-68. Final plat.

...

(g) *Term and effect of approval.*

...

(2) Final plats shall be signed by (a) the director and (b) either the city council president, president pro-tem, or the city manager, and the city clerk shall attest the signature of the city council president, president pro-tem, or the city manager. When signatures have been obtained and the plat or part thereof, recorded with the county clerk and recorder, the final plat or part thereof shall be approved in perpetuity or until amended.

Sec. 26-79. Lot line adjustment.

...

(e) *Term and effect of approval.*

...

(2) All lot line adjustment plats involving the dedication, vacation or acceptance of any easement or land is required to obtain the signature of

the city council president, president pro-tem, or the city manager.

Sec. 26-202. Improvements agreement.

...
(f) *Improvements agreements requirements.* An improvements agreement shall be prepared in conformance with the requirements of this section.

...
(2) *Content.* The director shall keep on file copies of a standard improvements agreement with language acceptable to the city attorney. The applicant may use a standard agreement, or choose to make revisions to the standard agreement, but any agreement prepared by the applicant must be acceptable to the director, the public works director, and the city attorney. Each improvements agreement shall contain at a minimum:

...
i. Signature block for the city council president, president pro-tem, or city manager, any of whom may sign the agreement and bind the City after.

SECTION 3

If any section, subsection, clause, phrase, or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

SECTION 4

This Ordinance shall take effect five (5) days after publication following final passage, as provided in Section 7.6 of the Steamboat Springs Home Rule Charter.

INTRODUCED, READ AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the ___day of_____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

Julie Franklin, City Clerk

FINALLY READ, PASSED AND APPROVED this _____ day of _____
_____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

Julie Franklin, City Clerk

AGENDA ITEM # 7

CITY COUNCIL COMMUNICATION FORM

FROM: Chris Wilson, Parks, Open Space and Recreational Services Director
(Ext. 317)

THROUGH: Jon Roberts, City Manager (Ext. 228)

DATE: January 19, 2010

ITEM: An Ordinance abolishing the Howelsen Hill Commission and repealing Division 13, Section 2-517, Section 2-518 and Section 2-519 of the Steamboat Springs Revised Municipal Code; repealing all conflicting ordinance; providing for severability; and providing an effective date.

NEXT STEP: Approve the Ordinance on Second Reading

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

Adopt an ordinance abolishing the Howelsen Hill Commission.

II. RECOMMENDED ACTION:

Adopt the ordinance.

III. FISCAL IMPACTS:

Proposed Expenditure: None

Funding Source: None

IV. BACKGROUND INFORMATION:

In 1992, City Council wished to facilitate communications among users and operators of the “Howelsen Hill Ski Area”. Their hope was to increase efficiency, effectiveness and accountability at this community amenity.

The Howelsen Hill Commission (Commission) met at least once every three months to review operations, to advise the Parks and Recreation Director and to recommend improvements in operations, procedures, rules and regulations and to periodically advise City Council and the Parks and Recreation Commission.

The Commission was composed of two individuals who are members of the City Council and were appointed by the Council President; two individuals who were members of Parks and Recreation Commission appointed by the Chair of Parks and Recreation Commission; two individuals who were members of the Steamboat Springs Winter Sports Club (SSWSC) and who were appointed by the Club President; the Steamboat Springs Parks and Recreation Director; the SSWSC Executive Director; and three individuals appointed by the Steamboat Springs City Council from among the community at large who served four year overlapping terms and whose anniversary date for purpose of appointment was April 1.

After several administrative changes at the SSWSC the Commission no longer felt it necessary to meet. They recommended to City Council the dissolution of the Commission which was supported by a majority of City Council. Due to other pressing issues an ordinance to abolish the Howelsen Hill Commission has not been done until this time.

V. LEGAL ISSUES:

Since this commission was formed via ordinance it must be removed via ordinance.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None.

VII. SUMMARY AND ALTERNATIVES:

In an effort to clean-up the Steamboat Springs Revised Municipal Code this ordinance should be approved.

VIII. ATTACHMENTS

Attachment 1. Ordinance No. 1281 - Establishing the Howelsen Hill Commission

ORDINANCE NO. 1781

AN ORDINANCE ESTABLISHING THE
HOWELSEN HILL COMMISSION

WHEREAS, the City of Steamboat Springs owns and operates a recreational amenity known as the "Howelsen Hill Ski Area;" and

WHEREAS, the City Council of the City of Steamboat Springs wishes to facilitate communications among users and operators of this amenity; and

WHEREAS, the City Council wishes to increase efficiency, effectiveness, and accountability at this amenity.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Steamboat Springs, as follows:

Section 1. Ski Jump Commission. The Ski Jump Commission is hereby disbanded.

Section 2. Howelsen Hill Commission. The Howelsen Hill Commission is hereby created and shall meet at least once every three months to review Howelsen Hill Ski Area operations; to advise the Steamboat Springs Parks and Recreation Director and recommend improvements in Howelsen Hill Ski Area operations, procedures, rules and regulations; to periodically advise the Steamboat Springs City Council on matters pertaining to Howelsen Hill Ski Area operations; to periodically advise the Steamboat Springs Parks and Recreation Commission on matters pertaining to Howelsen Hill Ski Area operations, costs of operations, and recommend capital improvements. The Parks and Recreation Commission shall then advise the City Manager and City Council of recommendations for inclusion in the Annual Steamboat Springs Financial Plan (Budget).

Section 3. Composition: Howelsen Hill Commission. The Howelsen Hill Commission shall be composed of the following:

two (2) individuals who are members of the Steamboat Springs City Council and who are appointed by the Council President;

two (2) individuals who are members of the Steamboat Springs Parks and Recreation Commission and who are appointed by the Chair of the Parks and Recreation Commission;

two (2) individuals who are members of the Steamboat Springs Winter Sports Club and who are appointed by the Club President;

the Steamboat Springs Parks and Recreation Director;

the Steamboat Springs Winter Sports Club Executive Director; and

three (3) individuals appointed by the Steamboat Springs City Council from among the community at large who shall serve four (4) year overlapping terms and whose anniversary date for purposes of appointment shall be April 1.

Section 5. Business: Howelsen Hill Commission. The Howelsen Hill Commission shall appoint from among its members a Chair who shall conduct meetings and a Vice Chair who shall conduct meetings in the absence of the Chair. A Secretary, who may or may not be a member of the Howelsen Hill Commission, shall also be appointed to keep minutes of all meetings. Meetings shall be conducted in public, subject to Robert's Rules of Order, City Codes, and State Statutes.

Section 6. Severance Clause. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason held to be invalid, such decision shall not effect the validity of the remaining portion of this Ordinance.

Section 7. Effective Date. This Ordinance shall take effect immediately upon the expiration of five (5) days from and after the final date of publication, as provided by the City of Steamboat Springs Home Rule Charter.

INTRODUCED, READ AND ORDERED published, as provided by law,
by the City Council of the City of Steamboat Springs, at its
regular meeting held on the 2nd day of June, 1992.

x Mary T. Brown
Mary T. Brown, President
Steamboat Springs City Council

ATTEST:

x Marty Alexandroff
Marty Alexandroff, City Clerk

FINALLY READ, PASSED AND APPROVED this 16th day
of June, 1992.

x Mary T. Brown
Mary T. Brown, President
Steamboat Springs, City Council

ATTEST:

x Marty Alexandroff
Marty Alexandroff, City Clerk

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE ABOLISHING THE HOWELSEN HILL COMMISSION AND REPEALING DIVISION 13, SECTION 2-517, SECTION 2-518 AND SECTION 2-519 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that it is in the best interest of the City to consolidate, eliminate and reduce the number of boards, committees and commissions that are no longer active within the community; and

WHEREAS, City Council would like to abolish the Howelsen Hill Commission and remove its membership and function definitions from the Steamboat Springs Revised Municipal; and

WHEREAS, City Council realizes that certain functions from the Howelsen Hill Commission have been absorbed by the Parks and Recreation Commission and therefore, direct City coordination is no longer necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:

Section 1. Division 13, Howelsen Hill Commission, Section 2-517, Section 2-518, Section 2-519 re hereby repealed and removed from the Steamboat Springs Municipal Code.

Section 2. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

Section 3. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

Section 4. The City Council hereby finds, determines, and declares that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety.

Section 5. This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6 (h) of the Steamboat Springs Home Rule Charter.

INTRODUCED, READ AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the _____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

FINALLY READ, PASSED AND APPROVED this _____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

AGENDA ITEM # 8

CITY COUNCIL COMMUNICATION FORM

FROM: Chris Wilson, Parks, Open Space and Recreational Services Director
(Ext. 317)

THROUGH: Jon Roberts, City Manager (Ext. 228)

DATE: January 19, 2010

ITEM: An Ordinance abolishing the Tennis Advisory Committee and repealing Division 14, Section 2-520, Section 2-521 and Section 2-522 of the Steamboat Springs Revised Municipal Code; repealing all conflicting ordinance; providing for severability; and providing an effective date.

NEXT STEP: Approve the Ordinance on Second Reading

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

Adopt an ordinance abolishing the Tennis Advisory Committee

II. RECOMMENDED ACTION:

Adopt the ordinance.

III. FISCAL IMPACTS:

Proposed Expenditure: None

Funding Source: None

IV. BACKGROUND INFORMATION:

In 1991, City Council caused to be constructed a tennis facility consisting of four indoor courts and six outdoor courts. Council deemed it desirable to establish a committee to assist in the proper planning, future development and implementation of tennis as a recreational amenity within the City.

An eight member Tennis Advisory Committee was established and consisted of five community representatives appointed by the City Council, one member of the Parks and Recreation Commission, the City Council President or their designee, and a member appointed by the Lodging Committee. The community representatives served for one year terms. One member was appointed as a voting alternate. The role of the Committee was to advise the Parks and Recreation Director and make recommendations regarding the quality of the tennis operation. The Committee was an adhoc committee, and responded directly to the Director of Parks and Recreation and indirectly to the Parks and Recreation Commission. Meetings were called as needed.

The Tennis Advisory Committee board membership was amended in 1994 to the following: ten members appointed by City Council, with a total of nine voting members. One member from the Lodging Community; one member from the Parks and Recreation Commission; one member from City Council; the Director of the Parks and Recreation Department, who was the non-voting member; one member from the Steamboat Springs Tennis Association; five at large community representatives. The existing members of the Adhoc Committee were to remain members. Therefore, each member served a four year term.

After completion of the remodel of the bubble structure and recognition of the community efforts the Committee recommends dissolution. Due to other pressing issues an ordinance to abolish the Tennis Advisory Committee has not been done until this time.

V. LEGAL ISSUES:

Since this commission was formed via resolution and it must be removed via ordinance.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None.

VII. SUMMARY AND ALTERNATIVES:

In an effort to clean-up the Steamboat Springs Revised Municipal Code this ordinance should be approved.

VII. ATTACHMENTS

1. Resolution No. 91-45 - Creating a Tennis Advisory Committee
2. Resolution No. 94-28 - Establishing objectives, responsibilities, and amending board membership guidelines for the Tennis Advisory Committee
3. Resolution No. 97-31 – Requesting that the Tennis Advisory Committee report directly to the Parks and Recreation Commission and eliminate the City Council Representative on the Committee
4. Ordinance No. 1922 - Adding to Chapter 2, a division 14, section 2-520 through section 2-522 of the Steamboat Sprigs Revised Municipal Code, acknowledgement of the Tennis Advisory Committee

RESOLUTION # 91-45

A RESOLUTION CREATING A TENNIS ADVISORY COMMITTEE

WHEREAS, The City of Steamboat Springs has caused to be constructed a tennis facility consisting of four indoor courts and six outdoor courts.

WHEREAS, The City Council deems it desirable to establish a Tennis Advisory Committee to assist in the proper planning, future development and implementation of Tennis as a recreational amenity within the City.

NOW THEREFORE BE IT RESOLVED by the City Council of The City of Steamboat Springs Colorado as follows:


SECTION 1. TENNIS ADVISORY COMMITTEE

A eight member Tennis Advisory Committee is hereby established and shall consist of five community representatives appointed by the City Council, one member of the Parks & Recreation Commission, the City Council President or their designee, and a member appointed by the Lodging Committee. The community representatives will serve for one year terms. One member will be appointed as a voting alternate.

The role of this committee will be to advise the Parks & Recreation Director and make recommendations regarding the quality of the tennis operation.

The committee will be an adhoc committee, responding directly to the Director of Parks & Recreation and indirectly to the Parks & Recreation Commission. Meetings will be called as needed.

ON THIS 3RD DAY
OF SEPTEMBER, 1991

ATTEST:

Sara Axelson
Sara Axelson, City Clerk

Mary Brown
Mary Brown
City Council President

RESOLUTION NO. 94-28**A RESOLUTION ESTABLISHING OBJECTIVES, RESPONSIBILITIES,
AND AMENDING BOARD MEMBERSHIP GUIDELINES FOR THE TENNIS
ADVISORY COMMITTEE**

WHEREAS, The City Council of the City of Steamboat Springs established a Tennis Advisory Committee on the 3rd day of September, 1991, a copy of the resolution is attached hereto as Exhibit "A," to assist in the proper planning, future development and implementation of Tennis as a recreational amenity within the City; and

WHEREAS, The City Council desires to establish objectives, responsibilities and amend Board membership guidelines for the Tennis Advisory Committee.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Steamboat Springs, Colorado as follows:

Section 1. Objectives. The Tennis Advisory Committee shall establish policies in accordance with the following goals:

- 1) The Tennis Center shall be a high quality tennis facility which serves both the local and tourist population, with special emphasis placed on encouraging local use of the facility;
- 2) The Tennis Center shall be a largely self-sufficient entity and of little financial burden to the City of Steamboat Springs.

Section 2. Responsibilities. The Tennis Advisory Committee shall have the following authorized responsibilities:

- 1) to identify, with the cooperation of the Concessionaire or City operator of the Tennis Center, deficiencies in the Tennis Center, and to serve as an advisory to City Council regarding remedies for such deficiencies;
- 2) to make advisory recommendations to the City Council on management guidelines for the Tennis Center (ie. concessionaire vs. City operated);
- 3) to serve as the liaison between the City Council and the operator of the Tennis Center or the Concessionaire;
- 4) to function as the Board of Directors of the Tennis Center, insuring that the facility is fulfilling its responsibilities to the public users;
- 5) to advise the City Council as to the disbursement of funds for capital projects to maintain the facility in good working condition;

- 6) to fix the time and place of its regular public meetings;
- 7) to adopt by-laws and rules of procedure which shall provide for the calling and holding of special public meetings and which shall provide for the selection of a president and president pro tem; and
- 8) to perform any other functions that the City Council may from time to time delegate to it that are not inconsistent with the Charter, the Steamboat Springs Revised Municipal Code, or other ordinances of the City of Steamboat Springs.

Section 3. Board Membership. Resolution #91-45, which creates the Tennis Advisory Committee shall be amended to state the following:

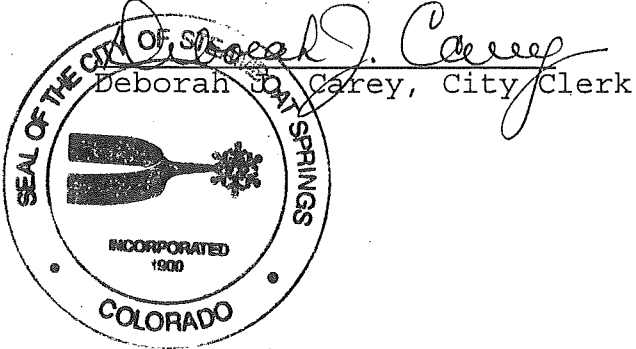
- 1) the Committee shall have ten (10) members appointed by City Council, with a total of nine (9) voting members. The membership shall consist of:
 - a) one member from the Lodging Community;
 - b) one member from the Parks and Recreation Commission;
 - c) one member from the City Council;
 - d) the Director of the Parks and Recreation Department, who shall be the non-voting member;
 - e) one member from the Steamboat Springs Tennis Association;
 - f) five (5) at large community representatives;
- 2) the existing members of the Committee shall remain members. Existing members from subsections a) through e) above shall serve two (2) year terms from the effective date of this resolution. Existing members from subsection f) shall serve four (4) year terms from the effective date of this resolution. Thereafter, each member shall serve four (4) year terms;
- 3) the Parks and Recreation Department shall provide a non-member Secretary to the Tennis Advisory Committee to take meeting minutes and perform other clerical duties as directed by the Parks and Recreation Director;
- 4) the Committee shall serve as an advisory to the City Council regarding the appointment of members;
- 5) each member of the Committee may resign at any time by giving written notice to the Tennis Advisory Committee and the City Council of the City of Steamboat Springs. Unless otherwise specified in the notice, the resignation shall take effect upon receipt by the City Council, and the acceptance of the

resignation shall not be necessary to make it effective.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Steamboat Springs, at its regular meeting held on the 5th day of July, 1994.


WILLIAM B. MARTIN, President
Steamboat Springs City Council

ATTEST:



lobby

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. 97-31

A RESOLUTION REQUESTING THE FOLLOWING COMMITTEES REPORT DIRECTLY TO THE PARKS AND RECREATION COMMISSION AND ELIMINATING THE CITY COUNCIL REPRESENTATIVE ON EACH COMMITTEE: FRIENDS OF THE YAMPA RIVER BOTANIC PARK; ICE RINK ADVISORY; TENNIS CENTER ADVISORY AND THE TRAILS AND RIVER ADVISORY COMMITTEES.

WHEREAS, the City Council determined that it is in the best interest of their membership to reduce the number of boards and committees they each serve on, thereby keeping the time commitment necessary to serve as a Council member within reason; and

WHEREAS, the following committees: Friends of the Yampa River Botanic Park; Ice Rink Advisory; Tennis Center Advisory and the Trails and River Advisory Committees, have proven themselves as operational with the best interest of the City in mind; and

WHEREAS, City Council desires the Council representative designated to serve on the noted committees be eliminated; and

WHEREAS, the Friends of the Yampa River Botanic Park; Ice Rink Advisory; Tennis Center Advisory and the Trails and River Advisory Committees will report directly to the Parks and Recreation Commission to streamline process and maintain all other operational status as City committees.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS THAT,

SECTION 1

The City Council representative position on each of the following committees shall be eliminated: Friends of the Yampa River Botanic Park; Ice Rink Advisory; Tennis Center Advisory and the Trails and River Advisory Committees.

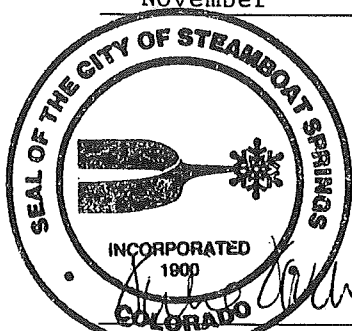
SECTION 2

The above listed committees shall report directly to the Parks and Recreation Commission.

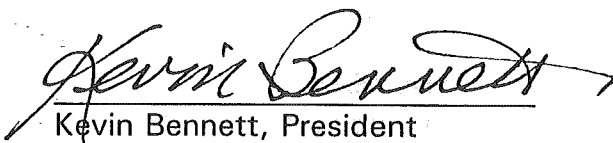
SECTION 3

The above listed committees shall maintain all other operational status

PASSED, ADOPTED AND APPROVED this 11th day of
November, 1997.




Julie Jordan-Struble, City Clerk


Kevin Bennett, President
Steamboat Springs City Council

CITY OF STEAMBOAT SPRINGS

ORDINANCE NO. 1922

AN ORDINANCE ADDING TO CHAPTER 2, A DIVISION 14, SECTION 2-520 THROUGH SECTION 2-522 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE, ACKNOWLEDGMENT OF THE TENNIS ADVISORY COMMITTEE.

WHEREAS, the City Council of the City of Steamboat Springs has determined that it is in the best interest of the City to acknowledge the membership and duties of the Tennis Advisory Committee within the Steamboat Springs Revised Municipal Code; and

WHEREAS, City Council has for the past 12 years been supported by the recommendations made by the Tennis Advisory Committee (said committee was created via Resolution No. 91-45; altered via Resolution No. 94-28 and Resolution 97-31); and

WHEREAS, City Council has determined that the support and recommendations of a Tennis Advisory Committee continues to be a vital resource in promoting this recreational amenity.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS THAT:

SECTION 1

Chapter 2, Division 14, Section 2-520 through Section 2-522 of the Steamboat Springs Revised Municipal Code is hereby written to read as follows:

Section 2-520. Created.

There is created a Tennis Advisory Committee for the city, which shall consist of eight (8) members.

Section 2-521. Membership; appointment; and term of members.

- (a) Members of the tennis advisory committee shall be appointed by the City Council. The tennis advisory committee shall consist of eight (8) members, five (5) of whom shall reside within the corporate limits of the city and two (2) of whom may reside in the county outside the corporate limits of the city, but within school district RE-2. (The residence of the Steamboat Springs Tennis Association appointee is not under the jurisdiction of City Council.)

- (b) The eight (8) members shall be as follows: one (1) individual representing the Lodging Community or designee; one (1) individual from the Parks & Recreation Commission; one (1) Parks, Open Space & Recreational Services Director or designee (non-voting position); one (1) individual representing the Steamboat Springs Tennis Association; and four (4) individuals serving At-Large.
- (c) The membership terms shall be for four years beginning April 2002 for the At-Large members; and for two years beginning April 2003 for the Steamboat Springs Tennis Association; Lodging Community member or designee; and Parks & Recreation Commission member.
- (d) All vacancies will be appointed by the Council and shall be made only for the unexpired portion of the term.

Section 2-522. Duties and Responsibilities.

- (a) The Tennis Advisory Committee shall make advisory recommendations to the Parks & Recreation Commission on management guidelines for the Tennis Center.
- (b) The recommending policies shall be in accordance with the following goals:
 - (1) The Tennis Center shall be a high quality tennis facility which serves both the local and tourist population, with special emphasis placed on encouraging local use of the facility; and
 - (2) The Tennis Center shall be a largely self-sufficient entity for operations, (capital needs are not included) and of little financial burden to the City of Steamboat Springs.
- (c) To identify, with the cooperation of the Concessionaire or City operator of the Tennis Center, deficiencies in the Tennis Center.
- (d) To serve as the liaison between the Parks & Recreation Commission and the operator of the Tennis Center or Concessionaire.
- (e) Insure the facility is fulfilling its responsibilities to the public users.
- (f) Advise the Parks & Recreation Commission as to the disbursement of funds for capital projects to maintain the facility in good working condition.
- (g) Comply with all city ordinances, regulations, and policies in the operation of the committee and The Tennis Center.

SECTION 2

All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

SECTION 3

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

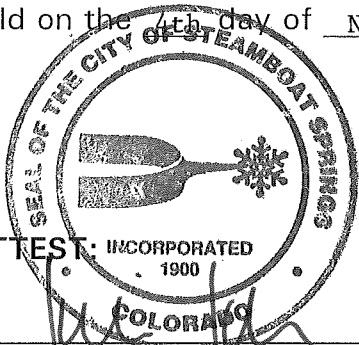
SECTION 4

The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

SECTION 5

This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following passage, as provided in Section 7.6(h) of the Steamboat Springs Home Rule Charter.

INTRODUCED, READ AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the 4th day of November, 2003.

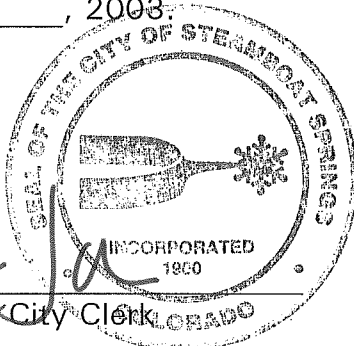


ATTEST:

Julie Jordan, City Clerk

Kathy Connell
Kathy Connell, President
Steamboat Springs City Council

FINALLY READ, PASSED AND APPROVED this 18th day of November, 2003.



ATTEST:

Julie Jordan, City Clerk

Paul A. Strong
Paul A. Strong- President
Steamboat Springs City Council

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE ABOLISHING THE TENNIS ADVISORY COMMITTEE AND REPEALING DIVISION 14, SECTION 2-520, SECTION 2-521 AND SECTION 2-522 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that it is in the best interest of the City to consolidate, eliminate and reduce the number of boards, committees and commissions that are no longer active within the community; and

WHEREAS, City Council would like to abolish the Tennis Advisory Committee and remove its membership and function definitions from the Steamboat Springs Revised Municipal; and

WHEREAS, City Council realizes that certain functions from the Tennis Advisory Committee have been absorbed by the Parks and Recreation Commission and therefore, direct City coordination is no longer necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:

Section 1. Division 14, Tennis Advisory Committee, Section 2-520, Section 2-521, Section 2-522 re hereby repealed and removed from the Steamboat Springs Municipal Code.

Section 2. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

Section 3. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

Section 4. The City Council hereby finds, determines, and declares that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety.

Section 5. This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6 (h) of the Steamboat Springs Home Rule Charter.

INTRODUCED, READ AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the _____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

FINALLY READ, PASSED AND APPROVED this _____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

AGENDA ITEM # 9

CITY COUNCIL COMMUNICATION FORM

FROM: Parks and Recreation Commission, Jack Trautman, Chair
Chris Wilson, Director Parks, Open Space and Recreational Services (Ext. 317)

THROUGH: Jon Roberts, City Manager (Ext. 228)

DATE: January 19, 2010

ITEM: Reading of a Resolution approving Adoption of the Howelsen Hill Rodeo Master Plan.

NEXT STEP: A motion to approve the reading of a resolution adopting the Howelsen Hill Rodeo Master Plan. (attached)

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

The City of Steamboat Springs Parks, Open Space and Recreational Services and Rodeo Board Sub-Committee members have worked with the consultant, Norris Design to produce the Howelsen Hill Rodeo Master Plan (Plan). It is requested that City Council adopt this Plan via resolution.

II. RECOMMENDED ACTION:

City Council should review the Plan and the recommendation for adoption from the Parks and Recreation Commission. City Council should make a motion to adopt the Plan via Resolution.

III. FISCAL IMPACTS:

Proposed Expenditure: Adoption of the Plan via resolution will not have any direct expenditure at this time.

Funding Source: N/A

IV. BACKGROUND INFORMATION:

In the spring of 2009, Norris Design was hired, through a request for bid process, as the consultant to work with the City, Rodeo Board Sub-Committee and the community to prepare a Howelsen Hill Rodeo Master Plan. Work has progressed on the Plan with information collected during public meetings held in August and November; public review of the draft conceptual design continues tonight to finalize this draft of the Plan.

Remember this is a master plan process only, so do not get lost in the details which will come out during schematic/design development and ultimately within completed construction drawings. As we move into that process staff will certainly be asking again for your help to make sure that the ultimate built project speaks to community needs and their detailed their suggestions. Your review of this conceptual plan has been highly valuable and staff looks forward to any future comments.

At the regularly scheduled December 9, 2009 Parks and Recreation Commission meeting a PowerPoint program was provided. The program covered the process and plan in detail. Upon further discussion Jenette Settle made a motion that recommends City Council adopt the Plan via resolution and Connie Staponski seconded the motion. This was followed with a unanimous vote in support of City Council adopting the Howelsen Hill Rodeo Master Plan via resolution.

As one can tell, this conceptual plan builds on the historic background of this facility while setting the stage for a more versatile complex for a sustainable future. A draft of the Plan can be viewed at the following link:

http://steamboatsprings.net/sites/default/files/page/19/Howelsen_hill_rodeo_master_plan_draft_final.pdf

The PowerPoint presentation that will be discussed at the meeting is attached and can also be viewed online at the following link:

http://steamboatsprings.net/sites/default/files/page/19/Howelsen_hill_rodeo_master_plan_final_presentation.pdf

V. LEGAL ISSUES:

City Council would need to adopt this Plan via resolution. If and when any of the recommended strategies for Plan implementation are initiated, they will need to proceed through the planning/development review process.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

There are no known conflicts or environmental issues at this time.

VII. SUMMARY AND ALTERNATIVES:

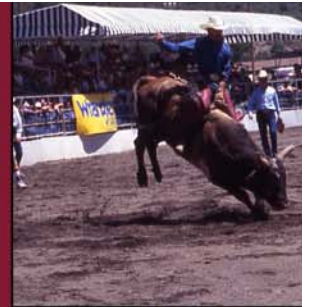
The Rodeo Board Sub-Committee members and City of Steamboat Springs Parks, Open Space and Recreational Service have worked with the consultant, Norris Design to produce the Howelsen Hill Rodeo Master Plan. Parks and Recreation Commissioners unanimously support City Council adopting the Howelsen Hill Rodeo Master Plan via Resolution.

A motion to support one of the following recommendations is requested of City Council:

1. Make a motion to adopt the Plan via resolution.
2. Make a motion to adopt the Plan via resolution with recommended changes.
3. Table the adoption to a date certain with direction.

ATTACHMENTS

Attachment 1. Power Point Presentation



Howelsen Hill Rodeo Facility Master Plan

Final Master Plan Presentation

December 9, 2009

Presentation Overview

- Introductions
- Master Plan Process & Milestone Dates
- Site Inventory and Analysis
- Stakeholder Input
- Market Demands
- Program Analysis
- Conceptual Planning
- Final Master Plan Concept
- Financial Analysis
- Questions/Comments
- Next Steps



Master Plan Process

- **Project Purpose/Vision**
 - Flexible Uses
 - Functionality
 - Community Gathering Place
 - Connectivity
 - Unique Sense of Place
 - Meets City, Stakeholder and Community Needs
 - Sustainable Design

- **What is a Master Plan?**
 - First Step in the Planning Process
 - Guide to Make Future Decisions
 - Assists in Obtaining Funding

- **What are the Next Steps in the Process?**
 - Schematic Design
 - Design Development
 - Construction Documents



Master Plan Milestone Dates

- July 16th
 - Kick-off Meeting
- July 25th
 - Attend Rodeo
- August 11-12th
 - Site Walk and Inventory
 - Focus Groups
- September 22nd
 - Site Plan Concept Review
- November 2nd
 - Draft Plan Presentation
- December 9th
 - Final Plan Presentation
- 2010
 - Funding & Schematic/Design Development

Site Inventory and Analysis



Site Inventory and Analysis

Existing Buildings and Infrastructure

Ticket Booth (portable)

GA Metal Grandstands (600 seats – permanent)

VIP Metal Grandstands (150 seats – portable)

ADA Metal Grandstands and Ramp
(25-35 seats – permanent)

Concrete Grandstands (1750 seats – permanent)

Secretary Building (power)

Announcer Booth and Sound System

Arena Facilities (chutes, corrals, stalls, pens)

Staging Areas

Ambulance Alley

Warm up Arena

Concessions Stand Building (sports medicine,
restrooms, concessions equipment, serving windows)

Barbeque Grills (not City owned)

Walk-In Freezer (not City owned)

Ice Machine (not City owned)

Bar Shack (not City owned)

Scoreboard (not City owned)



Site Inventory and Analysis

Plaza Area
Restrooms Building
Ice Cream Trailer
Playground
Picnic Tables
Stage (not City owned)
Lighting
Horse Stables and Building
Maintenance Shed
Vehicular and Pedestrian Access
Parking Lot (48 paved spaces, 200 unpaved spaces)
Track
Trail Connections
Facility Signage
View Corridors
Drainage Pattern
Safety and Security
Water and Sewer Utility Systems
Irrigation System



Site Inventory and Analysis

- Opportunities

- Location
- Plaza
- Availability of Space at Track
- Expanded Seating Capacity
- Access
- Placemaking and Theming



- Constraints

- Study Area
- Drainage
- Winter Use of Facilities
- Maintenance Equipment Storage and Access
- Pedestrian Circulation



Stakeholder Involvement

- Stakeholders Involved in the Master Planning Process
 - City of Steamboat Springs Parks and Recreation Staff
 - Rodeo Board and Staff
 - Facility Users
 - Winter Sports Club (SSWSC)
 - Ski Touring
 - Chamber of Commerce
 - Pro Bull Riding (PBR)
 - Team Roping
 - Equine Community
 - Chariot Racing
 - Concert Promotions
 - Vending
 - Others



Stakeholder Input

<i>Strengths</i>
Location
Community Heritage and Tradition
Unique Visitor Attraction
Track*
Playground for the Entire Community / All Ages
City Maintenance
Concessions*



Stakeholder Input

<i>Challenges</i>
Parking
Traffic and Access
Drainage
Concrete Bleachers
Track*
Restrooms
Pedestrian Circulation
Lack of Facilities for Winter Use
Concessions*
Lack of Horse Stalls
No Overnight Camping / No RV Hookups
Security
Worn Out



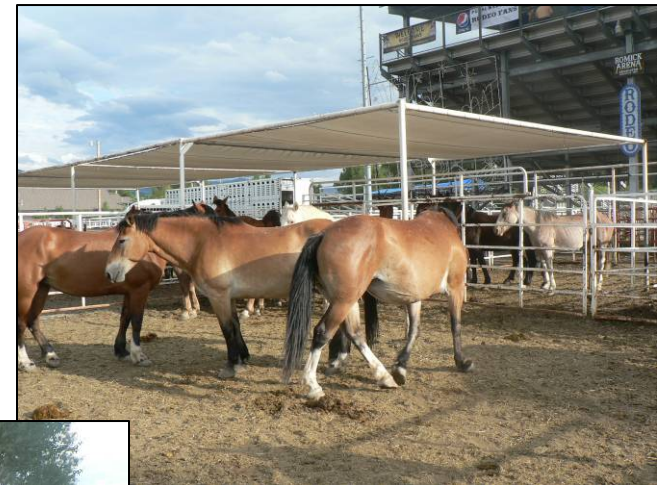
Stakeholder Input

<i>Vision/Opportunities</i>
Improved Plaza and Vendor Area
New Grandstands with Facilities Below (concessions, offices, restrooms, etc.)
Expanded VIP Seating
Expand Arena Toward Concrete Bleachers
Overnight Camping
Horse Stalls/ Overnight Stables
Stage for Concerts / Awards Ceremonies
Indoor Arena
Collaboration with Hayden Facility
Locker and Shower Facilities (Shared Facilities at the Ice Arena or Onsite)
Increased Paved Parking
Irrigated Arena and Facilities
Wayfinding Signage
Covered Area in Plaza, Fire Pit
Improved Aesthetics
Multi-Use Facility (festivals, concerts, horse shows and events, schools, clinics, etc.)



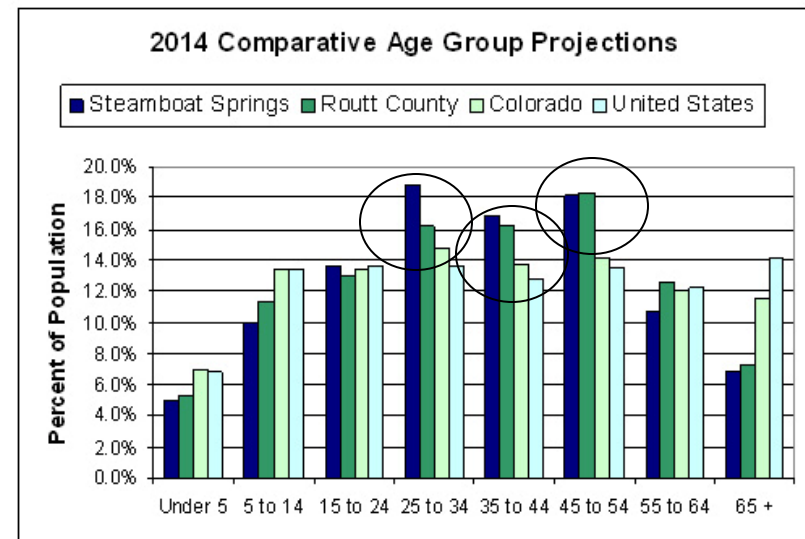
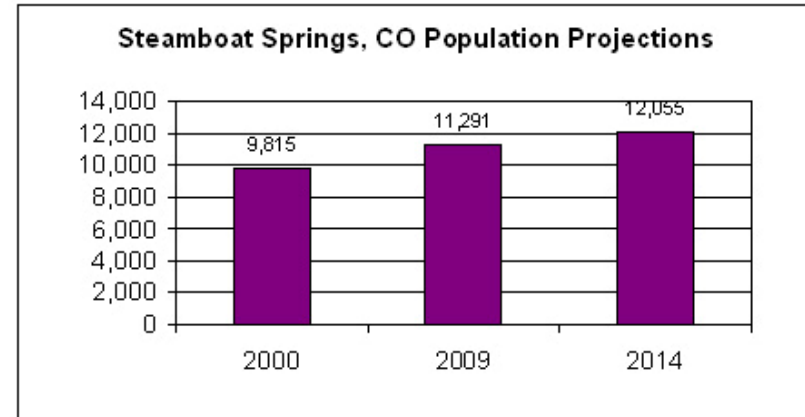
Stakeholder Input

<i>Priorities</i>
Flexibility for a Variety of Uses
Efficient Use of Existing Area and Facilities (e.g. track, stables)
Re-Design of Plaza
Additional and Improved Seating
Restrooms
Drainage and Surfaces
Horse Stalls



Market Demands

- Population Forecasts
- Age Breakdowns
- Visitors Analysis
- Community Profile
- Market Demands



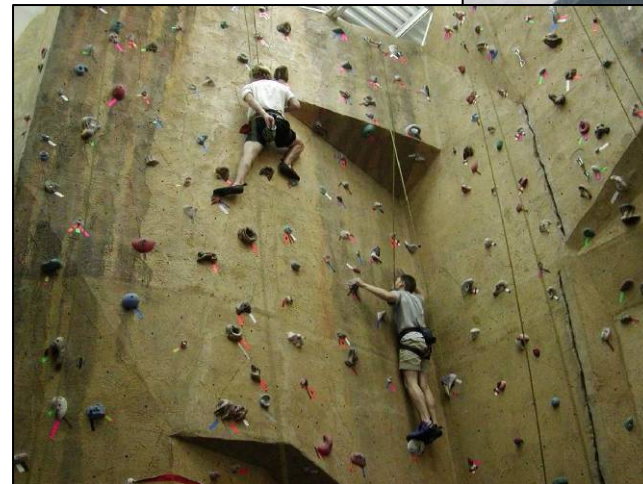
Program Analysis

- Core Programs and Services
 - Park maintenance
 - Facility capital improvements
 - Athletic field provider
 - Trails
 - Special events
 - Introductory level youth sports and activities
 - Clearing house for recreation opportunity information



Program Analysis

- Parks and Recreation Trends and Analysis
 - Rodeo
 - Horse Industry
 - Special Events and Festivals
 - Extreme Sports
 - Alternative Providers



Conceptual Planning

- **Conceptual Planning Process**
 - **Conceptual Plans**
 - Incorporate Stakeholder Input
 - Site Analysis
 - Market Demands
 - Program Analysis
 - **Developed Concepts A and B**
 - High Level Bubble Plans
 - Space Programming
 - Different Themes
 - **Concept Review**
 - Pros and Cons of Concepts A and B
 - Plan Refinement
 - **Draft Preferred Plan, Concept C**
 - Incorporate Stakeholder Input
 - Plan refinement
 - **Final Master Conceptual Plan**
 - **Plan will be incorporated into Master Plan**
 - Short-Term Priorities
 - Long-Term Needs
 - Recommendations

Concept A



Concept B



Draft Master Plan Conceptual Design



Final Master Plan Conceptual Design



Winter Graphic Overl



PROPOSED BLEACHERS
WITH 14 FT. CLEARANCE

LEGEND
SOFT SURFACE

Final Master Plan – Costs and Implementation

- Cost Estimates

HOWELSEN HILL RODEO FACILITY MASTER PLAN

FINAL CONCEPT

This estimate is conceptual and subject to change.

December 7, 2009

Item	Quantity	Unit	Cost		Total (Range)	
			Low	High	Low	High
Arena / Rodeo Facility Improvements						
Primary Arena	1	ls	\$100,000.00	\$120,000.00	\$100,000.00	\$120,000.00
Secondary Arena	1	ls	\$40,000.00	\$50,000.00	\$40,000.00	\$50,000.00
Pen Surfacing	55,089	sf	\$0.50	\$0.65	\$27,544.50	\$35,807.85
Arena Irrigation (quick coupler system vs. automatic)	82,695	sf	\$200 per head	\$0.65	\$7,200.00	\$53,751.75
Arena Surfacing	82,695	sf	\$0.50	\$0.65	\$7,201.00	\$53,751.75
Sub-Total					\$181,945.50	\$313,311.35

Seating

Concrete Grandstand Upgrades	1	ls	\$40,000.00	\$193,000.00	\$40,000.00	\$193,000.00
500 seat Grandstand (aluminum, west)	500	seat	\$320.00	\$335.00	\$160,000.00	\$167,500.00
500 seat Grandstand (aluminum, east)	500	seat	\$320.00	\$335.00	\$160,000.00	\$167,500.00
800 seat Grandstand (aluminum, east)	800	seat	\$320.00	\$335.00	\$256,000.00	\$268,000.00
Sub-Total					\$616,000.00	\$796,000.00

Plaza / Landscaping

Deciduous trees	72	ea	\$350.00	\$400.00	\$25,200.00	\$28,800.00
Deciduous, ornamental grass & evergreen shrubs (40% of bed area, #5)	18,810	sf	\$3.50	\$4.00	\$65,835.00	\$75,240.00
Perennial flowers (10% of bed area, #1)	4,703	sf	\$13.00	\$15.00	\$61,132.50	\$70,537.50
Planting beds (mulch + weed control+ steel edger)	23,513	sf	\$1.00	\$1.15	\$23,512.50	\$27,039.38
Irrigation (Planting bed)	23,513	sf	\$1.15	\$1.25	\$27,039.38	\$29,390.63
Seed	23,513	sf	\$0.25	\$0.50	\$5,878.13	\$11,756.25
Irrigation (Seeded area)	23,513	sf	\$1.00	\$1.25	\$23,512.50	\$29,390.63
Event Lawn (Sod, soil and soil prep)	11,230	sf	\$0.60	\$0.65	\$6,738.00	\$7,299.50
Irrigation (Sod, event lawn area)	11,230	sf	\$0.55	\$0.75	\$6,176.50	\$8,422.50
Concrete paving (6" depth)	29,290	sf	\$4.00	\$4.00	\$117,160.00	\$117,160.00
Colored concrete paving / Specialty paving areas	36,740	sf	\$15.00	\$20.00	\$551,100.00	\$734,800.00
Fire pit	1	ea	\$1,500.00	\$3,000.00	\$1,500.00	\$3,000.00
Trash receptacle	6	ea	\$800.00	\$1,200.00	\$4,800.00	\$7,200.00
Bike racks	2	ea	\$200.00	\$500.00	\$400.00	\$1,000.00
Perimeter Fencing (split rail, at entry plaza)	725	lf	\$13.00	\$16.00	\$9,425.00	\$11,600.00
Sub-Total					\$929,409.50	\$1,162,636.38

Final Master Plan – Costs and Implementation

- Cost Estimates

Buildings

Competition Management Building (restrooms, announcers, secretary offices, VIP seating, concessions)	4,500	sf	\$75.00	\$200.00	\$337,500.00	\$900,000.00
Restroom / Stage Building	1,500	sf	\$75.00	\$150.00	\$112,500.00	\$225,000.00
Sub-Total					\$450,000.00	\$1,125,000.00

Miscellaneous Items

Trash Enclosure with gates (10x20)	1	ls	\$8,000.00	\$10,000.00	\$8,000.00	\$10,000.00
Hinged/Removable Gate (at general admission seating area)	1	ls	\$2,000.00	\$3,000.00	\$2,000.00	\$3,000.00
New Parking lot (asphalt)	104,000	sf	\$2.25	\$2.50	\$234,000.00	\$260,000.00
Wayfinding Signage (metal post and plaque)	1	ls	\$40,000.00	\$50,000.00	\$40,000.00	\$50,000.00
Stable Re-organization	1	ls	\$5,000.00	\$10,000.00	\$5,000.00	\$10,000.00
Restroom Renovation (south side of arena)	1	ls	\$5,000.00	\$10,000.00	\$5,000.00	\$10,000.00
Concessions Renovation (south side of arena)	1	ls	\$5,000.00	\$10,000.00	\$5,000.00	\$10,000.00
Site Demolition (Restrooms, Fencing, etc.)	1	ls	\$25,000.00	\$40,000.00	\$25,000.00	\$40,000.00
Earthwork / Drainage (surface drainage improvements, bio-swales, etc.)	1	ls	\$50,000.00	\$60,000.00	\$50,000.00	\$60,000.00
Utility Improvements	1	ls	\$20,000.00	\$40,000.00	\$20,000.00	\$40,000.00
Sub-Total					\$394,000.00	\$493,000.00

Notes:

1. Estimate does not include irrigation tap fees or permitting.
2. Estimate is preliminary and subject to change.

Total	\$2,571,355.00	\$3,889,947.73
20% Contingency	\$514,271.00	\$777,989.55
GRAND TOTAL	\$3,085,626.00	\$4,667,937.27

Final Master Plan – Costs and Implementation

- **Funding**
 - Bonds
 - Fees in Lieu of Parkland Dedication
 - Dedicated Property or Sales Tax
 - Fundraising – developing a nonprofit “Friends” group
 - Grants (GOCO, DOLA, and State Historical Fund)
 - Corporate Sponsorships – naming rights
 - User Fees – facility rental, trailer/RV hookup, parking, and horse stabling
- **Phasing & Implementation**
 - Plaza
 - Access / Circulation
 - Arena
 - CMB
 - Seating

Next Steps

- Final Master Plan Presentation
 - December 9th
- City Council Approval
 - December 15th
- Seek out Funding
 - 2010
- Schematic/Design Development
 - 2010/2011



Thank you for attending!

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE HOWELSEN HILL RODEO MASTER PLAN.

WHEREAS, in 2009, the Steamboat Springs City Council supports the development of a master plan for the Howelsen Hill Rodeo/Equestrian/Multi-Use Facility; and

WHEREAS, the City of Steamboat Springs received a planning grant award of \$10,000 from Great Outdoors Colorado for the project and provided the required cash match to meet the terms and obligations of the grant agreement and application; and

WHEREAS, the City of Steamboat Springs Parks, Open Space and Recreational Services and Rodeo Board Sub-Committee began working with a consultant Norris Design, the community and City Commissions to produce the Howelsen Hill Rodeo Master Plan; and

WHEREAS, the Parks and Recreation Commission recommend adoption of the Howelsen Hill Rodeo Master Plan, as drafted.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, THAT:

Section 1. The City of Steamboat Springs City Council hereby adopts the Howelsen Hill Rodeo Master Plan as drafted and attached hereto as Exhibit A, and directs staff to implement the plan action items.

PASSED, ADOPTED AND APPROVED this ____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

Exhibit A

Draft Rodeo Master Plan

A draft of the Plan can be viewed at the following link:

http://steamboatsprings.net/sites/default/files/page/19/Howelsen_hill_rodeo_master_plan_draft_final.pdf .

It is also available for review with the City Clerk's Office upon request.

AGENDA ITEM # 10

CITY COUNCIL COMMUNICATION FORM

FROM: Jonathan Spence, Senior Planner (Ext. 224)
Thomas Leeson, AICP, Director of Planning and Community
Development, (Ext. 244)

THROUGH: Jon Roberts, City Manager, (Ext.228)

DATE: January 19, 2010

ITEM: Ski Times Square #DP-09-03

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

PROJECT NAME: Ski Times Square #DP-09-03

PETITION: Development Plan application for five condo/hotel buildings with 200± residential units, 7 commercial/retail units, and associated improvements within the proposed 680,742 square feet of floor area to be constructed in three phases.

APPLICANT: The Atira Group, Mark Matthews, VP of Development, P.O. Box 880639, Steamboat Springs, CO 80488 (970) 870-9800 email: mmathews@theatiragroup.com

PC ACTION: On September 24, 2009 the Planning Commission recommended approval of the Ski Times Square #DP-09-03 by a vote of 5-0. The September 24, 2009 Draft Planning Commission minutes are included as Attachment 2.

CITY COUNCIL COMMUNICATION FORM

Ski Times Square #DP-09-03

January 19, 2010

EXECUTIVE SUMMARY:

1. Background Information and Planning Commission Discussion:

The subject parcel consists of two tracts totaling 4.62 acres. Located on the property are the existing Tugboat Restaurant and an underground parking garage. Currently there are no approvals on the property.

The Ski Times Square Development is subject to the policies and regulations of the Steamboat Springs Area Community Plan, Mobility and Circulation Plan, Mountain Town Sub-area Plan, Community Development Code and the Mountain Base Area Design Standards. The site is a 4.62 acre parcel formerly occupied Ski Times Square buildings that were removed in 2008 with the exception of the Tugboat Restaurant. A Pre-Application for the project that also included the proposed redevelopment of the Thunderhead site was heard by both the Planning Commission and City Council. Minutes from both these meetings are included as Attachments 3 and 4, respectively of the Planning Commission report.

The Planning Commission discussed the proposed Development Plan including:

1. Compliance with the Mountain Base Area Design Standards
2. Proposed vesting of the project.
3. The amount of proposed commercial space within the project.

The applicant has requested a ten (10) year vesting of the Development Plan approval. Similar requests were granted for Wildhorse Marketplace and Wildhorse Meadows. While recognizing that the scope of the project warrants additional vesting over the standard two (2) year approval, staff is uncomfortable with a ten (10) year period before Final Development Plan application, essentially vesting the Development Plan for 13+ years. Staff recommends a vesting of the Development Plan for six (6) years. Planning Commission supported staff's position and has recommended in their motion to City Council an approval period of six years for the Development Plan.

2. Public Comment:

Sally Claassen spoke to the history of the agreement between Ski Time Square Condominiums and this property with reference to the garage and greenspace.

CITY COUNCIL COMMUNICATION FORM

Ski Times Square #DP-09-03

January 19, 2010

3. New Information:

At the October 20, 2009 Public Hearing before the City Council, this project was tabled to give the applicant the opportunity to present information related to the interim use of the properties. The applicant has returned to the City Council on November 17, 2009 and December 15, 2009 to discuss with the applicant ideas related to interim use. The applicant's proposal is included as Attachment 3. A condition, #35, has been added requiring the applicant to enter into a Development Agreement with the City within 90 days of approval outlining the commitments, responsibilities and enforcement provisions related to the interim use of the Ski Times Square properties.

4. Recommended Motion:

The Planning Commission recommends the Ski Times Square Development Plan# DP-09-03 which consists of:

- 200± residential units
- Total gross building area of 680,742 square feet
- 399,719 net sellable feet of residential space
- 27,511 square feet of commercial space including public restrooms
- 58,617 square feet of interior/exterior amenity space
- 254 parking spaces
- Turn around at the terminus of Ski Times Square if not previously constructed
- Enhanced Ski Times Square streetscape
- Enhanced pedestrian connections and Village Green
- Conditional Use to allow residential units along a pedestrian frontage
- Conditional Use to allow a sales center along a pedestrian frontage for a period of time not to exceed three years.
- A period of vesting of six years.

is consistent with the required findings for approval with the following conditions:

1. The owner shall be responsible for constructing and maintaining snow-melt and other private features located in the City ROW per the approved construction plans.
2. Obtain a revocable permit for the private improvements (landscaping, lighting, snowmelt, and parking spaces) encroachment in the ROW prior to building permit approval. City will not provide any enhanced snow removal service nor will it provide parking enforcement on the parallel spaces to be used for drop off/ pick up. There may be times due to City's snow removal operations that some spaces are blocked by snow.

CITY COUNCIL COMMUNICATION FORM

Ski Times Square #DP-09-03

January 19, 2010

3. At time of first final plat, the applicant shall:
 - a. Dedicate a public access easement for public sidewalks and pedestrian connections outside of the public Right-of-Way.
 - b. Dedicate drainage easements for public drainage courses thru private property, including Burgess Creek
 - c. Dedicate utility easements for public utilities
4. At time of Condominium Plat, dedicate a blanket pedestrian, drainage and utility easement over areas outside of any building.
5. Prior to Final Development plan or civil plan approval for the Ski Times Square turnaround, address the following outstanding design items:
 - a. Adjust the grades and provide sufficient detail as needed so the new turnaround matches existing roads and meets City road design standards.
 - b. Adjust the travel lane width to meet City requirements– it should be 12 ft exclusive of the 2 ft pan. (i.e. 26 ft curb to curb min along Ski Times Square).
6. Civil construction plans prepared by a licensed Colorado civil engineer must be submitted to Public Works for review by Public Works, Planning, and City Utilities/Mt. Werner for review and approval prior to approval of any improvements agreement, building permit, or final plat and prior to the start of any construction. We recommend submitting the construction plans a minimum of five weeks prior to building permit application to allow time for review, comment response, and approval.
7. The developer shall pay his proportionate share of the Base Area Improvements identified in the approved Base Area Master Traffic Study calculated at \$586,110.00. Payment shall be submitted prior to recordation of Final Plat or issuance of building permit, whichever comes first.
8. Submit the approved permit from Army Corp of Engineers, if required, for modifications to Burgess Creek prior to approval of civil drawings.
9. Submit s FEMA approved Letter of map revision for the floodplain modifications prior to building permit.
10. This project includes design elements that are not part of typical building permit - inspections and specialty staff is required. Prior to submittal of Building Permit, the developer shall enter into an agreement to fund specialty inspections for temporary shoring and any structures along the ROW.

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11. If soil nails are used soil nail design and construction shall allow for a minimum of 10-feet of separation from any proposed soil nail to any water or sewer main, lateral, service line or appurtenance. Any soil nails in the ROW must be approved as part of the civil construction plans and must be a minimum of 10 ft below ground surface.
12. A Construction Site Management Plan is required to be submitted in conjunction with the Building Permit and any Grade and Fill Permit Application. Due to the unique characteristics of this site such as deep excavations and limited site area, this CSMP will be subject to additional requirements including but not limited to:
 - a. Provide a phasing plan showing how temporary and permanent shoring systems will be installed.
 - b. Burgess Creek Road and Ski Times Square must be kept open to traffic at all times due to the one way in, one way out access restrictions. The roads shall not be partially closed or obstructed without a preapproved alternate route in place per 2003 International Fire Code sections 501.4 and 503.4.
 - c. Contractor parking must be provided; no parking will be allowed in the ROW of Burgess Creek Road and parking is limited within the ROW of Ski Times Square. Depending on site phasing and availability of on-site parking; off-site parking facility with shuttle service to the site may be required.
 - d. Site operations such as jersey barriers, material lay down, etc must occur on-site and not in the ROW. Additionally these items must not interfere with sight distance at the site access points or public road plowing operations.
13. The following items to be identified for each phase on the construction plans and building permit are considered critical improvements and must be constructed prior issuance of any TCO or CO; they cannot be bonded:
 - a. Public drainage improvements
 - b. Public sidewalk improvements
 - c. Installation of street and traffic control signs
 - d. Construction and preliminary acceptance of the public turnaround and associated improvements
 - e. Retaining walls, guardrails, and ancillary items needed to retain slopes effecting public ways or rights-of-way.

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- f. Access drive, driveway, and parking areas (first lift of pavement)
 - g. Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)
- 14. Materials within Ski Times Square shall match the Base Area design standards.
- 15. Make the following changes to the Phasing plan prior to approval of FDP:
 - a. On all clarify what the critical improvements are –none are noted on the plans.
 - b. Where it says surety “may” be posted should read surety is required unless the items are completed and approved by the City.
 - c. Phase III - Remove note 5. Surety shall be released according to the existing policies in the CDC and no note on the phasing plan is required. (And for reference the foundation inspection has nothing to do with completion of surety items.) Remove the Temporary retaining wall from non-critical items, if the wall is needed it will need to be installed.
 - d. Phase IV - Remove the Temporary retaining wall from non-critical items, if the wall is needed it will need to be installed. Remove reference to Sheet CI-4 list items considered critical. Remove note 5.
- 16. Engineered construction plans and specifications are to be submitted to Mount Werner Water for review and approval 3-weeks prior to construction.
- 17. The owner will be required to sign and record the Mount Werner Water “Request for Water and Sewer Services and Waiver and Acknowledgement Form” prior to approval of construction drawings.
- 18. Plant investment fees will be due at building permit application approval.
- 19. Design and installation of all mains and service lines shall be according to the Rules, Regulations and Specifications of Mount Werner Water in effect at the time of construction.
- 20. The new water and sewer infrastructure must be issued written preliminary acceptance prior to the extension of service lines to buildings and prior to service being provided.

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21. 20-foot wide (10 feet on each side of the main) easements will be required to be dedicated to Mount Werner Water for any new water or sewer mains installed for the project as well as existing water or sewer mains that are not within specified easements.
22. No landscape materials including pavement heat systems, berms, boulders, walls or trees will be allowed within the new or existing easements with the following exception; For the limited areas indicating pavement heat systems within the new or existing easements, separate agreements will be required which stipulate that Mount Werner Water will not be responsible for any costs associated with replacement of existing snow melt systems and hard surface areas in the event of sewer and/or water main repairs or replacement.
23. A reduced pressure (RP) principal backflow prevention device is to be used for backflow prevention for all fire sprinkler systems. Prior to occupancy and annually thereafter, the RP device is to be tested and approved by a certified backflow prevention technician. The test report is to be sent to the Mount Werner Water District for record keeping purposes.
24. If any restaurants are planned in the development, properly sized grease traps are to be designed, approved by Mount Werner Water, and installed.
25. Proposed abandoned water and sewer mains, manholes, and fire hydrants shall be abandoned according to Mount Werner Water specifications.
26. All surface drainage within underground parking facilities will be required to filter into an approved sand and oil interceptor. Building plans shall incorporate this as an element of design as required.
27. A Master Sign Plan shall be submitted and approved prior to the issuance of a Building Permit.
28. The staircase connecting Burgess Creek Road to Skit Times Square Drive shall be snow-melted per the requirements of the Mountain Town Sub-Area Plan Update (2005).
29. Clear directional signs to the Public Parking in the underground garage for the commercial uses will be provided. Spaces available to the public will not be tandem spaces.
30. Applicant shall submit all necessary design and construction credit documentation to the United States Green Build Council (USGBC) or its equivalent prior to certificate of occupancy. Applicant acknowledges that the City of Steamboat Springs and the Routt County Regional Building Department will conduct inspections of the project during its construction and that said inspections will not relate to the project's compliance with LEED (or its equivalent) standards. Applicant agrees that notices of satisfactory conditions given as a result of said

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inspections shall not be construed by Applicant as representations by the City of Steamboat Springs or the Routt County Regional Building Department regarding the project's LEED (or its equivalent) compliance. Applicant acknowledges that inspections for LEED (or its equivalent) compliance will be conducted only by the United States Green Building Council or other third party contracted for by Applicant.

31. With the first Final Development Plan application, the site plan shall be revised to show sidewalks that cross garage opening incorporating paving designs to distinguish the sidewalk from the drive aisle.
32. Any determination of Substantial Conformance in regard to use shall not differentiate between types of residential or commercial uses, but rather a residential use be converted to a commercial use, or its converse.
33. With the first Final Development Plan application, the community amenity calculations shall be revised to show compliance with the standard without the inclusion of the 30% contingency or the inclusion of items specifically disallowed in the Base Area Design Standards Update (2009) (bike racks, ski racks etc.) In addition the calculation shall be broken down by phase, with each phase demonstrating compliance or that compliance has already been achieved in aggregate by a previous phase. Any alteration in the proposed phasing may necessitate an additional review to ensure compliance with this standard.
34. Prior to Building Permit approval the applicant is required to enter into a Development Agreement with the City that shall stipulate:
 - a. Allowance of interior reprogramming including alterations in unit count and private amenity space and floor to floor/overall height reduction. (Any alterations in private amenity space must maintain compliance with CDC requirements)
 - b. Community Housing Plan requirements
 - c. Vesting Period
 - d. Community Amenity and URA contribution.
 - e. Any other items identified by the Planning Commission and City Council
 - f. The development agreement shall be subject to the review and approval of the City Attorney prior to execution.
35. Within 90 days of approval of the Development Plan, the applicant shall enter into a Development Agreement with the City that outlines the commitments,

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responsibilities and enforcement provisions related to the interim use of the Ski Time Square properties.

5. List of Attachments

Attachment 1- September 24, 2009 Planning Commission Report.

Attachment 2- September 24, 2009 Planning Commission Minutes.

Attachment 3- Applicant's proposal for the interim use of the property.

Attachment 4- Letter from Ski Time Square Condominium Owners Association.

Attachment 5- Applicant's Presentation.



PLANNING SERVICES STAFF REPORT

PLANNING COMMISSION AGENDA ITEM # 5:	
Project Name:	Ski Times Square #DP-09-03
Prepared By:	Jonathan Spence, Senior Planner (Ext. 224)
Through:	John Eastman AICP, Planning Services Manager (Ext. 275)
Planning Commission (PC):	September 24, 2009
City Council (CC):	October 20, 2009
Zoning:	Gondola Two (G-2)
Applicant:	The Atira Group, Mark Matthews, VP of Development, P.O. Box 880639, Steamboat Springs, CO 80488 (970) 870-9800 email: mmathews@theatiragroup.com
Location:	Ski Times Square
Request:	The applicant is proposing five condo/hotel buildings with 200± residential units, 7 commercial/retail units, and associated improvements within the proposed 680,742 square feet of floor area.

Development Statistics - Overview	
Lot Area:	201,354 square feet
Gross Floor Area:	680,742 square feet
Lot Coverage:	0.53
Residential Units:	200±
Parking Spaces:	254
Commercial Space	27,511 square feet
Overall Height	Building C 89', 10" Building D 105' Building E 88', 1" Building F 105' Building G 105'

Staff Report - Table of Contents		
Section		Pg
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II.	Background	5-3
III	Principal Discussion	5-3
IV	Project Description	5-3
V	Overview of Dimensional & Development Standards	5-5
VI	Project Analysis	5-5
VII	Staff Findings & Conditions	5-15
VIII	Attachments	5-20

I. COMMUNITY DEVELOPMENT CODE (CDC) – STAFF ANALYSIS SUMMARY

CDC - SECTION 26-65 (D): NO FINAL DEVELOPMENT PLAN SHALL BE APPROVED UNLESS THE CITY COUNCIL FINDS THAT THE PLAN MEETS ALL OF THE FOLLOWING CRITERIA:

Subsection		Consistent			Notes
		Yes	No	NA	
1)	Conformity with Community Plan	<input checked="" type="checkbox"/>			
2)	Consistency with Surrounding Uses	<input checked="" type="checkbox"/>			
3)	Minimize Adverse Impacts	<input checked="" type="checkbox"/>			
4)	Access	<input checked="" type="checkbox"/>			
5)	Minimize Environmental Impacts	<input checked="" type="checkbox"/>			
6)	Phasing	<input checked="" type="checkbox"/>			
7)	Compliance With Other Standards	<input checked="" type="checkbox"/>			
8)	Variance Criteria			<input checked="" type="checkbox"/>	No variances are being requested

Staff Finding: The Ski Times Square Redevelopment provides a well designed project that maximizes density within the constraints of the site. The project provides upgrades to the pedestrian connections in the base area and improvements in public gathering spaces. The project, as conditioned, meets all applicable requirements of the Community Development Code, Steamboat Springs Area Community Plan and other planning documents.
(Detailed policy analysis is located in Section V; Staff Findings and Conditions are in Section VII)



II. BACKGROUND

The Ski Times Square Development is subject to the policies and regulations of the Steamboat Springs Area Community Plan, Mobility and Circulation Plan, Mountain Town Sub-area Plan, Community Development Code and the Mountain Base Area Design Standards. The site is a 4.62 acre parcel formerly occupied Ski Times Square buildings that were removed in 2008 with the exception of the Tugboat Restaurant. A Pre-Application for the project that also included the proposed redevelopment of the Thunderhead site was heard by both the Planning Commission and City Council. Minutes from both these meetings are included as Attachments 3 and 4, respectively.

III. PRINCIPAL DISCUSSION ITEMS

Principal discussion items recommended to Planning Commission include:

1. Compliance with the Mountain Base Area Design Standards- See Section VI for detailed analysis.
2. Proposed vesting of the project.
3. The amount of proposed commercial space within the project.

IV. PROJECT DESCRIPTION

For a complete project description please refer to the narrative and complete application packet, included as Attachments 1 and 2. The following is a brief summary of that information:

Ski Times Square Use and Area Table

USE	SQUARE FOOTAGE	# OF UNITS
Whole and/or Fractional Ownership Condominiums	399,719	200±
Total Residential	399,719	200±
Commercial Space	27,511	7
Interior Amenities	138,626	
Parking/Driving	114,866	
Project Total	680,742	

Public Spaces

The Ski Times Square Development includes significant Public Spaces that will add to the vitality of the base area and provide enjoyment opportunities for both residents and

nonresidents alike during both winter and summer seasons. These Public Spaces include a Village Green with a community fire pit and outdoor seating area with an enhanced Burgess Creek. Please see pages 3, 8 and 9 of the application packet for locations and further descriptions of the public spaces.

Public Turnaround

If the public turnaround approved with the Thunderhead project is not built prior to the commencement of the Ski Times Square project, the turnaround will be built as Phase 1.

Proposed Vesting

The applicant has requested a ten (10) year vesting of the Development Plan approval. Similar requests were granted for Wildhorse Marketplace and Wildhorse Meadows. While recognizing that the scope of the project warrants additional vesting over the standard two (2) year approval, staff is uncomfortable with a ten (10) year period before Final Development Plan application, essentially vesting the Development Plan for 13+ years. Staff recommends a vesting of the Development Plan for six (6) years.

Commercial Uses

The project is proposing 27,511 square feet of retail/restaurant commercial space. The Base Area Retail Study suggests a range of total commercial uses in Ski Times Square of between 73,380 and 93,140 square feet. Currently there are 17,548 square feet of commercial space either constructed (Torian/Kutuk) or approved (Thunderhead). Taking into account the amount of commercial space originally planned for in the St. Cloud project (26,216) and potential other infill development (10,000), Ski Times Square would have approximately 81,275 square feet of commercial space at build-out.

Conditional Uses

The project is requesting two Conditional Uses with this application. Conditional uses are those uses that are generally in keeping with the purpose and intent of the zone district yet may have more impacts to surrounding properties and the community than uses by right or uses with criteria. The first Conditional Use is to allow residential units along a portion of the pedestrian frontage in the G-2 Zone district. Staff is supportive of this request as there may be insufficient demand for nonresidential uses in these areas. The project has established a strong commercial presence along Ski Times Square Drive and to force commercial uses within the interior site would be problematic.

The second Conditional Use is to allow a sales center along the Ski Times Square frontage in either Building E or G. In recognition of the need for a temporary on site sales center, staff is supportive of this request for a period of time not to exceed two (2) years.

V. OVERVIEW OF DIMENSIONAL AND DEVELOPMENT STANDARDS – G-2 ZONE

The dimensional standards in the G-2 zone district are somewhat limited. The G-2 zone district is intended for very high density, mixed use, pedestrian oriented developments. The simplified setback and dimensional standards that are effective in traditional single use zone districts are not effective for more complex developments. In order to adequately guide the form and function of these types of development the Mountain Base Area Design Standards were adopted (analysis included in section VI-c).

STANDARD	MAXIMUM	MINIMUM	PROPOSED	COMPLIES?
Lot Area	No Max	No min	2.48 acres	Yes
Lot Coverage	0.65	No min	0.44	Yes
Building Height	OH – 105 ft.	No Min.	Building C 89', 10" Building D 105' Building E 88', 1" Building F 105' Building G 105'	Yes
Setbacks				
Front/Back/Side		Per Mtn Town Sub-area Plan req. to provide public gathering space/ped. corridor	Varies	Yes
Parking	No Max	110 with allowable credits	254	Yes
Open Space	No Max	15%	39%	Yes
Guest Amenities	No Max	10% of net floor area	14%	Yes

VI. PROJECT ANALYSIS

The following section provides staff analysis of the application as it relates to key sections of the CDC and the Mountain Base Area Design Standards. It is intended to highlight those areas that may be of interest or concern to Planning Commission, City Council, staff or the public. For a comprehensive list of standards and requirements applicable to this proposal please refer to the CDC or contact the staff planner.

A) CRITERIA FOR APPROVAL

CDC - Section 26-65 (d): No development plan shall be approved unless the city council finds that the plan meets all of the following criteria:

CDC - Section 26-65(d)(1): Conformity with Community Plan

Staff Analysis: **Consistent;** The Ski Times Square Redevelopment project complies with and substantially implements the listed policies from the Steamboat Springs Area Community Plan. The project is a redevelopment of the site of a dated development. The project will positively contribute to the mix of land uses in the area by adding residential and commercial uses to the mountain base area. The project has placed a strong emphasis on improving pedestrian connections and creating additional public space.

Goal LU-1: Our community will promote a functional, compact, and mixed-use pattern that integrates and balances residential and non-residential land uses.

LU-1.2: Future development will be in compact mixed-use neighborhoods.

LU-2.1: Infill and redevelopment will occur in appropriate locations, as designated by the city.

LU-3.2: New development will be designed to promote distinct new mixed-use neighborhoods.

LU-5.1: Develop appropriate land use densities to support transit.

LU-5.2: New neighborhoods will be well connected by streets, sidewalks, trails, walkways, and bicycle lanes.

Goal T-1: The community considers transportation to be a basic utility in all land use decisions.

T-1.1: New development, including infill, shall be designed to achieve walkable communities and limit trip generation.

T-1.4: New development shall incorporate transit friendly design.

Goal T-2: The community will support improvements to the local transportation system.

T-2.1: New development shall include an interconnected pedestrian and bicycle system.

T-2.10: New development shall create an efficient, interconnected, multi-modal road system without dead ends and cul-de-sacs.

Goal ED-1: Steamboat Springs will have a vital, sustainable, and diverse year-round economy.

ED-1.1: Continue to support tourism-related land uses, businesses, and marketing.

ED-3.1(b): Focus on Ski Base Area Improvements

Goal CD-1: Our community will preserve its small town character and the image of neighborhoods and the community.

CD-1.4: Encourage high quality site planning and building design.

CD-1.5: Infill and redevelopment projects shall be compatible with the context of existing neighborhoods and development.

Goal CD-4: Our community will maintain and improve the appearance of its corridors and gateways and will continue to have vibrant public spaces.

CD-4.3: Public buildings and public outdoor spaces shall continue to be built to a high design standard.

CD-4.4: New commercial development shall incorporate high quality public spaces.

Goal SPA-2: Our community will continue to promote the Mountain Area as the focal point for tourism activity.

SPA-2.1: Promote redevelopment of the Mt. Werner base area.

SPA-2.2: Create a lively, year-round mixed-use commercial core for the Mountain area.

SPA-2.3: Support neighborhood planning for Mountain area neighborhoods.

SPA-2.4: Improve pedestrian and bicycle circulation patterns in the Mountain Area and reduce vehicular conflicts and the visual impact of parking.

CDC – Section 26-65 (d)(2): Consistency with Surrounding Uses

Staff Analysis: **Consistent;** The proposed commercial and residential uses are consistent with the surrounding resort development.

CDC – Section 26-65 (d)(3) Minimize Adverse Impacts

Staff Analysis: **Consistent;** It is not anticipated that the project will have any adverse impacts. Careful attention will be paid to the Construction Site Management Plan to ensure that adjacent properties are not adversely impacted during the construction period.

CDC – Section 26-65 (d)(4) Access

Staff Analysis: **Consistent;** Access is provided by Ski Times Square Drive and a new access spur off of the Ski Times Square roundabout. Access in the area will be enhanced by the construction of the public turnaround at the terminus of Ski Times Square Drive. Public parking will be provided for the commercial uses in the underground garage and will be clearly designated as such. Please see condition of approval. Pedestrian access from Burgess Creek Road to Ski Times Square through the site is provided.

CDC – Section 26-65 (d)(5) Minimize Environmental Impacts

Staff Analysis: **Consistent;** It does not appear that the project will have any significant environmental impacts. Careful attention will be paid to the Construction Site Management Plan to ensure that Burgess Creek is fully protected during the construction period. A Arney Corp permit, if required, shall be provided prior to any work in the vicinity of Burgess Creek.

CDC – Section 26-65 (d)(6) Phasing

Staff Analysis: **Consistent;** The project will be constructed in three or four phases (Phase One being the turnaround if it is not previously constructed). Planning Staff and Public Works have reviewed each phase and its related improvements and found each phase to be compliant with the CDC on its own.

CDC – Section 26-65 (d)(7) Compliance with other Standards:

Staff Analysis: **Consistent;** The proposal complies with all applicable standards of the CDC with the exception of variances that were granted during Development Plan review. Proposal also complies with Base Area Design Standards as discussed in Section VI-C of this report.

CDC – Section 26-65 (d)(8) Variance Criteria:

Staff Analysis: N/A; The proposal does not include any requests for variances.

B) CDC - KEY ISSUES/DEVELOPMENT STANDARDS**CDC – Section 26-96 Zoning: Gondola Two (G2)**

Purpose and intent: *“The purpose of the Gondola two zone district is for properties nearest to the gondola base facility to have the densest development in the city. Because of the special characteristics and importance of this area to the general welfare of the city, this zone district is intended to allow for flexibility and creativity in the development of land in order to provide a quality pedestrian-oriented environment that furthers the goals of the master plans applicable to the area. Special emphasis shall be placed on the location of uses within structures, the massing and design of structures, the provision of public spaces and gathering areas, pedestrian corridors and how those elements relate with the pedestrian environment. Multi-use buildings, with pedestrian-oriented ground-level retail and other active uses, are strongly encouraged in the G-2 zone district. All development in the G-2 zone district shall require approval of a PUD and shall be subject to the provisions in section 26-86.”*

Staff Analysis: **Consistent;** The Ski Times Square Redevelopment is designed with an emphasis on pedestrian connectivity and public spaces. The site plan provides multiple gathering places including outdoor seating areas and a village green with a community fire pit. The inclusion of retail/restaurant uses will enhance the vibrancy of the base area.

CDC Section 26-133(d)(1) Architectural Materials and Function

Staff Analysis: N/A; This standard will be evaluated at time of Final Development Plan.

CDC Section 26-133(d)(2) Context & Orientation

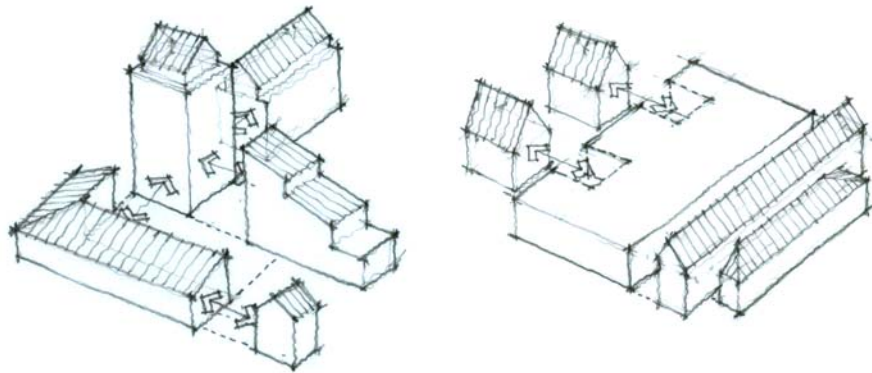
Staff Analysis: **Consistent;** The alignment of the buildings provides a well defined urban edge along Ski Times Square Drive and an enhanced pedestrian experience between Buildings C and D

CDC Section 26-133(d)(3) Mass, Scale and Articulation/Modulation

Staff Analysis: **Consistent;** The Ski Times Square redevelopment, although considerably larger than its predecessor, is designed with appropriate setbacks in buildings mass and stepping down to a pedestrian scale along pedestrian frontages.

C) MOUNTAIN BASE AREA DESIGN STANDARDS**A. Building Design and Character****2 b) Building Massing and Form Design Standards****(1) Composition of Building Elements**

- (a) The mass of a single building or group of buildings shall be organized so that it appears to be an arrangement of smaller-scale connected structures comprised of simple building forms.



Staff Comments:

The project achieves this standard in multiple ways. The substantial stepping down of the buildings along Ski Times Square Drive with multiple steps, and the varied roof lines, presents the buildings as a collection of discreet elements. The uses of flat roof top decks assist in giving the perception of a compilation of buildings.

(2) Stepping back of building mass

- (a) To the maximum extent feasible, above grade step backs in the building's form shall be provided to achieve at least one of the following objectives where such an objective is relevant:
- (i) Frame or otherwise maintain important views or view corridors;
 - (ii) Relate to the surrounding development context; or
 - (iii) Provide human scale adjacent to streets, pedestrian walkways, plazas, or other public spaces.
 - (iv) Provide a transition in scale from pedestrian scale to large scale.

Staff Comments: The project meets three of the four objectives. Objective one is met through the building orientation and stepbacks in the vicinity of Burgess Creek which frame the view corridor from the promenade north up the multi-use corridor adjacent to the Thunderhead development. The proposed development steps down adjacent to Ski Times Square Drive providing appropriate human scale. This stepping down provides a transition from the pedestrian scale at Ski Times Square Drive to a large scale near the rear of the project.

- (b) The above standard only applies where primary building walls that exceed 3 stories or 45 feet in un-broken height (as measured from finish grade to the underside of the eaves).
- (c) Step backs shall:
- (i) Be at least 8 feet in depth;

- (ii) Generally occur between 12 feet and 45 feet above the finish grade (dependant upon the height of the structure and the surrounding development context) to meet one or more of the objectives listed in Standard a above.
- (iii) Where large variations in topography exist (e.g., a building is backed up to an adjacent hillside) or where other unique site constraints exist, alternatives to the building massing and height configurations required above may be approved.
- (d) Taller structures may require multiple step backs, or variations in building massing and height in order to meet the objectives stated in standard a., above.

Staff Comments: The project, as demonstrated in the provided materials (see pages #70-#80) provides the required stepbacks and variations to meet the objectives of this standard.

(4) Pedestrian/Street-Level Interest

- (a) To the maximum extent feasible, building entrances, retail storefronts, and other active spaces shall be oriented towards adjacent streets, public plazas, and primary pedestrian walkways and shall exhibit a high degree of transparency.
- (b) Where a direct physical and visual connection cannot be made between interior and exterior spaces for programmatic reasons, building walls shall be articulated at ground level in a manner that enhances the pedestrian experience through the use of three or more of the following:
 - (i) Windows;
 - (ii) Masonry columns;
 - (iii) Decorative wall insets or projections;
 - (iv) Awnings;
 - (v) Balconies;
 - (vi) Changes in color or texture of materials;
 - (vii) Pedestrian furniture such as benches, seat walls, or
 - (viii) Integrated landscape planters

Staff Comments: Overall the project does an effective job of providing pedestrian/street level interest. Further analysis of this standard will occur at time of Final Development Plan.

3 b) Relationship to Surrounding Development Design Standards

(1) Four-sided design

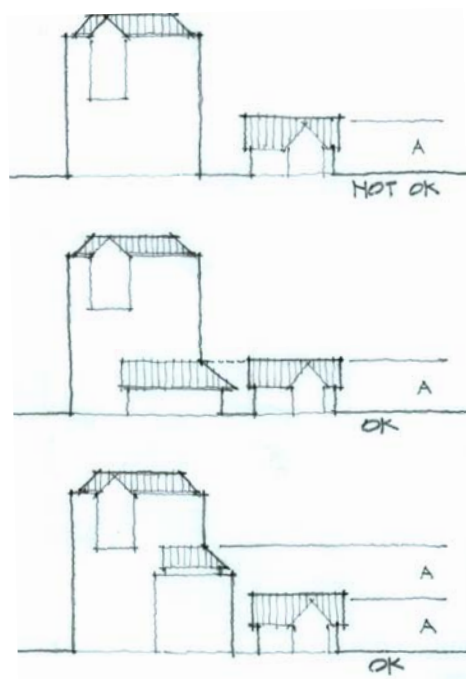
- (a) All building facades shall be designed with a similar level of design detail. Blank walls shall not be permitted.
- (b) Exceptions from the above standard may be granted for those areas of the building envelope that the applicant can demonstrate are not visible from adjacent development and public spaces.

Staff Comments: This standard will be evaluated at time of Final

Development Plan application.

(2) Development Transitions

(a) New developments that are significantly larger than adjacent existing development in terms of their height and/or mass shall provide a development transition using an appropriate combination of the following techniques:



- (i) Wrapping the ground floor with a building element or integrated architectural feature (e.g., pedestrian arcade) that is the same height as the adjacent structure; or
- (ii) Graduating building height and mass in the form of building step-backs or other techniques so that new structures have a comparable scale with existing structures; or
- (iii) Orienting porches, balconies, and other outdoor living spaces away from the shared property line to protect the privacy of adjacent residents where

applicable.

Staff Comments: The project provides successful transitions to the adjacent Ski Times Square Condominiums and the Kutuk Condominiums through the placement, orientation and mass of Building C. While Buildings F and G are significantly larger than the adjacent development, redevelopment is anticipated that will provide no needed transitions between the two properties.

5 b) Sustainable Design – Standards

(1) Materials and Building Techniques

(a) The use of sustainable building materials and construction techniques is encouraged. Standards and programs for sustainable building that may be utilized can include, but are not limited to:

- (i) US Green Building Council’s LEED (Leadership in Energy and Environmental Design) program for commercial (including lodging), multi-family, and existing buildings; and
- (ii) Built Green Colorado for single-family residential buildings.

Staff Comments: The applicant is pursuing a LEED Certification or

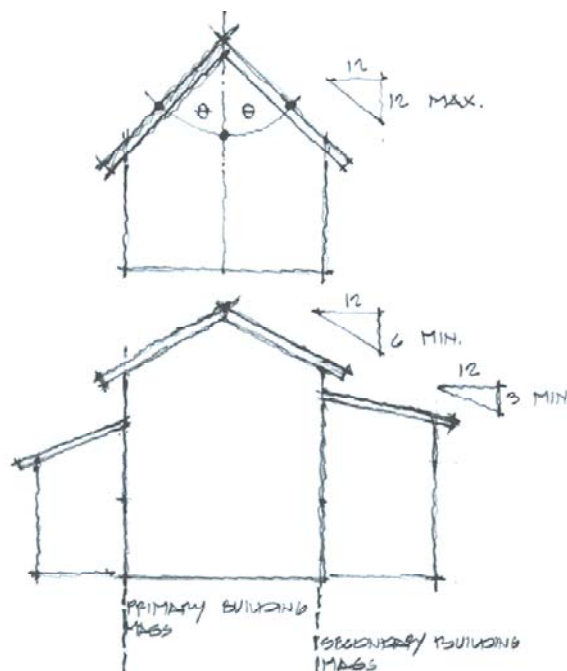
its equivalent.

7 b) Roof Form and Function (Snow Retention) Design Standards

(1) Roof Form

(a)

A variety of roof forms and surfaces (pitched, shed, dormers, and flat roofs with parapets) shall be incorporated into structures to break up large roof planes, provide visual interest, and manage snow loads. Specifically:



(i) All buildings shall have a pitched roof form (with a slope of between 6/12 and 12/12) as a primary visual element. Both roof planes of any pitched roof are encouraged to have the same slope.

(ii) Shed roof forms shall be allowed only on secondary building masses and shall have a slope of between 3/12 and 12/12.

(iii) Flat roof forms shall be enclosed

by a parapet wall of no less than 42 inches in height.

(iv) The maximum allowable area of flat roof on any building shall be 50% of the total primary roofed area (See also, discussion of Snow Retention, Catchment, Control, below).

(v) The proportion of the total roof area devoted to pitched roof forms shall vary according to the height and massing of the building to ensure a higher degree of control over snow shedding as building height increases (e.g., smaller, shorter buildings should have the highest proportion of pitched roof coverage and larger, taller buildings should have the lowest proportion).

Staff Comments: The roof plan demonstrates a variety of roof forms with most roof pitches being 6:12 with smaller shed roofs at 3:12. Portion of flat roofs that do not exceed the 50% maximum. The use of 8:12 pitches on Buildings C and E provide enhanced interest to these structures.

- (b) Dormers shall be allowed within any sloping roof plane, but shall be subject to the following standards:
 - (i) Any single dormer element shall not be longer than 1/2 the total length of the associated sloping roof plane.
 - (ii) All standards governing primary pitched roofs and shed roofs shall also be applicable to dormer roofs.

Staff Comments: The project includes multiple dormers that add visual interest to the roof lines. All of the dormers comply with the requirements of this section.

B. Site Layout and Development Pattern

3 b) Pedestrian Circulation and Connections

(1) Connections

- (a) An on-site system of pedestrian walkways shall, to the maximum extent feasible, be designed to be consistent with the sidewalks/pedestrian pathways depicted in the circulation element of the Mountain Sub-Area Plan and the city sidewalk study, when completed. The system shall provide direct access and connections to and between the following:
 - (i) The primary entrance or entrances to each building and parking structure;
 - (ii) To any existing sidewalks or pedestrian pathways on adjacent properties that extend to other locations within the Mountain Base Area;
 - (iii) Any adjacent existing or proposed sidewalk, trail, or promenade located on the Public Roadway Network Plan or the Pedestrian Network Plan contained in the Mountain Town Sub-Area Plan Update; and
 - (iv) Any adjacent public plaza.

Staff Comments: The proposed pedestrian improvements in the vicinity of Burgess Creek provide an attractive extension of the multi-use corridor connecting the promenade to Ski Times Square. The walkways proposed provide direct access and appropriate connections to meet the requirements of this section.

4 b) Public Spaces/Community Amenities/ Urban Renewal Authority Contribution

(1) Quantity

- (a) *Projects with an estimated construction cost of more than \$250,000 shall provide community amenities on site (where appropriate) in an amount equal to 1% of the construction cost valuation, as determined by the Routt County Building Department, or provide a contribution for community amenities, or provide a combination of community amenities and a contribution. The contribution shall be paid at the time the building permit is issued for the project.*

In addition, projects with an estimated construction cost of more than \$250,000 shall provide a contribution to the Urban Renewal Authority (URA) in the amount equal to ¼ % of the construction cost valuation, as determined by the Routt County Building Department. The contribution shall be paid at the time the building permit is issued for the project.

Staff Comments: The Ski Time Square project will deliver community amenities on site in an amount that is equal to or greater than 1% of the construction valuation, along with the required Urban Renewal Authority contribution, as shown on the following table. Staff is not supportive of the inclusion of a 30% contingency in the amenity calculation. A condition of approval has been added that the community amenities calculation be modified to show compliance without the 30% contingency and also be broken down by phases, with each phase demonstrating compliance with the requirement.

Ski Time Square Estimated URA Payment and Community Amenity Calculation
August 17, 2009 Estimate

Ski Time Square	Cost/SF	SF	Est. Valuation
TOTAL VALUATION	\$300	680,742	\$ 204,222,600

URBAN RENEWAL AREA PAYMENT

1/4 percent of total valuation \$510,557

COMMUNITY AMENITY REQUIREMENT

One percent of total valuation \$2,042,226

PROPOSED COMMUNITY AMENITIES

	Unit Cost	Quantity	Total
Public restrooms		856 SF	410,000
Firepit	10,000	1 ea	10,000
Ski racks	1,600	9 ea	14,400
Bike racks	1,500	5 ea	7,500
Burgess Creek Enhancements: Bridge, steps, soft trail with benches, landscaping, fireplace			306,807
Burgess Creek Stream Restoration	363	345 LF	125,235
BC Road Pedestrian Stairway			96,546
Benches	2,000	13 ea	26,000
Tables/Chairs	1,800	15 ea	27,000
Plaza chairs	210	25 ea	5,250
Litter receptacles	1,300	5 ea	6,500
Public seating areas	100	5,580 SF	558,000
Flowerpots	690	15 ea	10,350
Flagpoles	5,000	1 ea	5,000
TOTAL HARD COST			\$1,608,588
Design, Overhead, Contingency	30%		482,576

This estimate has been provided by the applicant.

(2) Community Amenities

- (a) The Community Amenity contribution shall be administered by the Urban Renewal Authority and shall be applied to the types of amenities identified in the unified Streetscape Plan. The types of amenities may include, but are not limited to:

- a) Fountains or other water elements;
- b) Wall murals;
- c) Permanent outdoor art work or sculptures; or
- d) Rotating artwork or sculptures.
- e) Bicycle racks;
- f) Public lockers;
- g) Public meeting room;
- h) Ski racks;
- i) Bus/shuttle shelters;
- j) Fire pits;
- k) Public restrooms;
- l) Public seating (e.g., benches, seat walls integrated with base of building or landscape areas or outdoor patio that is open to public); or
- m) Public drinking fountains.

Staff Comments: All of the community amenities will be built as part of the construction of the Ski Times Square project.

(3) Site Planning and Design

- (a) Plazas and other community amenities shall be constructed of materials that are of a comparable quality and be of a compatible design as the building they are attached to or the public space in which they are placed and shall be consistent with the Streetscape Plan in terms of their design and location.

Staff Comments: The design engineers for the Redevelopment Authority have reviewed the proposed improvements. There are suggested conditions of approval requiring sidewalk and public spaces to meet the minimum Redevelopment Authority design standards.

VII. STAFF FINDING & CONDITIONS

Finding

The Ski Times Square Development Plan# DP-09-03 which consists of:

- 200± residential units
- Total gross building area of 680,742 square feet
- 399,719 net sellable feet of residential space
- 27,511 square feet of commercial space including public restrooms
- 58,617 square feet of interior/exterior amenity space
- 254 parking spaces
- Turn around at the terminus of Ski Times Square if not previously constructed
- Enhanced Ski Times Square streetscape
- Enhanced pedestrian connections and Village Green
- Conditional Use to allow residential units along a pedestrian frontage

- Conditional Use to allow a sales center along a pedestrian frontage for a period of time not to exceed two years.

is consistent with the required findings for approval with the following conditions:

1. The owner shall be responsible for constructing and maintaining snow-melt and other private features located in the City ROW per the approved construction plans.
2. Obtain a revocable permit for the private improvements (landscaping, lighting, snowmelt, and parking spaces) encroachment in the ROW prior to building permit approval. City will not provide any enhanced snow removal service nor will it provide parking enforcement on the parallel spaces to be used for drop off/ pick up. There may be times due to City's snow removal operations that some spaces are blocked by snow.
3. At time of first final plat, the applicant shall:
 - a. Dedicate a public access easement for public sidewalks and pedestrian connections outside of the public Right-of-Way.
 - b. Dedicate drainage easements for public drainage courses thru private property, including Burgess Creek
 - c. Dedicate utility easements for public utilities
 - d. Dedicate public access, drainage, and utility easement across site cul-d-sac road (with extension) to serve Lots 2 and 3 as well as parcel A and Ski Times Square Condos.
 - e. A blanket pedestrian, drainage, and utility easements over areas outside of the building as proposed by applicant on preliminary plat is acceptable.
2. Prior to Final Development plan or civil plan approval, address the following outstanding design items:
 - a. Adjust the grades and provide sufficient detail as needed so the new turnaround matches existing roads and meets City road design standards.
 - b. Adjust the travel lane width to meet City requirements– it should be 12 ft exclusive of the 2 ft pan. (i.e. 26 ft curb to curb min along Ski Times Square).
3. Civil construction plans prepared by a licensed Colorado civil engineer must be submitted to Public Works for review by Public Works, Planning, and City Utilities/Mt. Werner for review and approval prior to approval of any improvements

agreement, building permit, or final plat and prior to the start of any construction. We recommend submitting the construction plans a minimum of five weeks prior to building permit application to allow time for review, comment response, and approval.

4. The developer shall pay his proportionate share of the Base Area Improvements identified in the approved Base Area Master Traffic Study calculated at **XXXXXX** (to be confirmed prior to FDP approval). Payment shall be submitted prior to recordation of Final Plat or issuance of building permit, whichever comes first.
5. Submit the approved permit from Army Corp of Engineers, if required, for modifications to Burgess Creek prior to approval of civil drawings.
6. Submit s FEMA approved Letter of map revision for the floodplain modifications prior to building permit.
7. This project includes design elements that are not part of typical building permit - inspections and specialty staff is required. Prior to submittal of Building Permit, the developer shall enter into an agreement to fund specialty inspections for temporary shoring and any structures along the ROW.
8. If soil nails are used soil nail design and construction shall allow for a minimum of 10-feet of separation from any proposed soil nail to any water or sewer main, lateral, service line or appurtenance. Any soil nails in the ROW must be approved as part of the civil construction plans and must be a minimum of 10 ft below ground surface.
9. A Construction Site Management Plan is required to be submitted in conjunction with the Building Permit and any Grade and Fill Permit Application. Due to the unique characteristics of this site such as deep excavations and limited site area, this CSMP will be subject to additional requirements including but not limited to:
 - a. Provide a phasing plan showing how temporary and permanent shoring systems will be installed.
 - b. Burgess Creek Road and Ski Times Square must be kept open to traffic at all times due to the one way in, one way out access restrictions. The roads shall not be partially closed or obstructed without a preapproved alternate route in place per 2003 International Fire Code sections 501.4 and 503.4.
 - c. Contractor parking must be provided; no parking will be allowed in the ROW of Burgess Creek Road and parking is limited within the ROW of Ski Times Square. Depending on site phasing and availability of on-site parking; off-site parking facility with shuttle service to the site may be required.

- d. Site operations such as jersey barriers, material lay down, etc must occur on-site and not in the ROW. Additionally these items must not interfere with sight distance at the site access points or public road plowing operations.
10. The following items to be identified for each phase on the construction plans and building permit are considered critical improvements and must be constructed prior issuance of any TCO or CO; they cannot be bonded:
 - a. Public drainage improvements
 - b. Public sidewalk improvements
 - c. Installation of street and traffic control signs
 - d. Construction and preliminary acceptance of the public turnaround and associated improvements
 - e. Retaining walls, guardrails, and ancillary items needed to retain slopes effecting public ways or rights-of-way.
 - f. Access drive, driveway, and parking areas (first lift of pavement)
 - g. Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)
11. Materials within Ski Times Square shall match the Base Area design standards.
12. Make the following changes to the Phasing plan prior to approval of FDP:
 - a. On all clarify what the critical improvements are –none are noted on the plans.
 - b. Where it says surety “may” be posted should read surety is required unless the items are completed and approved by the City.
 - c. Phase I – Add a sidewalk connection at a minimum on one side of the road, ideally on both sides. Both vehicle and ped access must be addressed in this phase.
 - d. Phase III - Remove note 5. Surety shall be released according to the existing policies in the CDC and no note on the phasing plan is required. (And for reference the foundation inspection has nothing to do with completion of surety items.) Remove the Temporary retaining wall from non-critical items, if the wall is needed it will need to be installed.

- e. Phase IV - Remove the Temporary retaining wall from non-critical items, if the wall is needed it will need to be installed. Remove reference to Sheet CI-4 list items considered critical. Remove note 5.
-
- 13. Engineered construction plans and specifications are to be submitted to Mount Werner Water for review and approval 3-weeks prior to construction.
 - 14. The owner will be required to sign and record the Mount Werner Water "Request for Water and Sewer Services and Waiver and Acknowledgement Form" prior to approval of construction drawings.
 - 15. Plant investment fees will be due at building permit application approval.
 - 16. Design and installation of all mains and service lines shall be according to the Rules, Regulations and Specifications of Mount Werner Water in effect at the time of construction.
 - 17. The new water and sewer infrastructure must be issued written preliminary acceptance prior to the extension of service lines to buildings and prior to service being provided.
 - 18. 20-foot wide (10 feet on each side of the main) easements will be required to be dedicated to Mount Werner Water for any new water or sewer mains installed for the project as well as existing water or sewer mains that are not within specified easements.
 - 19. No landscape materials including pavement heat systems, berms, boulders, walls or trees will be allowed within the new or existing easements.
 - 20. A reduced pressure (RP) principal backflow prevention device is to be used for backflow prevention for all fire sprinkler systems. Prior to occupancy and annually thereafter, the RP device is to be tested and approved by a certified backflow prevention technician. The test report is to be sent to the Mount Werner Water District for record keeping purposes.
 - 21. If any restaurants are planned in the development, properly sized grease traps are to be designed, approved by Mount Werner Water, and installed.
 - 22. Proposed abandoned water and sewer mains, manholes, and fire hydrants shall be abandoned according to Mount Werner Water specifications.
 - 23. All surface drainage within underground parking facilities will be required to filter into an approved sand and oil interceptor. Building plans shall incorporate this as an element of design as required.

24. A Master Sign Plan shall be submitted and approved prior to the issuance of a Building Permit.
25. Clear directional signs to the Public Parking in the underground garage for the commercial uses will be provided. Spaces available to the public will not be tandem spaces.
26. Applicant is to achieve LEED certification or its equivalent for the each phase of the development prior to Certificate of Occupancy. Applicant acknowledges that the City of Steamboat Springs and the Routt County Regional Building Department will conduct inspections of the project during its construction and that said inspections will not relate to the project's compliance with LEED or its equivalent standards. Applicant agrees that notices of satisfactory conditions given as a result of said inspections shall not be construed by Applicant as representations by the City of Steamboat Springs or the Routt County Regional Building Department regarding the project's LEED or its equivalent compliance. Applicant acknowledges that inspections for LEED or its equivalent compliance will be conducted only by the United States Green Building Council or other third party inspector contracted for by Applicant.
27. With the first Final Development Plan application, the site plan shall be revised to include pedestrian sidewalks on both sides of the access spur to fully integrate the pedestrian network. Sidewalks that cross garage opening shall incorporate paving designs to distinguish the sidewalk from the drive aisle.
28. With the first Final Development Plan application, the community amenity calculation shall be revised to show compliance with the requirement without the inclusion of a 30% contingency. In addition, the calculation shall be broken down by phase, with each phase demonstrating compliance.
29. Prior to Building Permit approval the applicant is required to enter into a Development Agreement with the City that shall stipulate:
 - a. Allowance of interior reprogramming including alterations in unit count and private amenity space and floor to floor/overall height reduction. (Any alterations in private amenity space must maintain compliance with CDC requirements)
 - b. Community Housing Plan requirements
 - c. Vesting Period
 - d. Any other items identified by the Planning Commission and City Council

- e. The development agreement shall be subject to the review and approval of the City Attorney prior to execution.

VIII. ATTACHMENTS

Attachment 1 – Project narrative

Attachment 2 – Project Packet

Attachment 3 – 11/08/07 Planning Commission minutes, Pre-app

Attachment 4 – 11/20/07 City Council minutes, Pre-app

Ski Time Square Project Description

Applicant: The Atira Group

DP-09-03 Revised August 17, 2009

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Introduction and Background

Introduction

In April 2007, Steamboat STS Development LLC acquired the Ski Time Square property at the base of the Steamboat ski area and Steamboat TH Development LLC acquired the nearby Thunderhead Lodge and Condominiums property. Cafritz Interests LLC, through affiliated entities, is the managing member of both ownership interests. Cafritz has teamed with The Atira Group to redevelop the two properties into a vibrant mixed-use resort development that will contribute to the revitalization of the Base Area, furthering the adopted goals of the Steamboat Springs City Council and Reinvestment Authority. To that end, in August 2007 The Atira Group submitted a combined pre-application for redevelopment of both properties and received review comments from the City of Steamboat Springs' Technical Advisory Committee, Planning Commission and City Council.

Given the complexity of proceeding with a formal application for both properties at once, in August 2008 Atira submitted a Development Plan/Final Development Plan application for the Thunderhead project alone (approved May 5, 2009), and is following with this complementary Development Plan and Preliminary Plat application for the Ski Time Square property.

Applicant

Based in Washington, DC, Cafritz Interests is active in the ownership and management of hotel, office, mixed-use, residential, healthcare, and industrial properties throughout the US.

The Atira Group is an equity partner and the project developer and applicant. Based in Edwards, Colorado, with an office in Steamboat Springs, The Atira Group is a team of seasoned real estate professionals who are or have been managing partners for resort projects including Edgemont, Cordillera, Catamount, Granby Ranch, and Mayacama in Sonoma County, California.

Ski Time Square Project Manager and Primary Contact:

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Property Description

The project is located on a 4.62-acre site within the boundaries of the Steamboat Springs Base Area Reinvestment Plan (also known as the Urban Renewal Area or URA).

Site: The Ski Time Square property is bordered on the north by Burgess Creek Road, a vacant parcel known as "Parcel A" and the Ski Time Square Condominiums, and on the south by Ski Time Square Drive, the Torian Plum Condominiums and the Thunderhead redevelopment. The Xanadu Condominiums and vacant former Octagons site border the property on the west and the Kutuk Condominiums borders the property on the east. The site slopes down steeply from Burgess Creek Road to Ski Time Square Drive, with a grade difference ranging from 54 feet at the west edge of the site to 72 feet if the Parcel A property line is extended to Ski Time Square Drive just east of the proposed Building E. Historically, the site contained 7 buildings with a total of approximately 97,726 SF of commercial and residential space. With the exception of a temporary retaining wall, the building housing the Tugboat Grill and Pub (retained for interim use pending redevelopment) and a parking structure currently leased to Ski Time Square Condominiums, all of the buildings on the site were removed in the summer and fall of 2008.

Size: Approximately 4.62 acres (property descriptions attached to Application)

Existing

Use: Vacant land, parking garage, and restaurant (interim use)

Zoning: Gondola-2 (G-2)

Covenants: *Protective covenants (Book 398 Page 518)* – Covenants on .41-acre area just south of Ski Time Square Condominiums, to the benefit of Ski Time Square Condominium Association, providing that no alterations or construction shall occur without the consent of the Association, and that the Association is responsible for maintenance of the parcel in its natural condition and for care of trees, plants and shrubs. The covenant does not restrict use of the parcel by the public. This DP application does not alter this area.

Agreements: *Parking Lease (Book 398 Page 515)* – Lease of underground parking spaces in existing Ski Time Square garage to Ski Time Square Condominiums through October 29, 2072. This DP application proposes retention of the existing garage for continued parking pursuant to this Agreement.

Revocable Permit Agreement (Book 642 Page 864) – Permit for construction of buildings (now demolished) within the City right-of-way. To be revoked and superseded by development approved pursuant to this DP application.

Easements: Current easements include:

Pedestrian and Vehicular Easement (Book 398 Page 517) – Non-exclusive pedestrian easement for access to the Ski Time Square Condominiums and a vehicular access easement to the existing underground parking, both of which may be removed if reasonable alternatives are provided. This DP application proposes alternative pedestrian access to the garage and modified connections to existing and unchanged walkways in the covenant area described above.

Ingress/Egress and Landscape Easement (Book 481 Page 470) – 15' wide easement for ingress and egress for non-vehicular traffic and landscape maintenance of the adjacent Xanadu property. This easement is retained in the proposed Development Plan.

Sidewalk Easement (Book 670 Page 323) – Easement from former Ski Time Square owner to City of Steamboat Springs for sidewalk installation and maintenance. To be vacated and superseded by public access easements corresponding to this proposed Development Plan.

Utility Easements – See Existing Conditions Plan and Proposed Utility Plan.

Plans and Regulations

The proposed project is guided by the following plans and regulations:

Steamboat Springs Area Community Plan
2005 Mountain Town Sub-Area Plan Update (Base Area Plan)
Community Development Code, as amended by Ordinance 2254 on July 7, 2009
Base Area Design Standards, as amended by Ordinance 2254 on July 7, 2009
Base Area Zone Map Amendment, as adopted by Ordinance 2255 on July 7, 2009
2006 Base Area Streetscape and Public Improvement Master Plan
(includes URA Pattern Book)

Project Description

Project Summary

The 4.62-acre Ski Time Square redevelopment is proposed as a mixed-use LEED project totaling 680,742 gross square feet in five buildings (Buildings C, D/E Podium, D, E, F and Podium, and G), with underground parking. The project has a total of 399,719 net sellable square feet of residential space in a total of approximately 200 units proposed for a combination of whole ownership and fractional sale. A total of 27,511 square feet of commercial space is planned to accommodate retail and dining (26,655 SF) and public restrooms (856 SF). Amenities include an indoor pool/spa, an outdoor swimming pool and several hot tubs in different locations around the site including some on the lid of the existing parking garage, a large park area celebrating Burgess Creek, a variety of public gathering spaces, outdoor fireplace, seating and dining areas, enhanced pedestrian connectivity and a lively, animated streetscape on Ski Time Square Drive.

The Ski Time Square DP application also proposes:

- Conditional use permit for a sales office and residential uses on the ground level
- Vesting of development approvals phased over a period of ten years
- Preliminary Plat of Ski Time Square

Proposed Uses

Use	Total Square Feet	C	D/E Podium	D	E	F and Podium	G
Residential - whole and fractional ownership	399,719	57,813	12,697	142,436	62,204	66,871	57,698
Commercial	27,511	1,190	18,499			7,822	
Back of House, Admin, Service, Amenity, Circulation and Common Area	138,626	19,018	42,069	18,608	6,476	41,312	11,143
Parking	114,886	16,755	60,346			37,785	
TOTAL	680,742	94,776	133,611	161,044	68,680	153,790	68,841

Circulation, Service and Delivery

Vehicular Circulation

Please see Section 2 circulation diagrams. The project narrows Ski Time Square Drive to 28 feet from face of curb to face of curb in its current right-of-way and proposes a new private access drive extending north from the Ski Time Square Drive turnaround/bus drop-off to a large turnaround, with entries into underground parking and service (trash/loading) for Building D/E (including the Ski Time Square Condominium parking) and Buildings F and G. This road also accesses the combined lobby for Buildings F and G, and provides opportunities for access to future development on the adjacent Parcel A. Building C parking is accessed from Ski Time Square Drive. Reconfigured street parking on Ski Time Square drive between Buildings C and D provides short-term parking and drop-off to the main check-in lobby for the project.

The proposed roadway configuration is consistent with two of the three plan options described in the 2005 Mountain Town Sub-area Plan Update. The proposed configuration allows for future access to the new development on the adjacent Parcel A, and offers significant advantages over the option with a loop road/pedestrian mall configuration:

1. **Retail Vitality** -- Maintaining Ski Time Square Drive in its existing alignment open to vehicular traffic is consistent with the recommendations of the 2008 Steamboat Springs Resort Base Area Retail Study, commissioned pursuant to the Mountain Town Sub-area Plan update:

“The Base Area’s retail commercial space needs to be functionally distributed to two nodes of activity, along the Gondola Square/Promenade slope frontage, and along Ski Time Square Drive. Vehicular access and short term parking should be maintained in Ski Time Square. Retail development in most settings needs easy access and visibility to be successful.”

Consistent with this finding, the Ski Time Square redevelopment focuses retail development along Ski Time Square Drive, with a strong pedestrian streetscape, vehicular access and on-street parking (in addition to underground parking for commercial uses). Without an attraction, such as a major ski lift to draw pedestrians through the retail area, it is essential to maintain the visibility offered by slow-speed vehicular access. According to the National Main Street Center, of the approximately 200 pedestrian malls built during the last 40 years, only about 30 remain today.

2. **Site Design** – The loop road configuration presents design challenges, given the slope of the Ski Time Square property. If the loop road were built, a driving surface would also have to be maintained along Ski Time Square Drive to provide continued access to the existing access easement between Torian and Thunderhead. The loop road would bisect the open space included in the proposed Ski Time Square plan and separate development north of the loop from intended vitality along Ski Time Square Drive. To quote architect/resort designer Ray Letkeman, “More road rarely results in a better scheme.”
3. **Circulation** – The proposed configuration provides emergency access and circulation and allows future access to Parcel A development from the private access road, without excessive paving. The 2008 Base Area traffic study does not indicate a functional need for the loop road. With recommended intersection improvements, Ski Time Square Drive can accommodate future traffic demand in its current alignment.

4. **ROW Feasibility** – The loop road configuration requires acquisition of ROW from Ski Time Square Condominiums and Kutuk Condominiums.
5. **Cost** – The loop road adds cost to the public/private redevelopment of the base area, without commensurate benefit.

Loading and Delivery

Primary loading and delivery for the project is located within the Building D/E podium, with access from the turnaround at the terminus of the new access drive. Trash for Building D/E will be stored in this same loading bay.

Trash will also be stored in trash bays within buildings F and C (with a small drop room in G) and loaded to trucks for removal as illustrated on Section 2 – Service and Delivery Diagram.

Pedestrian Circulation

As illustrated in Section 2 – Overall Circulation and Pedestrian Circulation Diagrams, pedestrian walkways circle the buildings, and include new sidewalks and streetscape along Ski Time Square Drive consistent with the direction of the URA Pattern Book. A pedestrian stair along the western edge of the property connects Ski Time Square to new sidewalks along Burgess Creek Road.

The project has convenient access to transit. City bus service is available near the western boundary of the project area at the transit stop constructed by the URA in 2007.

Parking

As illustrated on Section 10 - Garage level plans, the project includes a total of 254 underground parking spaces for new residential and commercial uses in the project. The Building D/E podium also encompasses the existing Ski Time Square parking structure to provide continued parking required under a 1974 lease agreement with the Ski Time Square Condominium Association. Reconfigured public on-street parking spaces are retained on the north side of Ski Time Square Drive, with no change to the south side of the street.

Parking requirements are summarized in the Zoning Section of this Project Description.

Emergency Access

As shown on Section 2 – Fire Access Plan, fire trucks and emergency vehicles can access project buildings and adjacent properties through a network of options. The main fire truck route is along Ski Time Square Drive to the public turnaround at the end of the public right-of-way. Burgess Creek Road also allows access from the north side of building F. Additionally, the new access road that winds between G/F and D/E will accommodate a fire truck. Fire trucks can continue east on a 150' maximum fire truck/pedestrians-only path behind building D in order to access the north side of the building and gain improved access to adjacent properties. From Ski Time Square Drive between C and D/E, trucks can head north on a fire-access-only path along building D/E's east façade. This path is limited to a distance to be less than 150' in length to accommodate the backing requirement of the trucks. Building C can be accessed from Ski Time Square Drive and the existing alley leading to the back of Kutuk.

Building Form

Please see Section 2 – Public Use Diagrams, Section 3 – Building Elevations, Section 9 – Shadow Plans, Section 10 – Floor Plans, Section 11 – Site Cross Sections, and Section 17 – Computer Modeling.

Building C: Building C is an 8-story residential building (6-7 levels exposed above grade) with two levels of below grade parking and a retail space and lobby entrance at Ski Time Square Drive. From the south, 6 levels plus the loft space can be seen and due to the grade change, from the north 5 levels plus the loft floor occupying the roof can be seen. The building's massing steps down at the south face toward Ski Time Square Drive and toward Thunderhead. There are also significant massing step-downs to the north. The building is angled on the site to align with Burgess Creek and to take advantage of the unique open space the creek provides along the west side of the building. Parking enters from a drive at the east side that accesses both levels from one point. The building's design and character will intentionally reflect that of Thunderhead as the two sites are so close in proximity to one another.

Building D/E Podium: At the base of the D and E residential structures is a three-story podium (with one-two levels exposed above Ski Time Square Drive) containing the following program: food and beverage venues, retail shops, a main lobby and administration offices for the two buildings, loading and service, parking, back of house spaces, public restrooms and residential units. This podium circles around the existing Ski Time Square parking garage in every direction (including the top). The south façade of the podium is alive with retail storefronts and active uses that spill out directly onto the pedestrian realm along the north side of Ski Time Square Drive. The lid of the podium is landscaped with vegetation, small trees and pavers to create an amenity space for residents that is both useful and visually appealing. A pool and several hot tubs structurally sink into the lid of this podium to create a lively environment.

Building D: Building D is an 11-story building (8 stories above the D/E podium, 9 stories total exposed above grade) that sits to the northeast corner of the D/E podium. The tallest portion of this residential structure is to the north, keeping the density and the height internal to the project site. The building steps down several times toward Ski Time Square Drive with a 3-story mass at the south façade entrance lobby with additional step backs continuing up the elevation to provide interest and minimize the impact of the 8-story mass.

Building E: Building E is an 8-story building (5 stories above the D/E podium, 7 stories total exposed above grade) that sits to the southwest corner of the D/E podium. The building steps down toward Ski Time Square Drive as it starts to parallel the south façade of the retail storefronts below. At Ski Time Square Drive the building is 2 stories of retail with a step back in the building massing at the lid of the retail/parking podium to a 4-story plus loft residential building above. It is an important design decision that E is substantially shorter in height than Building D. There are two main reasons for this: to allow sunshine from the south side of the site to shine over Building E shedding light onto Building D and the amenity terrace and pool deck, and to maintain views from Building D down valley. The vision for D and E is that they read as one project with similar architecture, but maintain individual features that add interest to the project.

Building F: Building F is a 10-story building that sits to the northwest corner of the site. Building F has 1 to 6 stories built below grade leaving 4 stories exposed at Burgess Creek Drive at the north and 9 stories exposed at the internal road at the south. This building runs parallel to Burgess Creek Drive creating opportunities for views to the north and south. The tallest portion of this residential structure is in the center of the building. From the project site, the building sits on a steep slope that has a grade change of almost 55 feet and 5 full stories (from elevation '60 at the turn-around to elevation '15 at Burgess Creek Drive). The building steps down to 9 stories at the east wing and to 2-9 stories at the west wing as it attaches to Building G. This structure houses underground parking, a spa and indoor pool as well as outdoor hot tubs, a fitness room, media room and a main lobby.

Building G: Building G is a 10-story building with 8-9 stories above grade level that sits to the southwest corner of the site and runs parallel to Ski Time Square Drive and to the new access road to the north. Building G and F act as one project due to shared parking and services (trash and mechanical, etc.). G is designed with a low connection to F in order to reduce massing and create the feel of two separate structures. The building steps down toward Ski Time Square Drive above the storefronts and entry lobby below. At Ski Time Square Drive the building has canopy structures identifying retail entry points and the massing steps back at 1, 3, 4 and 5 stories. The architectural vision for F and G is that they read as one project with similar architecture and features.

Public Elements

As described below, the project proposes significant public elements. Please see Section 2 – Illustrative Plan and Public Use Diagram.

Open space: 22% of the site is landscaped open space and 39.3% of the site is in open space as defined by the CDC (site area excluding building footprint, roads and drives). The landscaped area alone exceeds the 15% minimum open space required in the G-2 zone district. Please see Section 2 – Site Plan and Section 4 – Landscape Plan.

Pedestrian connections The project includes a variety of public pedestrian connections, including new sidewalks along Ski Time Square Drive and Burgess Creek Road with a pedestrian stair and pathway linking these two public streets. Please see Section 2 – Pedestrian Circulation diagrams.

Streetscape: Key to creating a sense of place, an attractive Ski Time Square Drive streetscape consistent with the URA Streetscape Master Plan will integrate the project into the larger base village and contribute to a high-quality public experience. Please see Section 3 - Vignettes.

Community uses: Please see Section 2 – Illustrative Plan.

Enhanced commercial space: Please see Section 2 – Public Use and Vertical Public Use Diagrams and Section 10 – Floor Plans for Upper Garage Level and Main Level.

Sustainable Design

The Ski Time Square project will employ environmentally sustainable building and operating practices to meet the requirements for a Leadership in Energy and Environmental Design (LEED) certification or equivalent as allowable by code. Please see examples of environmentally sustainable features described in the Zoning section of this project description.

Utilities

Please see Section 7 – Preliminary Utility Plan.

The project falls under the jurisdiction of the Mount Werner Water and Sanitary District. The proposed buildings will be designed to connect directly to the existing water and sewer mains located in Ski Time Square Drive where possible. This will allow for the primary domestic and fire suppression system water source to be a “looped” system. A new 8” DIP water main and a new 8” PVC sanitary sewer main is proposed in the access drive to Buildings D and F/G. These mains will provide water and sewer to these buildings as may be required for service and site fire protection, and to provide access to available services for future development of the neighboring Parcel A. The sanitary sewer main that runs under the former Ski Time Square building most recently occupied by the Jade Summit restaurant will be removed and a new sanitary sewer main will be installed that will provide continued service to Ski Time Square Condominiums.

The underground parking garages will be designed to have the internal drainage directed to a sand-oil interceptor that discharges into the sanitary sewer. The project has committed to video the existing storm sewer main underlying the garage to determine existing discharge points. Additionally, dye testing may be necessary to determine if the garage drains are currently discharging to the sanitary sewer system. It may be necessary to add a sand/oil separator to the existing garage drainage system. The Drainage Plan will be revised based on the results of this investigation at FDP submittal.

Dry utilities, including electric, gas, cable, fiber optic and telephone, previously provided services to the old Ski Time Square buildings and are available in the vicinity. Installation or relocation of dry utility mains and services will be coordinated with the appropriate agencies and sized at the time of construction.

The applicant agrees to provide a payment not to exceed \$50,000 to reimburse Mount Werner Water for the cost of replacing the sewer main crossing Burgess Creek between manholes 12.46 and 12.47.

Snowmelt: The applicant acknowledges that Mount Werner Water does not allow snowmelt systems over existing facilities and within Mount Werner Water easement areas. Prior to approval of the final civil plans, separate agreements will be required which stipulate that Mount Werner Water will not be responsible for any costs associated with replacement of existing snowmelt systems and hard surface areas in the event of sewer main repairs or replacement.

Grading, Drainage and Water Quality

Please see Section 8 – Preliminary Grading Plan and Drainage Plan. The Ski Time Square site will be graded to maintain a connection with adjacent properties with special consideration for pedestrian access. The onsite drainage discharge will remain generally the same as existing patterns with runoff flowing south to existing infrastructure in Ski Time Square Drive and some portions of open space will flow overland directly to Burgess Creek. As described in the Utilities section, area drains in the new underground parking structures as well as the existing parking garage will be connected to sand/oil separators that will discharge directly to the sanitary sewer system. Roof drains will be discharged in open space areas or connected to the existing storm system in Ski Time Square Drive. These roof drains will not discharge across sidewalks and erosion control measures will be implemented where the drains daylight, as appropriate.

Water quality will be provided by using sumps in storm drain inlets. This practice will remove a majority of the suspended solids that are the main source of pollutants in storm systems in Steamboat Springs. The parking garage drains will be connected to a sand/oil separator and then to the sanitary system, which will eliminate most of the storm water contamination sources typically associated with site parking. The proprietary sand/oil separator proposed by the Steamboat TH Development project will provide additional water quality for portions of the Steamboat STS Development site that connect into the same storm system. This sand/oil separator was designed for the developed conditions at STS.

Floodplain and Wetlands Considerations

Please see Section 18 – Floodplain Analysis. FEMA flood insurance rate maps show portions of the site within the regulatory floodplain and floodway for Burgess Creek. Landmark has performed a detailed topographic survey that provides improved data for the floodplain model used by FEMA to delineate the Floodplain and Floodway. Landmark used this information to delineate a corrected existing floodplain and floodway for the portion of Burgess Creek on Steamboat STS Development property and also created a model to illustrate any effects the proposed improvements will have on the floodplain of the creek. The applicant will work with the City of Steamboat Springs and FEMA to obtain any permits necessary for improvements within the floodplain. Western Ecological Resources, Inc. performed a wetlands survey of the site and identified 0.11 acres (4,759 square feet) of wetlands on the site. Any structures that are subject to the City and FEMA Floodplain requirements will be designed accordingly. This includes finish floor elevation coordination, floodproofing, and building programming. This information will be described and indicated on forthcoming project details.

Shoring

Please see Section 21 - Shoring Diagrams. The large changes in grade from the north side of the site to the south side of the site will require site retaining and foundation walls. Construction of Building F will most likely require temporary or permanent soil nailing to build the northwest wall of the building that will act as a retaining wall along most of its length. Soil nails will most likely extend into the Burgess Creek Road ROW. The applicant will coordinate with Public Works and Mount Werner Water District to ensure that the soil nailing has no impact on the stability of the road or existing/future utilities. Additional retaining walls ranging in height from 14' to 20' will be

required on the west and east corners of Buildings F/G. Ski Time Square Drive may also require similar shoring along the northern right-of-way to accommodate the excavation and foundations for Buildings D and E as well as Building C.

Traffic Impact Analysis

Please refer to the Steamboat Base Area Master Transportation Study dated September 2008. The applicant understands that off-site traffic impact fees will be a condition of approval pursuant to the findings of this study.

Project Phasing

The project will be constructed in four phases - Please see Section 5 - Phasing Plan.

Phase

- 1 Public turnaround on Ski Time Square Drive (if not completed as part of Thunderhead project)
- 2 Building C, Building C entry drive, sidewalk and trail connections
- 3 Building D/E podium and Buildings D and E, Ski Time Square Drive streetscape, Burgess Creek improvements, entry drive (partial)
- 4 Buildings F and G, entry drive completion, Burgess Creek Road sidewalk and connections

Zoning and Community Plan Analysis

Zone District Analysis

The proposed project is within the G-2 zone district and conforms to the zone district purpose and dimensional standards prescribed by code. As outlined below, the project seeks several conditional use approvals.

G-2 Zone District Purpose and Intent

The purpose of the Gondola two zone district is for properties nearest to the gondola base facility to have the densest development in the city. Because of the special characteristics and importance of this area to the general welfare of the city, this zone district is intended to allow for flexibility and creativity in the development of land in order to provide a quality pedestrian-oriented environment that furthers the goals of the master plans applicable to the area. Special emphasis shall be placed on the location of uses within structures, the massing and design of structures, the provision of public spaces and gathering areas, pedestrian corridors, and how those elements relate with the pedestrian environment. Multi-use buildings, with pedestrian-oriented ground-level retail and other active uses, are strongly encouraged in the G-2 zone district.

Response: The proposed Ski Time Square project increases density on the site with a mix of residential and commercial uses in a pedestrian-oriented environment including a lively Ski Time Square Drive streetscape and a large open space and plaza area that interact with Burgess Creek. Structures conform to the Base Area Design Standards.

G-2 Dimensional Standards

Standard	G-2 Requirement (MAX/MIN)	Proposed
Lot Area	None/None	201,354 Sq. Ft.
Lot Coverage	.65/None	.53
FAR	N/A	N/A
Building Height	Height, Base Area (HBA): 105'	Building C HBA: 89'-10" Building D HBA: 105'-0" Building E HBA: 88'-1" Building F HBA: 105'-0" Building G HBA: 105'-0"
Front Setback	To provide public gathering/ped corridors	Please see Section 2 – Site Plan
Side Setback	To provide public gathering/ped corridors	Please see Section 2 – Site Plan
Rear Setback	To provide public gathering/ped corridors	Please see Section 2 – Site Plan
Waterbody Setback in the Base Area	12' minimum per side along Burgess Creek.	Conforms. Please see Section 2 – Site Plan

Amenity Areas

	Square Feet	% of Net Floor Area	Required %
Exterior Amenity Areas	25,057		
Interior Amenity Areas	33,560		
TOTAL	58,617	13.75%	10%

G-2 Uses with Criteria – Conditional Use Permit

All proposed uses are allowed within the G-2 zone district as uses by right or uses with criteria. Proposed uses with criteria are listed in the following table and analyzed below. The applicant requests a conditional use permit for ground level multi-family units.

Use	Category	Proposed Use
Multi-family dwelling	CR – Use with Criteria	Multi-family units at the ground level
Office	CR – Use with Criteria	Sales office on Ski Time Square Drive
Outdoor seating	CR – Use with Criteria	Dining area on Ski Time Square Drive ROW
Restaurant	CR – Use with Criteria	Sit-down restaurants

The following section outlines criteria for each use (CDC sections in italics) and responses addressing how the proposed project conforms:

Multifamily dwelling/use. *A residential building designed for or occupied by three (3) or more families, maintaining independent access to each unit and separate living, kitchen and sanitary facilities. The number of families in residence shall not exceed the number of dwelling units provided.*

(1) Use criteria.

- a. *Review shall be prior to development or building permit, as applicable.*
- b. *Multifamily units shall not be located along a pedestrian level street or other public access frontage in the G-2, CO, CY, CN and CC zoning districts.*
- c. *In the CN zone district, there shall be no more than four (4) units per building.*
- d. *Each single purpose multi-family building shall architecturally represent a single-family structure in the CN zone district.*

RESPONSE: The project proposes a small number of multi-family units in addition to commercial uses on portions of the ground levels of Buildings C, D and F. The units are located on the north side of C, in D adjacent to open space, and in F adjacent to Burgess Creek Road. None are located along primary pedestrian routes. Please see Section 10 – Floor Plans for

unit locations. Commercial uses are provided in strategic locations with a focus on Ski Time Square Drive, as recommended in the Base Area Retail Study, and along with outdoor project amenities, trails, and public gathering spaces make the project a mixed-use, pedestrian-oriented development consistent with the intent of the G-2 zone district. It is not feasible to line the ground floor of all building sides facing public access frontage with commercial uses. Accordingly, the applicant requests approval of ground level multi-family units as a conditional use requiring approval pursuant to CDC Section 26-65.

Office. *A building or part of a building, designed, intended or used for the practice of a profession, a business, or the conduct of public administration, or the administration of an industry that is conducted on another site including the rental, lease or sale of real estate. This shall not include a commercial use, any industrial use, medical or dental clinic, financial institution, place of amusement, or place of assembly.*

(1) Use criteria.

- a. *Review shall be prior to development or building permit, as applicable.*
- b. *Offices shall not be located along a pedestrian level street or other public access frontage in the CO or G-2 zoning districts.*

RESPONSE: The project proposes a real estate sales office in ground floor retail space. This office will support the sales of residential units and draw foot traffic through the Ski Time Square neighborhood. The success of Ski Time Square is contingent on achieving sales and resulting vitality. A ground floor location is essential for effective marketing and customer service.

Outdoor seating. *An outdoor area adjoining a restaurant or other establishment, consisting of outdoor tables, chairs, plantings, and related decorations and fixtures, and where meals or refreshments may or may not be served to the public for consumption on the premises.*

(1) Use criteria.

- a. *Review shall be prior to development or building permit, as applicable.*
- b. *Outdoor seating shall not encroach into the public right-of-way unless a valid revocable permit is obtained from the public works director.*
- c. *After placement of the tables and chairs, an unobstructed area of a minimum of six (6) feet shall be maintained.*
- d. *A permanent barrier system shall be installed around the seating area. Such barrier system may consist of having fixed holes in the ground, with poles that can be inserted when the seating is utilized, and removed when the seating is not functioning. However, the barriers must be in a fixed location so that outdoor seating does not encroach into access paths and impede circulation.*
- e. *Outdoor seating located on Oak Street shall only be permitted on the south side.*

RESPONSE: The project proposes outdoor seating to enliven the exterior public realm and provide marketable and successful retail and restaurant spaces. The project requests an easement to allow outdoor seating in the Ski Time Square Drive right-of-way. Outdoor seating will comply with all other applicable use criteria.

Restaurant. An establishment where the principal use is the offering of food and beverages for sale to the public for consumption at tables or counters. As an accessory use, take out, delivery and catering of food and beverages for off-site consumption may be provided.

(1) Use criteria.

- a. Review shall be prior to development or building permit, as applicable.
- b. No drive-thru windows are permitted.
- c. Where restaurants include baking, coffee roasting, or brewing of alcohol as an accessory use, such establishment shall comply with Section 26-144, Performance standards.
- d. Facilities located on Oak Street shall only be permitted on the south side.

RESPONSE: The project includes space for restaurants and will comply with all use criteria.

G-2 Parking Requirements

As summarized below, the project includes a total of 254 parking spaces on two levels of underground parking, including both tandem and single spaces to support anticipated residential and commercial parking demand.

Use	CDC G-2 Requirement	Proposed Units / Sq Ft	Required Spaces	Proposed Underground Spaces
Residential – Market	.5 spaces/unit	199 units	99.5	
Restaurant, Retail	1 space/900 Sq Ft	26,665	29.6	
Subtotal			129.1	
Mixed-use Reduction - 5% for 101-150 required spaces			(6.5)	
10% Reduction if within 660 ft. of transit			(12.9)	
TOTAL			109.7	254

Steamboat Springs Area Community Plan

The Steamboat Springs Area Community Plan classifies the Ski Time Square site as Resort Commercial, with the following descriptions:

Land Uses: Ground level commercial uses are appropriate in the Resort Commercial classification. A variety of uses is encouraged above the first floor, including resort accommodations, commercial uses, offices, or residential uses for individuals desiring to be within activity centers.

Character: This classification emphasizes retail, entertainment, and other commercial uses oriented toward visitors. Development should include design elements such as street trees, wide sidewalks, and public spaces to make the environment inviting and safe for

pedestrians. Resort commercial areas should be linked with residential neighborhoods through transit and provision of trails and sidewalks.

In preapplication review, Planning staff identified the following applicable Community Plan policies and strategies:

Goal LU-1: Our community will promote a functional, compact, and mixed-use pattern that integrates and balances residential and non-residential land uses.

Goal T-1: The community considers transportation to be a basic utility in all land use decisions.

Goal T-2: The community will support improvements to the local transportation system.

Goal H-1: Our community will continue to increase its supply of affordable home ownership, rental, and special needs housing units for low, moderate, and median-income households.

Goal ED-1: Steamboat Springs will have a vital, sustainable, and diverse year-round economy.

ED-1.1: Continue to support tourism-related land uses, businesses, and marketing.

ED-3.1 (b): Focus on Ski Base Area Improvements

Goal CD-1: Our community will preserve its small town character and the image of neighborhoods and the community.

CD-1.4: Encourage high quality site planning and building design.

CD-1/5: Infill and redevelopment projects shall be compatible with the context of existing neighborhoods and development.

Goal CD-4: Our community will maintain and improve the appearance of its corridors and gateways and will continue to have vibrant public spaces.

Goal CF-1: Our community will provide infrastructure and public services in an efficient and equitable manner.

Goal SPA-2: Our community will continue to promote the Mountain Area as the focal point for tourism activity.

RESPONSE: The Ski Time Square project is consistent with the SSACP, contributing to the revitalization of the Base Area and sustainable tourism. The Ski Time Square project will be a high-quality mixed-use development that will replace obsolete buildings and infrastructure and provide enhanced residential and lodging opportunities, commercial vitality at the ground level, underground parking, pedestrian connectivity, community facilities, public gathering places, open space, and community amenities.

Mountain Town Sub-Area Plan Update

The following table summarizes how the Ski Time Square project contributes toward achievement of the 2005 Mountain Town Sub-Area Plan Update (Base Area Plan) goals:

Base Area Plan Goals	Proposed Plan
<i>Create a sense of place</i>	<ul style="list-style-type: none"> ✓ Commercial vitality: a variety of restaurant and retail uses and a spa ✓ Outdoor dining and public seating areas ✓ Pedestrian pathways ✓ Landscaped open space ✓ Burgess Creek enhancements ✓ Streetscape consistent with Base Area Redevelopment Master Plan; integration into larger base village ✓ Design excellence
<i>Renovate or redevelop deteriorated buildings</i>	<ul style="list-style-type: none"> ✓ Removal of obsolete buildings ✓ New LEED buildings meeting Base Area Design Standards
<i>Provide enhanced amenities</i>	<ul style="list-style-type: none"> ✓ Burgess Creek enhancements ✓ Dining and public seating areas ✓ Outdoor fire feature ✓ Enhanced pedestrian connectivity ✓ Seating, bike and ski racks ✓ Retail and commercial space
<i>Enhance aesthetic appearance</i>	<ul style="list-style-type: none"> ✓ Removal of obsolete and deteriorating buildings and infrastructure ✓ Consistency with Design Standards and Base Area Redevelopment Master Plan
<i>Improve pedestrian, bicycle, mass transit and auto accessibility and circulation</i>	<ul style="list-style-type: none"> ✓ Pedestrian connections including Burgess Creek sidewalk and stair connection ✓ Public turnaround on Ski Time Square Drive (if not completed by Thunderhead prior to Ski Time Square development) ✓ Streetscape improvements along Ski Time Square Drive
<i>Upgrade and restore public infrastructure including transportation facilities, parking, sidewalks, and streetscape</i>	<ul style="list-style-type: none"> ✓ Underground parking for commercial uses ✓ Sidewalks on Burgess Creek Road and Ski Time Square Drive ✓ Streetscape consistent with Base Area Redevelopment Master Plan ✓ Public turnaround on Ski Time Square Drive ✓ Utility upgrades ✓ Contribution to off-site Base Area transportation improvements

Specific Base Area Plan recommendations with regard to the Ski Time Square area include:

Burgess Creek: *Burgess Creek is recommended to be daylighted and flowing and pooling in a series of small waterfalls and ponds during the summer, with the potential for year-round flow, and areas for active recreation such as ice skating, and passive recreation such as outdoor dining and shopping are also recommended.*

RESPONSE: Burgess Creek currently runs above-ground through the Ski Time Square site. Historically, the creek has been hidden from general public view by the former Ski Time Square buildings along Ski Time Square Drive. The proposed Ski Time Square site plan celebrates and enhances the creek, and respects required water-body setbacks. The public can enjoy the creek as it runs through a 1.01-acre open space where new streamside enhancements (stone terraces, seating and dining areas) make it easy to view and interact with the creek.

Commercial Development: *“Analysis suggests that the Base Area does not suffer from an excess of commercial development. Rather, to the extent that there are storefront vacancies and underutilization, these are the result of issues with lack of density in the Base Area, and inadequate access, continuity, and connectivity of the commercial fabric. Some new development areas can and should include ground floor commercial facilities, and the continuity of restaurant and retail facilities should be enhanced. The Retail/Commercial Sector Plan (Exhibit 9) shows the recommendations for corridors and nodes of commercial development, with primary retail and restaurant uses clustered around the center of the Base Area, and neighborhood commercial uses supporting the bed base adjacent to the center.*

A further recommendation is to undertake a retail study to determine a recommended amount of retail and restaurant facilities, as well as other key parameters such as the ratio of recognizable chain brands to local retail facilities. It may be appropriate to undertake coordination and recruitment of new restaurant and retail providers based on this study.”

RESPONSE: Please see Section 2 -- Use Diagrams. As recommended in the 2008 Steamboat Base Area Retail Study, the Ski Time Square project includes commercial space suitable for retail and restaurant uses along Ski Time Square Drive, with complementary building design and streetscape creating a continuous active and interesting street environment with landscaping, outdoor seating areas, and pedestrian scale. Additional commercial space for a spa is located in Building F. Although the Retail Study prefers Gondola Square/Promenade for nightlife, the proposed Ski Time Square retail configuration does not preclude this use. At the appropriate time, the Ski Time Square project will engage a retail consultant to assist with definition of retail mix and tenant selection based on a current analysis of area retail context, consumer demand, operator interest and other market considerations.

Also consistent with the Retail Study findings, the Ski Time Square site plan retains Ski Time Square Drive in its current alignment open to vehicular traffic with short-term parking.

The following table shows that existing and projected commercial space along Ski Time Square Drive will fall within the square footage range recommended in the Retail Study.

STS Drive Projects	STS Drive (Square Feet)	
Ski Time Square Proposed DP	27,511	
Thunderhead -STS Drive	867	STS Drive only (13,339 total)
St.Cloud Proposed	26,216	2008 proposal (does not include proposed 22,000 sf spa)
Torian	11,625	Existing STS Drive and 50% of plaza
Kutuk	5,056	Existing
Other infill	10,000	Potential Mt. Werner Lodge redevelopment
Total Projected Commercial	81,275	
7/08 Steamboat Base Area Retail Study Recommendation	73,380-93,140	

Public Spaces: *The plazas and other public spaces are noted on the illustrations and will include a variety of amenities in each location such as public restrooms, information kiosks, ski lockers and movable street furniture. It is also recommended that the promenade spaces described above also incorporate (as part of the public spaces) the following elements: fire pits, drinking fountains, lighting fixtures, trash and recycling containers, newspaper boxes, flower boxes and plantings, public art and consistent signage. Each public space will have its own identity with some having large-scale amenities and attractions such as an ice skating rink, pond, or private restaurant with outdoor café seating, while others will serve simple as informal, communal open space. All are intended to be constructed with subsurface snowmelt heating systems that will keep the plazas clear and free of snow and ice hazards and eliminate the need for shoveling and snow storage.*

RESPONSE: Please see Section 2 -- Illustrative Plan and Public Use and Vertical Public Use Diagrams, and Section 3 Illustrative Vignettes and Character Sketches. The Ski Time Square project includes a vibrant streetscape along Ski Time Square Drive and a large park area celebrating Burgess Creek. Pedestrians can follow the creek from the ski edge along the planned Thunderhead multi-use corridor to the north side of Ski Time Square Drive where a pond with stone steps and adjacent plaza seating invites interaction and exploration of the more natural creek and large open space visible just beyond. The streetscape is activated by adjacent retail and restaurant uses and includes design features and furnishings to encourage year-round pedestrian activity.

Base Area Design Standards

At Development Plan level of design, the Ski Time Square project meets the requirements of the Mountain Base Area Design Standards, as amended July 7, 2009.

Design: Building form responds to massing and form standards with particular attention to building step downs, articulation and step backs adjacent to significant pedestrian zones and public areas. Please see Building Form narrative; Section 3 Illustrative Vignettes, Character Sketches, and Massing Model Comparisons; and Section 11 Site Sections, Building Height Diagrams, and Massing Step Back Diagrams.

Sustainability:

1. Materials and Building Techniques

- a. *The certification from a third party of the use of sustainable building materials and construction techniques via program completion is required. Standards and programs for sustainable building that may be utilized can include, but are not limited to:*
 - *US Green Building Council's LEED (Leadership in Energy and Environmental Design) program for commercial (including lodging), multi-family, and existing buildings.*
 - *Green Globes.*
 - *Built Green Colorado for single-family residential buildings.*
 - *Any other nationally recognized and accepted program that is equal to or greater than the above-listed programs in terms of sustainable qualities.*

Response: The Ski Time Square project will employ environmentally sustainable building and operating practices to meet the requirements of Leadership in Energy and Environmental Design (LEED) certification, and pursue LEED certification from the USGBC. Examples of environmentally responsible project elements include:

- Low VOC (Volatile Organic Compound) carpets and pads, sealants, paints, and adhesives
- State of the art, energy-efficient heating and cooling systems
- Mechanical Systems enhanced for superior air quality within the building utilizing increased outside air
- Extensive occupant controls over lighting and thermal services for enhanced comfort and energy savings
- Special parking allocated for alternative transportation means, such as electric car charging and facilities for bicycle usage
- Water conservation systems: dual-flush toilets or low-flow restroom fixtures
- Water-efficient landscaping
- Exterior snowmelt system operated on a thermal and humidity control system, ensuring it is used only when necessary
- Non-CFC and limited HCFC refrigerants
- Reuse and recycling of construction waste

- Exterior lighting that significantly reduces lighting impacts to neighboring properties

Urban Renewal Area and Community Amenities Payment: Pursuant to CDC amendments adopted July 7, 2009, development within the G-2 zone district is required to provide community amenities as follows:

Projects with an estimated construction cost of more than \$250,000 shall provide community amenities on site (where appropriate) in an amount equal to 1% of the construction cost valuation, as determined by the Routt County Building Department, or provide a contribution for community amenities, or provide a combination of community amenities and a contribution. The contribution shall be paid at the time the building permit is issued for the project.

In addition, projects with an estimated construction cost of more than \$250,000 shall provide a contribution to the Urban Renewal Authority (URA) in the amount equal to ¼ % of the construction cost valuation, as determined by the Routt County Building Department. The contribution shall be paid at the time the building permit is issued for the project.

Response: The Ski Time Square project will deliver community amenities on site in an amount that is equal to or greater than 1% of the construction valuation, along with the required Urban Renewal Authority contribution, as shown on the following table.

Ski Time Square Estimated URA Payment and Community Amenity Calculation
August 17, 2009 Estimate

Ski Time Square	Cost/SF	SF	Est. Valuation
TOTAL VALUATION	\$300	680,742	\$ 204,222,600

URBAN RENEWAL AREA PAYMENT

1/4 percent of total valuation \$510,557

COMMUNITY AMENITY REQUIREMENT

One percent of total valuation \$2,042,226

PROPOSED COMMUNITY AMENITIES

	Unit Cost	Quantity	Total
Public restrooms		856 SF	410,000
Firepit	10,000	1 ea	10,000
Ski racks	1,600	9 ea	14,400
Bike racks	1,500	5 ea	7,500
Burgess Creek Enhancements: Bridge, steps, soft trail with benches, landscaping, fireplace			306,807
Burgess Creek Stream Restoration	363	345 LF	125,235
BC Road Pedestrian Stairway			96,546
Benches	2,000	13 ea	26,000
Tables/Chairs	1,800	15 ea	27,000
Plaza chairs	210	25 ea	5,250
Litter receptacles	1,300	5 ea	6,500
Public seating areas	100	5,580 SF	558,000
Flowerpots	690	15 ea	10,350
Flagpoles	5,000	1 ea	5,000
TOTAL HARD COST			\$1,608,588
Design, Overhead, Contingency	30%		482,576

Vesting

The Ski Time Square project proposes that in accordance with Section 26-203(d) of the CDC and for a period of ten years from the date of DP development agreement execution, the City's Development Plan approval and subsequent Final Development Plan and Community Housing Plan approvals shall be deemed vested rights for all purposes under Section 26-203(d).

Subsequent approvals would not be conditioned on the construction of any off-site improvements, impact fees, community housing compliance, or other conditions other than those specified under the Development Plan approval and related development agreement.

Preliminary Plat

Please see Section PP-1 for the proposed preliminary plat for Ski Time Square which establishes separate lots for separate buildings.

Attachment 2

Project Packet

This packet is provided as a separate,
large format document.
It is available for review with the City
Clerk's Office.

Ski Time Square Drive (Ski Time Square and Thunderhead Redevelopment) Pre-application (#PRE-07-05) –

Pre-application review of redevelopment proposal for 1,035,904 square foot mixed use residential and commercial project. Existing Thunderhead and Ski Time Square developments (approximately 235,559 square feet) will be removed as part of the proposal.

Discussion on this agenda item started at approximately 6:46 p.m.

STAFF PRESENTATION

John Eastman –

Provided a brief overview of the proposed application. He explained it is a proposal for approximately 1,000,000 square feet of mixed use residential and commercial development. Some new information includes a couple new letters and information on the promenade. Corrections on pg.5-4 under variances to design standards. This should have been under non-conformances. On page 5-11, the G2 Zone district should show 63 feet for underground parking. There are three staff members working on this with Sid Rivers and Gavin McMillan helping John Eastman. The more information PC can give the applicant the better for a good project to be done.

Levy had called and asked Eastman how the housing would apply to the redevelopment of this project. In terms of commercial linkage, they are proposing less sq. footage than currently exists. The existing hotel units fall under the commercial linkage. There will be a credit given for existing hotel and commercial sq.footage. Residential linkage will be based on net increase. The inclusionary requirements are independent and are based on increased sq.footage.

APPLICANT PRESENTATION

Mark Matthews, Vice President of Atira Group, is very excited about this redevelopment of the Base Area. He introduced several members of the team working on this project. They will discuss the issues of importance for the project. There is about 7 acres with Thunderhead and Ski Time Square. They want to design a sense of place. The Base Area Plan is being brought into play also. They are looking into many things to make this a good project. A power point demonstration was given showing specific design achievements.

They want to bring the ski edge into the site and want to have some open space by the creek. Like to achieve a neighborhood feel. Also want to slow down traffic and want to place buildings so views will be available from all buildings. They also want to get connectivity in the entire base area. An explanation was given where the check-in and parking areas will be. The model and slides showed the heights. The .5 means units in the dormers. They want more glass to bring things into a more modern effect.

The pedestrian circulation and streetscape will be extended to allow a more village feel and to provide access to commercial and retail spaces and want to extend pedestrian areas along Ski Time Square. There will be an event plaza where there will be a variety of dining deck areas around it and allow for a variety of gatherings. The promenade should follow up along the creek. They want to bring Burgess Creek to the surface.

They are hoping the event plaza can hold larger and smaller events. They want to create vibrant and connective spaces and provide outdoor spaces for people.

In return for requested height variance, they believe the proposed public benefits are significant. The event area will provide significant public benefit. Offsite housing for employees will be provided as well as some onsite. Bringing in commercial to revitalize the area where it is highly visible. They are looking at pursuing lead and energy efficient green buildings and are bringing in green consultants. Community facilities with open space will draw the public into underutilized areas. Providing public meeting rooms and public restrooms will be a great benefit as well as a permanent location for a transfer area for the medical center.

They are looking for comments to guide them in the development. This is a unique opportunity to partner up and work with the public. The community has embraced this area.

COMMISSIONER QUESTIONS

Commissioner Stopher –

What are the requirements for open space for this project? Eastman answered 15% gross area

Commissioner Stopher –

Do we have any approvals on the areas above on the Rottner parcel? Eastman answered no. She asked about the commercial space – looking at exhibit E – looks like the lobby is commercial space. They are considering a component of that with a lobby bar.

Commissioner Levy –

Asked about efforts to make Ski Time Square into a pedestrian plaza? The Base Area Plan showed a couple different options. They are negotiating with Ski Time Square Condos to come to some agreement and are hoping to negotiate with Kutuk for some road alignment. They are optimistic that they will be able to follow through with this option. There are other options if this doesn't work out.

Commissioner Hermacinski -

Why is really winding road the preferred option? Eastman stated the preferred option is to create a vibrant pedestrian plaza closer to ski base area that can connect into an active area. The road to north solves some access issues. Need to be able to get fire trucks into the area. Is concerned with having a road for fire access.

Commissioner Meyer –

There is a difference of interpretation in terms of retail / hotel / hot beds. It is not clear from presentation what the concept is whether we are talking whole ownership / fractional ownership / hot beds / hotel. She needs clarification on definition of retail/office/residential hot beds. etc. The applicant stated what they are seeing as hot beds as smaller units such as studios –smaller units to support the high occupancy. What they are looking at is unbranded hotels. Meyer asked if any of these will be a purebred hotel? The applicant stated no. Could you be more descriptive on “back of house” – examples were given as meeting room – sq.footage of about 50% of back up house required for a meeting room. A kitchen to service it – provide room service for units – provide office and administrative support – larger sales contingent on site needing office space – employee lunch and break rooms – those types of options.

Pg. 5-2 One nonresidential – Are we double counting these? Eastman, just meeting space. She asked about Ski Time Square Drive – the property in the middle is City ROW and the need to negotiate with City - so items still need to be worked out. Eastman stated that is correct. Staff will look at this as to what fits and do some trading if needed and see if a new ROW could be developed.

Reiterate the question of how much open space is required. Is this already Open Space and what additional Open Space is being provided? The applicant showed the additional space they are proposing but they do not have exact numbers.

Commissioner Curtis –

Would like an explanation of the cluster design philosophy. Applicant stated they have separate buildings sitting on one garage that is connected. This will keep from having lobbies for each building – the garage is shared with retail level on top.

He asked about the elevation and height variances? Pg. 24 – section D. – he counts from proposed grade at least 9 stories. Applicant stated that the building is 10.5 stories and is calculated as the highest.

He has concern with the Design Charette in relationship to keeping Ski Time Square in its approximate same location. The Mtn. Town Sub Area Plan clearly shows the reroute of Ski Time Square Drive. Eastman stated that in terms of relocation, the preferred option is to move it to the north of the site and within the Mtn. Town Sub Area Plan there is an alternative to leave it within the existing ROW –the relocated road would cross multiple properties and it might be impossible to negotiate a new ROW. Curtis asked if we know of any consensus of the property owners of a preferred option? Are they trying to get clarification to keep as is or change it? Eastman stated the consensus is to change it if everyone could agree. Conceptually all the landowners are in agreement – in actuality - negotiations of agreeing on whose property it would go on, there is not agreement yet. The parties are still working on it.

Curtis stated that since we now have a turnaround for buses and a first aid building – is there a proposal to change that turnaround area? The applicant stated there is no proposal

at this time but they are interested in continuing discussions with the City for some changes to this area.

Curtis asked for clarification to access points to underground parking areas which was given. He asked for an explanation of the offsite and onsite employee housing. The applicant stated they do not have a plan yet but would prefer to have most of it offsite.

Curtis asked for clarification of the buildings and why there isn't commercial on Bldg. G? The applicant is looking at connectivity and they want to concentrate the commercial in the more active area.

Curtis referred to Pg.5-16 and asked about TAC comments and are these being addressed? Eastman stated these are not addressed until there is an application – not a pre-application. They only ask for comments but don't do a review.

On Pg.5-3, regarding building mass and view corridor – Curtis questioned the 3Dimensional that is being looked at? Eastman stated that the City has contracted with Winston & Assoc. to create a 3D of the entire Base Area to help in evaluation of projects like this and the impacts they may have. This should be completed by January 2008 to be able to review this project.

Curtis asked how they plan to demolish the buildings? The applicant explained they plan to commence demolition on both sites next summer – 2008 and it should take about 6 months. They hope to have 2 clear sites for the winter. Eastman stated there is concern at having this entire frontage vacant and hope the applicant will consider having at least some buildings left standing.

Commissioner Lewis –
Would like some breakdown of the square footage. He had asked for a breakdown at the worksession which is given below:

THUNDERHEAD

Existing Residential – 60,000 square feet
Proposed 228,000

Existing Restaurant and retail – 6,354
Proposing 12,683

Existing Hotel – 37,000
Proposed - None

Existing Overall – 113,000
Proposing - 332,000

Lewis asked if the spa will be for guests only? The applicant stated it will be for public use, not exclusive for guests.

He asked about off-site housing in the Inclusionary zoning and Leeson explained that this included all of Ski Time Square – it is actually a payment-in-lieu by right.

Lewis asked about the URAAC version of the promenade? The applicant stated they envision this to be a three season promenade. Their concern is some grade issues and how this will work as well as a person wanting to be going to a specific destination. They don't know what that connection will be yet. They are in favor of the three season promenade and feel it is an advantage to come as close to edge of the ski area as possible. There would be no promenade to the property in the winter. Eastman stated URAAC's position is that it should be a four season promenade.

Commissioner Levy –

Concern with a promenade regarding safety and circulation. The applicant stated they need to develop this further. They would like the people who bring their cars to park them and hopefully utilize the public transportation. They don't see this as much of a conflict. They have moved the buildings back and hope to provide more of a pedestrian area. Levy asked how many parking spaces are in the building underground? The applicant has not done a breakout yet but it will be part of the transportation plan provided at a later time. A rough estimate is 100 spaces.

PUBLIC COMMENTS

Jack Ferguson –

Vehicle flow and promenade – as was mentioned it was anticipated the promenade would go along the edge of the property ending up by the Christie Club. There are a number of spokes connecting this down. URAAC has looked at a number of ideas such as under/over passes. They have talked about a hub and spoke and could ultimately have a main walk area around the ski area with spokes that would allow good connectivity. One of the things that has happened regarding the bus turnaround – this was a concern with the busses turning on a timely basis. He hopes the City could put a turnaround in this area. There is a high density of people and if there is a way to move public transportation on a reasonable basis a lot of people would be able to use it.

Chris Diamond, Ski Corp –

Speak about a Triage Center – this is one of the most misunderstood issues in the ski area. This parcel was subdivided and optioned and is owned by Ken Rottner and has not revealed future use. He does allow a transfer station for the injured guests and used as a triage center. He does have the obligation to provide people in the hospital with 2000 square feet of space. The previous owner, Martin Hart never dealt with this issue or what happens during construction. It is not a good situation by any means and he feels the deal they are working out with this developer is a vastly superior option for the hospital and the Ski Corp. They have had a very successful discussion with this applicant.

David Cionni –

Spoke to the issue of the transfer center. It is the function to provide a safe private space for injured people. The transfer center is solely operated by the hospital. The hospital also provides courtesy transportation to the hospital. There are very few parcels that allow this service. They need access to be able to ski in with an injured skier. They also need to have access the spot with emergency medical services and private vehicles so families can come to see an injured skier. They need a permanent solution to improve and provide this important community service. They have been working with Atira Group and support their efforts.

Joanne Erickson –

Regarding the parking / access / pedestrian walkway down Burgess Creek, would like to see an entrance to the garage by Building A to eliminate traffic.

Jeremy McGray –

Own the property to the north of the ski time square property and the Atira Group has been very good getting them information as things progress. He has put his development on hold waiting to see how master plan unfolds. He reiterated his desire to have Ski Time Square Drive take the northern loop.

Joe Summers –

President of the owners association of Ski Time Square and he appreciates concern about how the road develops. Would like to partner as well as we can so we can move forward with retail development. Owners have concerns – replacement of parking garage / free space in front of Ski Time Square (open green space) and trying to maintain / eliminating access to their property. They would urge that the continuing evolution of this plan continue. Don't see that it's finished. Need a practical solution that maintains our rights – enough flexibility to have a good solution. He appreciates your attention to the issue. Hermacinski asked if he would prefer to see the road on the northern option? Take road up to the north then come down (showed on map what could work) which gave access to west end of building but has not been discussed much.

Michael Olson –

Property manager for Torian Plum appreciates the communication from Atira from the outset. They have come from the beginning and asked for input. The traffic on service road has been addressed. Their board is very much in favor of the project.

FINAL APPLICANT COMMENTS

Mark Mathews –

Addressed open space – don't have calculations available with this being a pre-application. Appreciate time staff and time PC has taken. Appreciates feed back from neighbors as well as staff and PC. They like hearing the good and the bad. There is a unique opportunity to provide public with what the URA envisions. They are excited about moving forward with the process.

FINAL STAFF COMMENTS

John Eastman –

Had not seen the model before staff report. After seeing the model staff has added concerns regarding the massing of this site and weather some of the variances proposed are appropriate. They will have to wait until the 3D model comes in and see what the view corridors are and what pedestrian issues might be.

COMMISSIONER COMMENTS

Commissioner Stopher –

The most positive thing she sees in this is working Burgess Creek. This will truly be a great amenity. She has concerns with traffic and making it their main promenade. The promenade does need to go in front. She likes the concept of skiing up into the buildings. There are some safety issues with separating the pedestrians from the skiers. Is concerned with where the terminus of the promenade is going to be. Really strongly believes that the realignment of the road would be a great for this area. This could improve it to make it a really cool amazing place where people want to go. With a road down the center it's going to be really difficult. Regarding the building form and mass she has great concerns with the mass of the buildings on the Thunderhead site. They should not go above where the code calls. She doesn't think we want to make our ski area feel like it is in a canyon. The buildings are too massive especially close to Burgess Creek. Regarding public benefit she thinks that the triage/transfer center is a good thing but not a public benefit. There is such an opportunity and it could be such a cool spot they should make it a place where people don't want to be in their cars. Places to walk around and end up in other places didn't know about. Encourage them to knock their socks off! Make it world class.

Commissioner Myller –

He loved Stopher's comments. He understands this is a work in progress. He generally supports the idea of 1 million square feet and support the photographs and the talk. He does not see it transformed into design. He would hate to see Ski Time Square changed. The reason this is a good idea is that it moves the car away from the ski area and it allowed for, not pedestrian connectivity but for European streets. That is what they have totally missed out on. Want to see the design of the space between the buildings. To get around moving Ski Time Square to the north, he will need to get URAAC to testify that that cannot be done. That is such a key thing to allow for a great area. The promenade is the same. He question why we reduced the restaurant / retail space but increased residential space around it. He does believe the triage center would be a public benefit. Need to think about your buyers; where are they going to eat, spend, etc. How can you make it really really cool?

Commissioner Levy –

Thanked applicant for addressing attention to Burgess Creek and daylighting. Likes that the applicant has worked so well with the neighbors. He is going to emphasize the things he would like to see changed. He agrees the promenade should be four season all the

way up to the Christie Club. He would need to see buy in by the Christie Club. There needs to be commercial along the promenade; need to be enticing people all along the promenade. He is disappointed there is less commercial than currently exists. He is totally in favor of trying to get Ski Time Square relocated and making it more pedestrian friendly and vital. He would like to see more s-turns or bump-outs to slow down traffic and would like to see pedestrian connectivity more enhanced. He would like to see more commercial and doesn't see that in the plan. He agrees that the height variances will require a lot of public benefit. He likes lead and the public plaza but there is not enough open space for a public benefit. Restrooms are great. We would have to be able to depend on hot beds.

Commissioner Hermacinski –

Agrees with fellow commissioners that would like to see the northern road and would encourage the applicant to pursue that. This would be a benefit to our community overall. At the northeast end of Building A – if it is possible to have a big round about there. Dislikes the idea of public transportation stopping at Building G & E. Wants to see a year round promenade on the base area. She agrees with staff that we probably can't weigh in on building mass. Agrees that public benefit is a little light. A triage center would count as a potential public benefit.

Commissioner Curtis –

First would like to say thank you to PC members who are leaving. It is nice to see everyone agreeing with what they want to see developed here. He suggested to the applicant that they don't rush it and that they get it right. There are a lot of issues here with 1 million square feet. People will know if this is a good project. Listen to all the comments. He commended their working with neighbors. He concurs with the other comments and concurs with staff's comments regarding access issues, promenade issues and building massing. There is a concern to get the massing down to more of a pedestrian scale and the base area design standards address that. The retail commercial is a little sparse and they need to look at that. We strongly look at public benefit as it is very important. Public space in the plaza area is a wonderful design, however, if we go with a reroute of Ski Time Square, it will be interesting to see how the buildings can be reconfigured.

Commissioner Meyer –

She understands what is driving this site plan – It is the existing Ski Time Square Drive. Without the buy in from everyone, it won't happen unless everyone can cooperate. The issues need to be resolved or abandoned. It is premature to comment on the site plan because it could totally change. Hopes and wishes are not reality. Without knowing where the road is going to go, this is the biggest issue – it's an unknown. The road will change everything. She is having a real difficult time giving any meaningful input without knowing where the road is going to go. She is in total support of the four season promenade and expects the promenade to be further extended out. We need to take a look at other developments. They need to get skiers, guests and locals to wanted locations. This has been the critical problem with the ski area. Circulation has always been a problem. She is concerned that we are not solving the problem but increasing the

problems. She is glad to know that Winston & Associates is anticipating the 3D modeling by January because that will really help us at looking at the massing. She agrees that the Thunderhead is extremely large but is in favor of building the mass back in the hill. There are opportunities for additional retail and restaurants. That needs to be increased. She wants to look at the retail at the whole base area. These are unresolved areas not with just this project. Why aren't we talking about phasing this project? By bulldozing everything this summer, without any knowledge of when these parcels are going to be developed, she is very concerned about potentially not having any buildings. She would encourage that we have a phasing. It is not realistic to build all of it at the same time. The triage center is important as a public benefit. She does not believe in double counting. The list is a good start but she will not support all the things on the list.

Commissioner Lewis –

He feels the architecture is very good and he appreciates the applicant reaching out and engaging the neighbors. A lot of time has been spent in revitalizing the Base Area and he is concerned about the commercial space. They are looking at going from 4 restaurants to 1 and that is a concern. The reduction in commercial space is a great concern. The vibrancy has a problem on the southern corner of Building D where there is an entry way for guests to check in. This is a discontinuance of commercial, retail vibrancy. It breaks the Ski Time Square Plaza in two. They should use Building C as another check in location or something in Building G or E. Checking guests in the center of the project is a disconnect of the retail experience. Regarding the promenade, he understands that the road along Burgess Creek is necessary for delivery but not an appropriate place for guests to get into their parking. They need to find another access to your garage. The promenade is going to be very key with residential traffic and this runs in conflict with that. The massing is fine with Buildings C,D,F & G. He is not sure about Building E but feels A and B are too large. Two times would be more suitable than the three described. The promenade needs to continue on the east side and the Burgess Creek section needs more sunlight. He encourages the applicant to be more artistic with this. He complimented staff on the packet that hit all the important points. He agrees with staff's feedback. He hopes they can realign Ski Time Square Drive up to the north. He doesn't agree with the right of way vacation. He doesn't see the vibrancy now and doesn't see the trade off. Public benefit – he doesn't see the transfer center as a public benefit, this is something that the ski area should provide, not a developer. They need to bring in more commercial space and he could see development being a public benefit. This is a lot of work and he appreciates what they have done.

Discussion on this agenda item concluded at approximately 9:25 p.m.

17. PROJECT: Ski Time Square Drive (Ski Time Square and Thunderhead Redevelopment)

PETITION: Pre-application review of redevelopment proposal for 1,035,904 square feet mixed use residential and commercial project. Existing Thunderhead and Ski Time Square developments (approximately 235,559 square feet) will be remodeled as part of the proposal.

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES
REGULAR MEETING 2007-41
November 20, 2007**

City Council President Antonucci read the project into the record. Council Member Quinn disclosed that he provided technical support to the applicant. **UNANIMOUS CONSENT:** Council Member Quinn to remain seated. Mr. Eastman, Assistant Director of Planning Services, was present and spoke to the phasing of the project.

Mr. Mark Matthews, Vice President of The Atira Group, provided a PowerPoint presentation highlighting the following: introductions; feedback; project area; planning framework; site plan; water scenes; après ski scenes; view from the ski edge; dining scenes; plaza view; circulation and commercial; commercial place making; commercial economic analysis; architectural character; view toward building D; view from ski edge; roof plan; public benefit, Community Development Code priority 1; priority 2; and feedback.

PUBLIC COMMENT:

Mr. Chris Diamond, Steamboat Ski & Resort Corporation, spoke to the triage center. He stated that the Christie base site is a complicated piece of the puzzle and they have the right to go into that site as a triage center when the project moves forward. He stated that Carl Gills, Yampa Valley Medical Center, and he are comfortable that they can enter into a relationship with the applicant.

Mr. Charles Feldman, co-property owner of an adjacent parcel, feels that the site plan does little to enhance the base area. He voiced concern with connectivity and the height of the buildings.

Mr. Barry Erneston, Ski Time Square Condominium Board, feels that access is critical. He stated that the existing lease for the parking garage still needs to be resolved. He further spoke to view planes, location of the road, and down valley views.

Mr. Mathews spoke to the north access road; and Ms. Becky Stone, Oz Architecture, walked through the project model.

The Ski Time Square and Thunderhead redevelopment is a pre-application, therefore no vote is required.

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Ski Time Square #DP-09-03 A mixed-use project totaling 680,742 gross square feet in five buildings with associated site improvements and plan amenities including enhanced streetscape, public gathering spaces and outdoor swimming pool/hot tubs. The project includes 27,511 square feet of commercial space planned to accommodate retail and dining opportunities.

Discussion on this agenda item started at approximately 5:51 p.m.

Commissioner Lacy stepped down.

STAFF PRESENTATION

Jonathan Spence –

The flyby was shown of Ski Time Square.

APPLICANT PRESENTATION

Mark Matthews –

He gave a PowerPoint presentation. He gave a summary of the project. We're coming under the new zoning of G-2. With the new height we're not asking for any variance on that. The height is 105' with underground parking. We're planning on being LEED certified. He showed the base area site as seen from above. He went over the site plan highlights, which were active streetscape, extensive open space, pedestrian connectivity, public gathering space, and a private amenity.

One of the greatest attributes is Burgess Creek. We want to make sure this is an integral part of our plan. We want to open up our site corridors as well as drawing people into this area. We're proposing an additional trail going along the creek.

We have taken out the bridge that goes from building C to building D.

We're proposing to keep the existing parking structure in place and focus our buildings around that. That parking structure has a lease with Ski Time Square Condo's currently and we will make sure that they have that parking available still as well as access to their units.

There's an easement that's a no build area. The idea of that is to keep that more of a visual corridor. He showed some open space on the site plan that if it were taken out that it would bring the total from 39%-33%.

We have made sure that we have that street frontage with the commercial facing Ski Time Square Dr.

There will be a sidewalk leading up to Burgess Creek Rd. to give access for pedestrians to get to Ski Time Square and the base area.

There was some discussion on the loop road. We couldn't come up with an agreement with Kutuk. The master plan recognized that there would have to be arrangements with other property owners to have that road put in place. What is this road really serving here? More asphalt rarely results in a better DP. One of the thoughts was to make Ski Time

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Square a pedestrian mall and to not have any traffic. When you look at what we were doing in terms of vibrancy, our commercial consultants and the retail study that concluded that a pedestrian mall in this area would not work. We've worked with Planning staff to come up with this plan that really speaks to that master plan.

He showed the emergency access route. He showed an illustrative vignette of the proposed site. He showed the Ski Time Square Drive Elevation. We put some variations of roofs onto our buildings to help break up some of the massing.

He showed the Burgess Creek Road Elevation. We worked hard to step that building back from Burgess Creek Road. He showed some changes in the uses on the ground floor of the buildings due to that step back.

He showed the access to the parking garage and the pedestrian access into the building. He showed the second level of the buildings.

He showed the phasing of this project. We're requesting an extended vesting period for a 10 year time period. Our idea is to keep 1 primary financing lender on this entire project. Phase 1 is the turnaround. Phase 2 is the improvements around building C as well as the streetscape along Ski Time Square Dr. Phase 3 has to do with the podium, stream enhancements, buildings D and E, the completion of our public area, and the completion of the road leading up to the north of our property. Phase 4 would be to finish building F and G.

COMMISSIONER QUESTIONS

Commissioner Hanlen –

The page showing the usage based on the elevation, which is pg 5-55 in the staff report. As this moves forward from DP to FDP there's a note about it not being able to change use more than 20%. Based off of what I think they meant was in an illustrative use, is this being ham-strung based off of the fact that now they can't change simply the total amount of commercial? Can we look at the slide that shows the Burgess Creek patio area?

The Burgess Creek illustrative vignette was shown.

Commissioner Hanlen –

On both sides there's retail shown out front, some patio furniture, and a restaurant on both sides. It seems like the developer would probably be open to whomever was able to fit in that space. I'm just concerned that a restaurant wants to go in that space, but that requires a major amendment to the DP.

Jonathan Spence –

I think that the purpose of the 20% clause is in relationship to residential.

Commissioner Hanlen –

They were just looking at gross square footage of commercial as opposed to specific types of commercial uses.

Jonathan Spence –

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Individualized commercial uses. That would be a coffee shop or bookstore for example.

Commissioner Hanlen –

I would prefer that so it doesn't get hung up on a technicality at a later date.

Commissioner Fox –

I was wondering who the existing parking structure is owned by?

Mark Matthews –

Steamboat SDS development.

Commissioner Fox –

It's leased out to Ski Time Square Condominiums?

Mark Matthews –

Correct.

Commissioner Fox –

It's a long lease?

Mark Matthews –

Yes, it's leased out until 2074.

Jonathan Spence –

It's a little bit different than an easement. It's an agreement, which was that the grassy area would be undisturbed. An easement is where you grant someone a property right. The agreement was that no construction would occur on that.

Commissioner Dixon –

Those are the same agreements until 2074?

Jonathan Spence –

Yes.

Commissioner Fox –

How do you build over a parking garage that's not in very good condition? Aren't you worried about that in the fact that it may need to be replaced in the future and that it's going to be a lot harder to replace after the fact?

Mark Matthews –

It's something that as we move forward it really needs more dialogue. The document goes with the fact that the garage is deemed unsafe. Our idea with that is because we couldn't come to an agreement for relocating the parking spaces our best bet was to leave that in. On the site plan we're utilizing space over the top. We've oriented the buildings so they're over the corners of the garage. We felt that it was better to proceed with that garage in there. We recognize that they need their parking. We're able to do our demo and to not really disturb that parking area.

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Commissioner Dixon –

You're parking on top of it though. Are you clear spanning that?

Mark Matthew –

Yes.

Commissioner Fox –

What year was the parking garage built?

Mark Matthew –

Somewhere around 1971.

Commissioner Fox –

What is the parking structures lifespan? You said a structural engineer looked at it and thought that there was going to be a problem? Correct?

Mark Matthews –

There was some water issues with it before we bought the property. We continue to protect the integrity of it. The association is responsible for the basic maintenance of it. It is an ancient structure.

Commissioner Fox –

It just seems like it would be difficult to try to fix it if it's already 30-40 years old. To fix it after a structure is built on top of it seems like it will cost a lot of money and be rather difficult. We don't want to lose that parking. Parking is very needed in the mountain area.

Mark Matthews –

There may need to be some columns dropped in a little bit later just to make sure. The idea is to not just have this erode away.

Commissioner Fox –

I just want to talk about some more parking and not the underground parking but the street parking specific to Ski Time Square Dr. Would you mind going through that for us? At least as far as what the parking is going to look like and what your plans are?

Mark Matthews –

One of the constraints that we were working with was that instead of having this wide right of way and having all diagonal parking. The idea is that at some time there will be parallel parking in front of the Torian. What that does is creates a stronger visual connection between the commercial on both sides. We would like to have some diagonal parking. Our commercial parking the idea is that we really have the parking on the levels either above or below that garage. We want to provide some on street parking. They've seen these pedestrian malls evolve. You don't want to have too much on street parking. We want to provide a limited amount of parking on street.

Commissioner Fox –

The new road that you're putting in with the loop, is that going to have any on-street parking?

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Mark Matthews –
No.

Commissioner Fox –
So that's basically drop off?

Mark Matthews –
We will have it just as drop off. The edge of the existing parking is really a dead point. We stepped the building down from Burgess Creek, which limits what you really can provide for parking. At this point you can go under the deck.

Jonathan Spence –
The original submittal they were proposing a porte-cochere.

Mark Matthews –
He showed where the originally proposed porte-cochere was going to be located.

Jonathan Spence –
We were concerned about the visual connection looking up from the multi-use trail. By adding a few of the diagonal parking spaces we were able to come to a compromise.

Commissioner Dixon –
I think that it would be important to offer a valet service. That's what that porte-cochere was probably going to do. I agree that was in the wrong place and that it would have been to the detriment of the pedestrian experience. Have you considered another location for valet service and not just for your residential users, but for your commercial users that are coming there to be dropped off and let you guys take care of their car so that they can begin their commercial experience?

Mark Matthews –
That's an operational question that I think is a good point. When you look at a couple of spaces to have that type of use in here is something that we have to be careful with by not having an agreement with the City, recognizing that this is in the right of way. We're not opposed to it.

Commissioner Dixon –
I think that it's important for the pedestrian experience to not have to worry about parking and to get people onto the street as quickly as possible and spending their money as quickly as possible.

Jonathan Spence –
Public Works has said that they're agreeable to having the developer take control of some of those spaces.

Commissioner Fox –
Is there enough parking currently for the Torian Plum area with that existing underground parking? The way that I'm understanding it is that the way we're taking a lot of their

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diagonal parking that's in front of their units right now and we're putting in parallel parking, which to me minimizes the amount of parking there currently. I know there's not a ton of space. Did you account for that and how much you're putting under your buildings?

Mark Matthews –

We're over our parking calculations for both commercial and residential. One of the things that's come up in URRAC is better signage. Once we provide for the street experience it'll become more natural. I think that proper signage is going to be very important.

Commissioner Dixon –

The existing parking garage, the west elevation of that along the side where you had the hanging columns. What is that façade going to look like? Are you going to punch openings there or is that just going to be some landscaping? I'm concerned about a blank wall. That's an FDP question, but just so that you know my concerns for the future.

Becky Stone –

She explained the wall concern.

Commissioner Dixon –

Your pedestrian connectivity, can you talk about the purple dotted line that was summer only along Burgess Creek? One of the big things in the sub-area plan is the permeability. It looks like you have a decent path along the west side of your project between the future St. Cloud and yours for the homeowners and resort areas up above to the north and west. To the north and east say to The Ranches, if they were to come down into this green space through either the Kutuk or Ski Time Square Condominiums, do your pathways accept them if they do that?

Mark Matthews –

I can't speak to what goes on in other people's properties. The idea was to provide that soft trail along Burgess Creek. You have the ability to make those connections. It will be an easy connection to make. We provide a lot of different connections.

Commissioner Levy –

Do we have water body setbacks to Burgess Creek?

Jonathan Spence –

Yes we do.

Commissioner Levy –

I didn't see any analysis of that. I assume this meets all of those?

Jonathan Spence –

It does.

Commissioner Levy –

We had a retail study that showed that approximately 70,000 sq.ft. was supportable for Ski Time Square. On what level of density or number of residential units was that based on? Are we still on a trajectory to be in that same scope?

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Jonathan Spence –

The retail study said that the base area had an existing inventory of 2,159 units of lodging. Once the plan re-development was complete the lodging base would expand to 3,143 units. It is expected to take at least 10 years for these projects to be built and occupied. It does seem as though that what's being proposed with St. Cloud and with this development and the possible redevelopment of Kutuk and Ski Time Square Condos that we are still within that ballpark.

Commissioner Levy –

I just wanted to make sure that the projection for commercial space was still in the ballpark. It seems like we are. You had mentioned that with this being 26,000', which is what's proposed for Thunderhead and potentially for St. Cloud would get us close to that area?

Jonathan Spence –

Yes.

Commissioner Levy –

Following up on Commissioner Dixon's pedestrian question. The western most edge between Xanadu and what would be St. Cloud and buildings G and F. According to the Mountain Town Sub-area Plan all pedestrian accesses that are required in the Mountain Town Sub-area Plan need to be snow melted. I don't think that you've snow melted that one.

Jonathan Spence –

A condition has been put in place to require that to be snow melted.

Commissioner Levy –

It is going to be snow melted?

Jonathan Spence –

Yes.

Commissioner Levy –

Whether or not that was an amenity or a required improvement? Is there a change regarding that?

Jonathan Spence –

No, it is not.

Commissioner Levy –

I looked at the Sub-area Plan and it calls out at least a partial pedestrian connection.

Jonathan Spence –

Pretty much in that location.

Commissioner Levy –

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In that location that would be required. Does that have to be an amenity or if it's required do you agree that needs to be changed in the community formula?

Jonathan Spence –

One of the thoughts was that because of the extreme nature of this that perhaps it did qualify. It was an expense that's significantly greater than a normal sidewalk.

Commissioner Levy –

I appreciate that the applicant has brought in twice as much open space as previously. I would like us to be considering in the future a definition of open space. The definition currently says 'anything that's not built upon and is a benefit of the occupants is open space. If another applicant came in with 15.1% of open space then I would be really concerned. I think that's something that we should have on our agenda in the future. I appreciated that the applicant has brought in above what's required. I would also like to talk about the loop road. It does say that the full loop road around Ski Time Square is the preferred option. There are 3 options listed in the Mountain Town Sub-area Plan. They all show an alternate route to Ski Time Square. I would like the applicant to address other than the fact that they weren't able to arrange it how they accommodated to meet those goals of that secondary access through Ski Time Square.

Mark Matthews –

For that to happen there had to be an agreement. We were unable to reach that agreement. The plan also calls for not only increased auto circulation, but emergency uses as well. We have improved the emergency access to Ski Time Square Condos. The City has been very reluctant when we've gone in and asked them do you want to condemn this. The plan has provided other alternatives. We've met all of the requirements. I feel that ours sufficiently covers all of the requirements.

Commissioner Levy –

We're going to see a CHP at FDP.

Jonathan Spence –

Correct.

Commissioner Levy –

I was looking at the shadow plans behind building F. There's pretty significant shadowing on Burgess Creek Rd. Is there any mitigation of that required?

Jonathan Spence –

Public Works has not required any at this time.

Commissioner Levy –

With the 10 year vesting plan and especially you're western most buildings, which are the last ones in phasing. Are we going to be looking at further demolition of Ski Time Square and a potential 10 year plus or how ever long the building permit is for and end up having even less commercial than what we have going on right now? Do you have a timeline of demolition for the current Tugboat building and if so how does that fall within your phasing plan?

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Jonathan Spence –
Under the City rules that could not occur until after an FDP was approved.

Commissioner Levy –
The 10 year vesting starts when?

Jonathan Spence –
When City Council approves the DP.

Commissioner Beauregard –
On pg 18 you show the facades of all of the commercial. It shows the same rock work all the way along there. Is there a requirement or in the plan that says anything about having it feel like it's different segments of building? I know that we try to break that up in Old Town. I think that you mentioned about the same rock work around those new buildings feels like you're in the same building. It seems like we have the same thing here.

Jonathan Spence –
Correct. We have requirements specifically to downtown. I think that it will be important for the vesting experience that we do have a breakup of the types and treatments when we do get the FDP.

Mark Matthews –
We're in favor of that too.

Commissioner Beauregard –
I can see you trying to do it with the architectural facades, but it's just the same rock work.

Mark Matthews –
We're at DP, but we'll keep that in mind for when we come before you again.

Commissioner Beauregard –
Has there been any request to do the Burgess Creek improvements in phase 2? It seems like that would be nice to get that done earlier.

Jonathan Spence –
There is a condition related to how community amenities are phased. It may result in that being shifted to that phase.

Commissioner Beauregard –
If we do the extended vesting period is there any way that we could try to get them to do something with the site in interim?

Jonathan Spence –
We could certainly condition that.

Commissioner Beauregard –
I know that the Torian Plum letters that some of those concepts might be nice.

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Jonathan Spence –

It's tough and I'm not quite sure what you do with it. There's a pretty broad latitude of where you can go.

Commissioner Dixon –

I didn't get any letters in my box.

Commissioner Levy –

They were saying that we need to revitalize Ski Time Square because of the demolition that's going on. Asking the URA or the City to get more visitors into Ski Time Square.

Commissioner Dixon –

Given to us with this?

Commissioner Levy –

This was given to us about 3 weeks ago.

Mark Matthews –

We would prefer to continue with dialogue and be proactive that way. We understand and it's in our best interest to make sure that the environment out there is inviting. We've floated some ideas and we'll keep exploring the alternative uses that we could do up there.

Jonathan Spence –

Has there been any discussions with the Ski Corp in regards to the music tent?

Mark Matthews –

Yes, we continue to have dialogue. One of the ideas out there was instead of having that tent to moving it over to Ski Time Square or Thunderhead. Logistically last winter it didn't really work for them. It's event driven.

Commissioner Fox –

Have you talked to Ski Time Square Condos at all about redeveloping their parcel? The only reason why I ask that is because they're way behind all the new development. All of a sudden we redevelop out front of their structure and their main access to redevelop is going to be Burgess Creek or maybe the new road, which is going right through your parcel. It seems like it would be very difficult to do after the fact. Have you talked to them and are they interested in redeveloping at some point or are they just remodeling little by little and going that route for a long time?

Mark Matthews –

As we were going through the process of trying to work out the parking and the possible loop road going through there we did enter into some discussion on redevelopment of their site. At the time it wasn't deemed economically feasible. If they want to move their route elsewhere then we're certainly available. We're open to that if that's the route they want to go on.

Commissioner Hanlen –

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Looking at section 2 pg 9 (5-54) the floor plan. Back again to the illustration that you provided it showed the patio furniture fronting the Burgess Creek patio area. It seems like you've got a fairly small retail use on the right hand side and then you've got the lobby on the other side. Is it possible to flip flop the lobby or create some type of commercial usage that even if it just has a narrow frontage along Ski Time Square it would stretch back a little bit to help bring some activity back to that patio area? Right now I'm looking at that lobby and very small retail area and the illustration shows what we would like to see there. I'm recognizing that I don't want to see multiple commercial owners, because I know that the viability isn't there to chase up that pedestrian pathway. To have some type of commercial use on both sides on that, is that a possibility or reality?

Mark Matthews –

We decreased the size of the lobby in order to have that small retail there. We felt like it was too small. We have the storage over there and we're not sure how that frontage will really work.

Commissioner Hanlen –

The west side of building C.

Mark Matthews –

We looked into putting somebody back there.

Commissioner Hanlen –

I'm not suggesting that you put somebody back there. I still think that it would be a minimum to have the frontage on Ski Time Square, but what I'm saying is that the frontage doesn't have to be wide necessarily. It would be no different than what you would see in a downtown district where you might only have a 25' wide façade, but it's fairly deep. The idea in this case is that it could be fairly narrow on Ski Time Square and deep on the side that's open to Burgess Creek. Having a mirror of that on the opposite side of building G.

Commissioner Dixon –

I would activate that pedestrian area.

Commissioner Hanlen –

You show it being activated in the illustration. I'm just not seeing that being realistic based off of the floor plan.

Becky Stone –

She explained the retail scenario that Commissioner Hanlen was discussing.

Commissioner Hanlen –

I'm recognizing that, but I'm just saying right now is there anything that would prevent it from chasing back up the creek a little bit? I'm not suggesting that you have one separate space from another separate space. It's just a long narrow commercial space that just has a more active front towards the creek.

Mark Matthews –

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In our world we don't want to get too locked in. It could be a possibility of maybe dividing this space in our FDP.

Commissioner Hanlen –
I think you're missing my point.

Becky Stone –
I think that the mechanical would be reasonable.

Commissioner Hanlen –
Not a separate retail, but part of the same.

Becky Stone –
She discussed the retail scenario.

Commissioner Hanlen –
I realize that we can't go really deep. The further away we get from Ski Time Square the less viable that retail becomes. If it's the same space then it seems like it would still make sense. The request would be to do the mirror on the other side of Burgess Creek where currently you have units and the face of the lobby. Not very far back, it just seems like right now it's going to be a fairly dead façade to the creek side.

Commissioner Dixon –
I think that just changing the lobby. I don't know that you need to go further back. The lobby does turn the corner and it's unfortunate that that's a lobby and not a retail space that would activate that pedestrian area. Perhaps with the lobby there's comings and goings but I don't see that enhancing that pedestrian space at all.

Commissioner Hanlen –
Reversing the restaurant and the lobby the way that it's shown on the floor plan right now.

Becky Stone –
Is it better to have the lobby area facing Ski Time Square Dr.?

Commissioner Hanlen –
It's doing both. Be on Ski Time Square and be on the creek.

Becky Stone –
Do we switch these two? She discussed what she thought about switching the restaurant and lobby.

Commissioner Beauregard –
I like it on Ski Time Square in the sense that the restaurant would publicize and give a more public environment. I agree with Commissioner Hanlen. I think that Burgess Creek River drainage is a public benefit. Right now you're privatizing it with the lobby right there.

Becky Stone –
You're saying that if you flip flop those.

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Commissioner Dixon –

If you flip your restaurant and your lobby and you leave the bar where it is.

Commissioner Hanlen –

I would rather see the bar on the other side.

Commissioner Fox –

The point is that if it's a restaurant or a bar then hopefully there's access to the creek or maybe outdoor seating. It just makes that whole environment more lively than just having a lobby in such a key area.

Commissioner Dixon –

And your tenant is likely to make more money.

Becky Stone –

She discussed the valet parking.

Commissioner Hanlen –

It seems like the entry isn't as pronounced as I would think that it should be for a building of this size. You're almost hunting for where the entry to the building is. It seems like it would work. It's a fairly simple flip to reverse those 2 uses.

Commissioner Dixon –

You could really break up your façade that way by interjecting the lobby in the middle of that long retail, creating an architectural element that divides that building from one long façade.

Commissioner Beauregard –

I agree with Commissioner Hanlen too in the mechanical room. I don't know that I like that there. Would you have fake windows there?

Becky Stone –

Most of this is underground.

Commissioner Dixon –

What's above it on the next level?

Becky Stone –

She discussed about the mechanical room.

Commissioner Beauregard –

What's at grade level?

Becky Stone –

She explained what was at grade level.

Commissioner Beauregard –

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You show paving right up to the mechanical room.

Becky Stone –
She discussed more about the mechanical room.

Commissioner Beauregard –
I guess it's that corner that I'm worried about. I totally agree with Commissioner Hanlen. It's just the whole privatization. What are you going to feel like when you're in this area?

Becky Stone –
She continued to discuss about the mechanical room.

Commissioner Hanlen –
Is the mechanical room, does that mean that we have all of the vent stacks and everything coming out that goes vertically up to the top of the building or just 1 story?

Becky Stone –
It goes all the way up to the roof.

Commissioner Hanlen –
It's not like you have all of the vents popping out right at the vertical.

Commissioner Beauregard –
It's going to be difficult when you look at the façade, because you've got a flat roof right on top of it.

Becky Stone –
Yes, but it's the whole roof.

Commissioner Hanlen –
It hasn't been adopted yet, but this proposal right now is for a phased development project such as yours where you have substantial infrastructure going in where typically it would be 3 years once you've installed the infrastructure you could get another 3 years administratively. With the 6 years that the staff is proposing with the DP and receiving an additional at least 3 years on your FDP with an additional 3 years on your FDP and another 6 months for the building permit. Is the 12.5 years not sufficient for the lending requirement? It seems like a substantial amount of time.

Mark Matthews –
When you look at the phasing of each of these buildings. We don't know right now. We want to have the ability to be able to come in. Once a lender comes in on that first phase he wants to know what his exit strategy is. When you look at your rollover on your DP's, 6 years isn't really sufficient to roll through each of one of those phases especially if there's a bump in the middle of the road along the way. We have to provide and banks are very conservative right now. We feel very strongly that we need that kind of time.

Commissioner Hanlen –
Do you see a lender not giving you funding for 12.5 years versus 16.5 years?

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Mark Matthews –

On a phase like this they'll want the construction loan on that. There's a portion of the loan that applies towards the other phases. We think that the lending will come back to that environment where we can have a lender do the vertical on the first phase and be able to complete some of this entitlement process.

Commissioner Fox –

What's the process if we did the 6 year vesting period and all of a sudden at 12 years they can't make it work or at 12 years? What's the process if they want an extension to their vesting period? Do they have to come back for full approval again?

Jonathan Spence –

I don't know what the political climate is going to be like 12 years from now.

Commissioner Fox –

It's technically something that could happen if the economy was bad for a long time. They might be able to come back and ask for a longer vesting period and it might be granted?

Jonathan Spence –

They can always ask.

Mark Matthews –

This is a strategy to get us started in each of these phases.

Jonathan Spence –

This isn't something that staff has significant concerns on.

Commissioner Dixon –

Did you discuss triggers at all? Besides the ones that Commissioner Hanlen mentioned did you discuss DP triggers if they start in phase 1 or complete a certain step they get granted a longer vesting, but it's based on those triggers?

Jonathan Spence –

After you got your FDP for a particular one then you'll be extended for the next one. It was tied more towards approvals and not construction.

Commissioner Dixon –

How does that work for financing if we put triggers in place and you get additional vesting on buildings G and F or your phase 4 buildings upon completion of building C? Does a lender have a problem with things like that or would you foresee a financing issue?

Mark Matthews –

That can be worked out.

Jonathan Spence –

What would be the intent of doing that?

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Commissioner Dixon –

I know that you don't have any intent of sitting on the land for 10 years, but to encourage the project to move forward.

Jonathan Spence –

I really think that if they could build tomorrow they would.

Mark Matthews –

It's not going to move the process forward by having a trigger there.

Commissioner Levy –

If the garage were to fail from the City's point of view who's responsible for either fixing it or maintaining it? I assume that there's a required number of parking spaces.

Jonathan Spence –

I don't think that the City wants to be involved in either mediating or in any way taking a part in the negotiations between these two folks.

Commissioner Levy –

If it were to happen within somebody's own property and they have a separate parking structure, is there a timeline where the City's going to say that they have to provide 'x' number of parking spaces?

Jonathan Spence –

It's never been something that we've had to do before.

Commissioner Dixon –

On the DP it shows a parking garage there. If we're approving this DP and that existing parking garage fails then are they required to provide a parking garage there based on this DP?

Jonathan Spence –

I think that it would have some design parameters changes as a result.

Mark Matthews –

He mentioned some examples of other buildings that built over existing structures.

Commissioner Levy –

Are you building over it or on top of it? Is your structure dependent on it's structure?

Becky –

No, we have 8-10' over the top of it so there's an interstitial space.

Mark Matthews –

We may need to put in some additional columns in there just to support that lid right now.

Commissioner Fox –

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You said that you might have to drop some columns in the existing parking structure to support it, but Sally Claassen said that there are 80 parking spaces for 80 units. Will that remove some of the available parking spaces?

Mark Matthews –

There currently aren't 80 parking spaces in there right now. We've looked closely at that so that you can still park there.

Jonathan Spence –

I believe that there are 60 parking spaces in there.

Commissioner Levy –

I assume in the TAC review they'll tackle emergency access. Did they find it adequate, excellent, etc?

Jonathan Spence –

This project is improving the emergency accesses to the Ski Time Square Condos through the 12' fire lane at the rear of building D.

Mark Matthews –

Right now the existing parking deck can't support a fire truck. This project is definitely an improvement to getting access.

Jonathan Spence –

We didn't think that it was appropriate to require general vehicle access since that involved agreements between the two parties.

Commissioner Hanlen –

There was a huge list in the CDC about what meets substantial conformance. It was thrown in with a little asterix of the director has the discretion to approve something. I recognize this as a massive proposal, but a lot of the compositions of the facades are vague. When the FDP comes forward for better or worse if the building subjectively looks better, but it's not within the 5%. Is that something that you see the director going forward with approving as opposed to going back and starting the DP over again?

Jonathan Spence –

Which 5% would you be referring to?

Commissioner Hanlen –

I've been through this myself and it's a very vague 5%. When we come through with what is the final plan my concern is that if something is perceived as being better both by staff as well as the applicant, but it isn't within substantial conformance. I've just had problems in the past of what that 5% means. It can be interpreted a million different ways. How vague this is and all of a sudden be problematic even if we're ending up with a better project down the road. I'm just looking for some clarification.

Jonathan Spence –

I don't think that I can answer that question.

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Commissioner Hanlen –

Could it be as simple as when they come in to apply for the FDP and that's the amendment to the original DP? You just do it in one fellow swoop?

Jonathan Spence –

Sure.

Commissioner Hanlen –

I'm just trying to suss out the potential problems when we move to the final step.

Jonathan Spence –

I think that the only thing that we'll be hard on is the roofs.

Commissioner Hanlen –

That's one of the questions. The roofs you can only make them steeper or flatter by 1 increment of 12. It seems like even if you were to make it theoretically visually better by making it into a steeper roof. As an example if you were taking that from a 6:12 to an 8:12 on building D then all of a sudden that would be out of substantial conformance. I was just curious as to the process even if we're getting a better product.

Jonathan Spence –

Unfortunately the better product is subjective so we would have to take it back to the Planning Commission.

Commissioner Hanlen –

I understand the subjective nature to it. It can be addressed as when they come in for the FDP for building D and potentially that's DP and FDP, which gets solved in one fell swoop. I didn't want to see it due to one minor thing that we think is improving the project.

Jonathan Spence –

We are trying to make things easier not harder.

Commissioner Dixon –

On pg 5-7 of our staff report in the very last paragraph under compliance with other standards, your sentence says 'with the exception of variances that were granted during DP review'. Can you clarify that?

Jonathan Spence –

It's left over from Thunderhead.

Commissioner Dixon –

To be clear there aren't any variances or none granted in the review.

Jonathan Spence –

Correct.

Commissioner Dixon –

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2 years on the sales center, why does staff feel that's important?

Jonathan Spence –

When I look at the Torian Plum the mortgage office and sales office totally deactivate that side of the street.

Commissioner Dixon –

Where is the sales office going to be located?

Jonathan Spence –

We don't know at this time.

Commissioner Dixon –

If it were not on Ski Time Square and it were back a little ways then there would be no problem?

Jonathan Spence –

There wouldn't be any problem.

Commissioner Fox –

I think that we discussed at work session that it's easy to ask for an extension on that.

Commissioner Dixon –

I wasn't able to be at work session so I wasn't sure that was covered.

Jonathan Spence –

If you look at your conditions of approval on pg 5-16. The number sequence is incorrect and you can thank Bill Gates for that one and that's been taken care of. The first subsequent change was that item 3d has been taken out because those were already addressed in other conditions. The condition 3e became the new condition 4 in that you can't do the blanket easement until the building is built. The appropriate time is at condominium plat and not at final plat for the initial subdivision into 3 lots. The former condition 2, the second 2, we need to explicitly reference that those comments were in regard to the Ski Time Square turnaround in front of Thunderhead. The next change is on pg 5-18 12c was no longer applicable as it has been taken care of through the revisions to the DP. Condition 19 on pg 5-19 was modified with the approval of Mt. Werner Water that they do allow some of this stuff in their easements with the appropriate agreements and that is now item 19 in the revised conditions. Condition 26 was revised as we had also done with Thunderhead to speak to the process of LEED certification and how it actually works and that's now condition 27. The former condition 27 on pg 5-20 was revised to the new condition 28. We found that it wasn't possible because of the existing garage to put a sidewalk in the location that I thought was possible. The last change is condition 28, which is now condition 29 and goes into a little bit more detail in that the existing condition stays the same. An item that Commissioner Levy had pointed out was bike racks and ski racks were specifically stricken from the allowable amenities during the Base area update. The applicant and I have talked about doing it by phase so that if phase 2 were the first building phase would have the appropriate community amenities. At the same time recognizing that

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phases 1 and 2 might have more than 2/3 of the total amenity package so that the last phase wouldn't have to do more.

Commissioner Hanlen –

Can you speak to something that both staff is looking for as well as meeting your needs as far as an option? How do we keep there from being a sales center there for 14 years versus you guys investing $\frac{3}{4}$ of a million bucks in the finish and forced to abandon it 2 years later? Where's the happy medium or can you give me an idea of a happy medium for that?

Mark Matthews –

2 years in our world is very tight. We would like a little bit of a longer period of time. The vitality of the street we need to make sure that's enhanced. I can understand not going for more than 5 years. We haven't finalized our commercial plan and once we come in with our FDP I think that we'll have a better idea.

Commissioner Hanlen –

Would it be acceptable to put the 2 years in for the DP and as part of the FDP adjust that?

Jonathan Spence –

No, because it's a conditional use and so it's only dealt with in the DP.

Commissioner Hanlen –

Is there any way to pull it in so it's not detracting from the Ski Time Square frontage? To pull that in internally or do you need that Ski Time Square frontage with the office?

Mark Matthews –

It's dependent on where the market it and where the site is.

Jonathan Spence –

The Edgemont sales center in the Grand is approved for perpetuity.

Mark Matthews –

We're not asking for that kind of thing.

Commissioner Beauregard –

If you look at pg 17 (5-63) you see the mechanical room on the left. In this image it has french doors and outdoor seating in front of it. I would like us to realize this image. I think that it was a great catch Brian made. I would like to see it look like that.

Becky Stone –

We can take a look at that.

Jonathan Spence –

That's something that we can also have in the FDP. I don't know how you condition that.

Becky Stone –

I think that it was a very good comment.

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Commissioner Beauregard –

I agree with Mark Matthews and I understand why he wouldn't want us to make the vesting period contingent upon approval that you use that site. I also don't see a lot of profit motive to use this site. I don't see a problem with making it contingent upon approval for a longer vesting. I don't know how it would look or work, but I hate to see it go through another summer like we did. Has staff looked at that?

Jonathan Spence –

I don't know what you would do with it.

Commissioner Beauregard –

I don't know either.

Jonathan Spence –

I don't see us putting down sod. I would continue to keep encouraging the applicant to do something with this site.

Commissioner Beauregard –

I guess that's all we can do and I hope it brings people there and makes them happy.

PUBLIC COMMENTS

Sally Claassen –

The agreement has 3 parts. Originally it was just one development. The first part is a lease agreement and at the time it was a 99 year lease. The second section is an easement that gave the condo owners a pedestrian access easement across Ski Time Square. The third section is a protective covenant for an area that comes off of an apron that comes off of the front of the condos. It prevents the building and construction without the consent of the condominium owners. Those were protective covenants that would go into perpetuity.

There were extensive discussions and negotiations with the association and landowner. The association was willing to agree to the loop road. The association remains open to working out agreements with Ski Time Square.

The 2 main concerns that the association would have is first emergency access and access into the future. With regards to redeveloping that is something that we are exploring for in the future. As you look into the future this does impact the possibility for future improvement and redevelopment. From the community standpoint that condominium is very important visually at the end of your open space. It would be unfortunate to create a situation whether because of access you relegate it to a diminishing project over time.

The biggest concern is emergency access and how adequate the pedestrian for emergency access is across the back fare. It wouldn't be appropriate to open that up to vehicular access. There are issues with the Kutuk lane on the other side. That is not any type of recorded or deeded easement. It's not something that you can rely on for ongoing access. The other concern is the garage. It looks conceptually good whether in reality you can really preserve that garage. There are a number of cross sections where there will be multiple stories above that garage. There are 80 units and 80 parking spaces in that

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garage. The association wonders if it would be appropriate at the City level what could be done or conditions that would be required to ensure that is permanent parking so you don't get down the line with 80 units without any parking.

It is critical to remember that you're making improving plans for an area and for projects and not necessarily for people. The personnel tends to change. You need to make sure that the plan works regardless of who's behind the plan.

RECOMMENDED MOTION

Finding

The Ski Times Square Development Plan# DP-09-03 which consists of:

- 200± residential units
- Total gross building area of 680,742 square feet
- 399,719 net sellable feet of residential space
- 27,511 square feet of commercial space including public restrooms
- 58,617 square feet of interior/exterior amenity space
- 254 parking spaces
- Turn around at the terminus of Ski Times Square if not previously constructed
- Enhanced Ski Times Square streetscape
- Enhanced pedestrian connections and Village Green
- Conditional Use to allow residential units along a pedestrian frontage
- Conditional Use to allow a sales center along a pedestrian frontage for a period of time not to exceed two years.

is consistent with the required findings for approval with the following conditions:

1. The owner shall be responsible for constructing and maintaining snow-melt and other private features located in the City ROW per the approved construction plans.
2. Obtain a revocable permit for the private improvements (landscaping, lighting, snowmelt, and parking spaces) encroachment in the ROW prior to building permit approval. City will not provide any enhanced snow removal service nor will it provide parking enforcement on the parallel spaces to be used for drop off/ pick up. There may be times due to City's snow removal operations that some spaces are blocked by snow.
3. At time of first final plat, the applicant shall:
 - a. Dedicate a public access easement for public sidewalks and pedestrian connections outside of the public Right-of-Way.
 - b. Dedicate drainage easements for public drainage courses thru private property, including Burgess Creek
 - c. Dedicate utility easements for public utilities
 - d. Dedicate public access, drainage, and utility easement across site cul-d-sac road (with extension) to serve Lots 2 and 3 as well as parcel A and Ski Times Square Condos.
 - e. A blanket pedestrian, drainage, and utility easements over areas outside of the building as proposed by applicant on preliminary plat is acceptable.

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2. Prior to Final Development plan or civil plan approval, address the following outstanding design items:
 - a. Adjust the grades and provide sufficient detail as needed so the new turnaround matches existing roads and meets City road design standards.
 - b. Adjust the travel lane width to meet City requirements– it should be 12 ft exclusive of the 2 ft pan. (i.e. 26 ft curb to curb min along Ski Times Square).
3. Civil construction plans prepared by a licensed Colorado civil engineer must be submitted to Public Works for review by Public Works, Planning, and City Utilities/Mt. Werner for review and approval prior to approval of any improvements agreement, building permit, or final plat and prior to the start of any construction. We recommend submitting the construction plans a minimum of five weeks prior to building permit application to allow time for review, comment response, and approval.
4. The developer shall pay his proportionate share of the Base Area Improvements identified in the approved Base Area Master Traffic Study calculated at XXXXXX (to be confirmed prior to FDP approval). Payment shall be submitted prior to recordation of Final Plat or issuance of building permit, whichever comes first.
5. Submit the approved permit from Army Corp of Engineers, if required, for modifications to Burgess Creek prior to approval of civil drawings.
6. Submit s FEMA approved Letter of map revision for the floodplain modifications prior to building permit.
7. This project includes design elements that are not part of typical building permit - inspections and specialty staff is required. Prior to submittal of Building Permit, the developer shall enter into an agreement to fund specialty inspections for temporary shoring and any structures along the ROW.
8. If soil nails are used soil nail design and construction shall allow for a minimum of 10-feet of separation from any proposed soil nail to any water or sewer main, lateral, service line or appurtenance. Any soil nails in the ROW must be approved as part of the civil construction plans and must be a minimum of 10 ft below ground surface.
9. A Construction Site Management Plan is required to be submitted in conjunction with the Building Permit and any Grade and Fill Permit Application. Due to the unique characteristics of this site such as deep excavations and limited site area, this CSMP will be subject to additional requirements including but not limited to:
 - a. Provide a phasing plan showing how temporary and permanent shoring systems will be installed.
 - b. Burgess Creek Road and Ski Times Square must be kept open to traffic at all times due to the one way in, one way out access restrictions. The roads shall not be partially closed or obstructed without a preapproved alternate route in place per 2003 International Fire Code sections 501.4 and 503.4.
 - c. Contractor parking must be provided; no parking will be allowed in the ROW of Burgess Creek Road and parking is limited within the ROW of Ski Times Square. Depending on site phasing and availability of on-

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site parking; off-site parking facility with shuttle service to the site may be required.

- d. Site operations such as jersey barriers, material lay down, etc must occur on-site and not in the ROW. Additionally these items must not interfere with sight distance at the site access points or public road plowing operations.
10. The following items to be identified for each phase on the construction plans and building permit are considered critical improvements and must be constructed prior issuance of any TCO or CO; they cannot be bonded:
- a. Public drainage improvements
 - b. Public sidewalk improvements
 - c. Installation of street and traffic control signs
 - d. Construction and preliminary acceptance of the public turnaround and associated improvements
 - e. Retaining walls, guardrails, and ancillary items needed to retain slopes effecting public ways or rights-of-way.
 - f. Access drive, driveway, and parking areas (first lift of pavement)
 - g. Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)
11. Materials within Ski Times Square shall match the Base Area design standards.
12. Make the following changes to the Phasing plan prior to approval of FDP:
- a. On all clarify what the critical improvements are –none are noted on the plans.
 - b. Where it says surety “may” be posted should read surety is required unless the items are completed and approved by the City.
 - c. Phase I – Add a sidewalk connection at a minimum on one side of the road, ideally on both sides. Both vehicle and ped access must be addressed in this phase.
 - d. Phase III - Remove note 5. Surety shall be released according to the existing policies in the CDC and no note on the phasing plan is required. (And for reference the foundation inspection has nothing to do with completion of surety items.) Remove the Temporary retaining wall from non-critical items, if the wall is needed it will need to be installed.
 - e. Phase IV - Remove the Temporary retaining wall from non-critical items, if the wall is needed it will need to be installed. Remove reference to Sheet CI-4 list items considered critical. Remove note 5.

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13. Engineered construction plans and specifications are to be submitted to Mount Werner Water for review and approval 3-weeks prior to construction.
14. The owner will be required to sign and record the Mount Werner Water “Request for Water and Sewer Services and Waiver and Acknowledgement Form” prior to approval of construction drawings.
15. Plant investment fees will be due at building permit application approval.
16. Design and installation of all mains and service lines shall be according to the Rules, Regulations and Specifications of Mount Werner Water in effect at the time of construction.
17. The new water and sewer infrastructure must be issued written preliminary acceptance prior to the extension of service lines to buildings and prior to service being provided.
18. 20-foot wide (10 feet on each side of the main) easements will be required to be dedicated to Mount Werner Water for any new water or sewer mains installed for the project as well as existing water or sewer mains that are not within specified easements.
19. No landscape materials including pavement heat systems, berms, boulders, walls or trees will be allowed within the new or existing easements.
20. A reduced pressure (RP) principal backflow prevention device is to be used for backflow prevention for all fire sprinkler systems. Prior to occupancy and annually thereafter, the RP device is to be tested and approved by a certified backflow prevention technician. The test report is to be sent to the Mount Werner Water District for record keeping purposes.
21. If any restaurants are planned in the development, properly sized grease traps are to be designed, approved by Mount Werner Water, and installed.
22. Proposed abandoned water and sewer mains, manholes, and fire hydrants shall be abandoned according to Mount Werner Water specifications.
23. All surface drainage within underground parking facilities will be required to filter into an approved sand and oil interceptor. Building plans shall incorporate this as an element of design as required.
24. A Master Sign Plan shall be submitted and approved prior to the issuance of a Building Permit.
25. Clear directional signs to the Public Parking in the underground garage for the commercial uses will be provided. Spaces available to the public will not be tandem spaces.
26. Applicant is to achieve LEED certification or its equivalent for the each phase of the development prior to Certificate of Occupancy. Applicant acknowledges that the City of Steamboat Springs and the Routt County Regional Building Department will conduct inspections of the project during its construction and that said inspections will not relate to the project's compliance with LEED or its equivalent standards. Applicant agrees that notices of satisfactory conditions given as a result of said inspections shall not be construed by Applicant as representations by the City of Steamboat Springs or the Routt County Regional Building Department regarding the project's LEED or its equivalent

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compliance. Applicant acknowledges that inspections for LEED or its equivalent compliance will be conducted only by the United States Green Building Council or other third party inspector contracted for by Applicant.

27. With the first Final Development Plan application, the site plan shall be revised to include pedestrian sidewalks on both sides of the access spur to fully integrate the pedestrian network. Sidewalks that cross garage opening shall incorporate paving designs to distinguish the sidewalk from the drive aisle.
28. With the first Final Development Plan application, the community amenity calculation shall be revised to show compliance with the requirement without the inclusion of a 30% contingency. In Addition, the calculation shall be broken down by phase, with each phase demonstrating compliance.
29. Prior to Building Permit approval the applicant is required to enter into a Development Agreement with the City that shall stipulate:
 - a. Allowance of interior reprogramming including alterations in unit count and private amenity space and floor to floor/overall height reduction. (Any alterations in private amenity space must maintain compliance with CDC requirements)
 - b. Community Housing Plan requirements
 - c. Vesting Period
 - d. Any other items identified by the Planning Commission and City Council
 - e. The development agreement shall be subject to the review and approval of the City Attorney prior to execution.

MOTION

Commissioner Hanlen moved to approve DP-09-03 with the amended conditions of approval and adding the additional criteria regarding the substantial conformance and conditional use for a sales center for a period of 3 years. Commissioner Dixon seconded the motion.

DISCUSSION ON MOTION

Commissioner Hanlen –

The substantial conformance while the illustrative uses have been displayed regarding the commercial I think the DP will speak more towards gross square footage of the commercial and not actual uses.

Jonathan Spence –

I think that a more appropriate place for that is under the final condition for the DP. We'll incorporate that one into condition 30 item (e).

Commissioner Hanlen –

I'm fine with the 6 year vesting. I recognize completely that the lapse of a vesting period doesn't force a project to be built. I want to be able to revisit the project if a full decade has

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lapsed. I'm not trying to shut the project down 10 years from now, but I think that 10-12 years is a long time. I think that it needs to be revisited if that much time elapses. I wanted to do one more minor change, which is the conditional use from 2 years to 3 years.

Commissioner Dixon –
Agreed to the change

Commissioner Levy –
I would like to propose a friendly amendment. I had mentioned that the community amenity requirements propose the amenity for Burgess Creek pedestrian stairway. I think that some part of that is specifically called out in the plan as required. Yes, it's steep and expensive, but I don't think that's a community amenity and it is a requirement. I would like to see condition 29, to remove that item from the proposed community amenities.

Commissioner Hanlen –
Which set of stairs are you talking about?

Commissioner Levy –
It's on pg 5-43 on the western edge. It is illustrative, but when you look at the Mountain Sub-area Plan it specifically calls out that as a requirement and not an amenity.

Commissioner Hanlen –
You're saying that they should be required to build that and not have that go towards their public benefit?

Commissioner Levy –
Exactly.

Commissioner Hanlen –
I think that's splitting hairs. I don't accept the friendly.

Commissioner Levy –
For the 6 year vesting, did you want to have any extensions for the administrative review to do that or it to come back before us after the 6 years?

Commissioner Hanlen –
I think that in terms of the 6 years for the DP and if somebody applies for an FDP and get another 3 years with the potential of another 3 years. 12 years seems like enough. How would DP's get affected with the new vesting? Would they get the 3 year extension?

Jonathan Spence –
No, because you don't install infrastructure with just a DP.

Commissioner Levy –
I will be supporting this project even though I have some minor concerns. I spoke earlier about the definition of open space. I think that's a big future concern. When I looked through the amenities list I talked with Jonathan Spence and to the most part amenities are small. There's no accountability to follow up on it. There's no auditing process. Now we're

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talking what should be a \$2 million contribution to offset the impacts of the project. We have no follow-up. There's 13 tables and chairs that are installed and how much they actually spent. It seems like some of these prices could be on the high end. That's something that we need to be looking at in the future to create some accountability at some level. Certainly when we're looking at \$2 million project contribution, that's something that should be followed up on.

Commissioner Beauregard –

I will be supporting the motion. I would like look at the phasing of the day lighting of Burgess Creek. I would like that to be opened up as soon as we can. Is that something that we would look at later? Are we approving the phasing plan now?

Jonathan Spence –

Is the applicant agreeable to that?

Mark Matthews –

No, I don't think it's practical.

Commissioner Dixon –

I understand the staging concern.

Commissioner Fox –

I see it both ways. I say try your hardest to daylight Burgess Creek, but if it doesn't work, I don't think that we can do anything about it.

Commissioner Hanlen –

Regarding the architecture, I wanted to point out the façade of building F as it faces Burgess Creek. I thought that was a great example of where we should be heading with design in our base area. I just want to push you guys as much as I can for you to emulate that look. There's certain facades that are shown in these illustrations that seem to represent that. There's other facades that seem to be a little too austere. I think that building D is a great example of that where it looks a little forgotten. I will make this strong request that as this moves forward to FDP that the design level gets pushed as substantially as possible.

Commissioner Beauregard –

I noticed that looking through the model of all of the facades. That one stood out for sure.

Commissioner Dixon –

It's ironic that your best elevation is facing Burgess Creek Rd. I want to echo Commissioner Levy's comments on the open space. I think we need more definition in our code. I don't like residual space counted as open space. I don't think that was what the intent was.

Jonathan Spence –

It is something that we will need to address.

Commissioner Dixon –

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We need purposeful open space and not residual no man's land.

Jonathan Spence –
Or counting ridiculous things.

Commissioner Dixon –
Also the accountability on the community amenities and making sure we address that.

Jonathan Spence –
I'll talk to the City Financing Director with what type of system we might be able to come up with.

VOTE

Vote: 5-0

Voting for approval of motion to approve: Levy, Beauregard, Dixon, Fox, and Hanlen

Stepped Down: Lacy

Two positions vacant

Discussion on this agenda item ended at approximately 8:07 p.m.

January 11, 2010

City Council
City of Steamboat Springs
P.O. Box 775088
Steamboat Springs, CO 80477

RE: Ski Times Square #DP-09-03
Steamboat STS Development LLC ("STS Development")
Proposed Development Plan Application for Ski Time Square
City Council Work Session on December 15, 2009

Dear City Council:

At the City Council meeting on October 20, 2009, our application was tabled until January 19, 2010 to allow for the following:

1. To further develop a plan for temporary uses on the Ski Time Square site, and
2. A meeting in December by the applicant with the Ski Time Square Condominium Association to discuss access and parking.

As a follow-up, on December 5, 2009, we had a successful meeting with the Ski Time Square Condominium Association. We met with five members of the Association's Board of Directors and talked in depth about parking and access. As a result, we have made a commitment to have regular dialogue as we move forward with the Final Development Plan for the site. With this understanding, the Ski Time Square Condominium Association has withdrawn its opposition to the Development Plan as presently submitted.

Regarding the temporary uses for the site, we have had two work sessions with City Council to further define our ideas during the interim until construction commences on the Ski Time Square Site.

Attached is a copy of the plan which was endorsed at the December 15, 2009 meeting along with more detail on the landscaping and other improvements.

As stated at the December 15th meeting, the focus of the plan is the area immediately adjacent to the Tugboat. This area will become an events plaza and be dedicated for community use. Coordination of this facility will be through the special events committee of the newly formed Mountain Village Partnership (MVP). An annual license agreement will be utilized to grant the MVP control of the stage and lawn area until an application is made for a building/foundation permit on the Ski Time Square Site. Having the MVP manage this area will ensure not only community events occurring but will also enable the coordination of base area events and attractions. Plans are already being formed by the MVP special events committee to bring back a weekly seasonal concert series and this events plaza will become a centerpiece for the event. This committee will also become the clearing house for coordinating other events such as weekly aerobics and tai chi classes on the site.

Another use that we will commit to for the site is the community garden, located on the west parcel of land. We will provide individual plots that will have topsoil suitable for planting, as well as providing water for irrigation of the plants and basic gardening tools (shovels, rakes, trowels, etc). This concept has been embraced by the community and we are already taking names for individual plots.

Also shown on the plan is a location for a seasonal ice rink subject to finding a third party operator. We will use a license agreement for this use and upon execution of the agreement we will provide a membrane for the rink (Type 3 C Reinforced – 12 mill – up to 20,000 sf) as well as basic hand maintenance tools (shovels, scrapers, brushes) along with water for building the ice.

Continuing with the efforts of the community to make Steamboat Springs more of a biking destination, we will build a bicycle pump track as an attraction for locals and guests to improve their bike handling skills. In talks with local bicycle riders, a pump track and skills track is needed for the area. Numerous discussions with the city have occurred previously but a suitable location has not been found. This location will take advantage of the bike trails system on Mt Werner where riders can work on specific skills prior to or after riding. In the spirit of public/private partnership, the city of Steamboat Springs can manage this facility once it is built similar to their management of the skateboard parks and bmx track. We would need to have the agreement in place prior to May 1, 2010, before we begin construction of the facility.

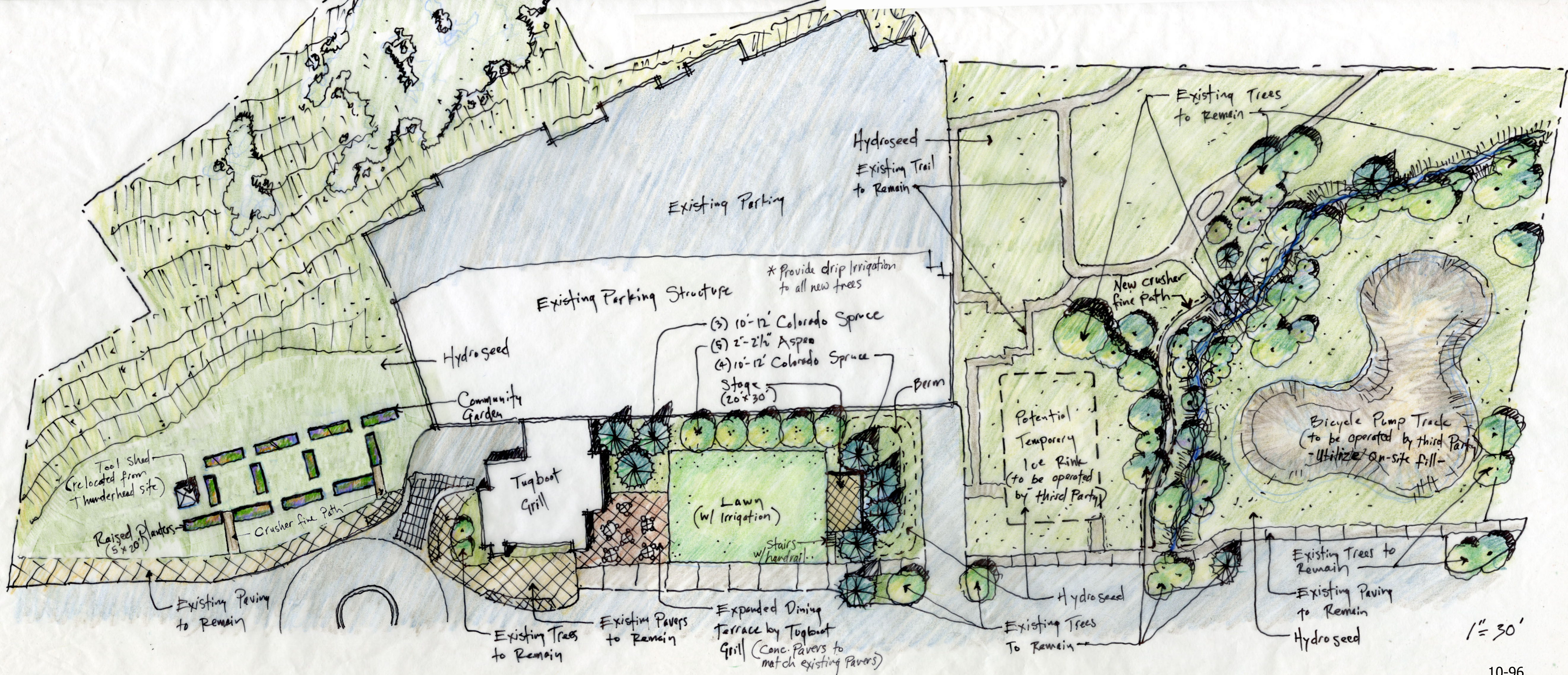
Along with the new facilities outlined above and the additional landscape improvements shown on the plan, we feel this proposal responds to the feedback we have received from Council at the previous meetings and look forward to working with the City to put these items into a Development Agreement.

We welcome your comments and look forward to your approval of our Development Plan for Ski Time Square.

Sincerely,

A handwritten signature in black ink, appearing to read 'MK' followed by a stylized flourish.

Mark Mathews
The Atira Group





The Law Office of Sarah D. Claassen, P.C.

RECEIVED

JAN 11 2009

January 11, 2010

The Steamboat Springs City Council

HAND DELIVER

RE: Steamboat STS Development LLC (“STS Development”)

Proposed Development Plan Application for Ski Time Square Identified as DP 09-03
City Council Hearing Scheduled January 19, 2010

Dear City Council Members:

This letter is written on behalf of Ski Time Square Condominium Owners Association.

On October 20, 2009, the Council tabled the above-referenced application until January 19, 2010, in part, to provide the Association and the Applicant further opportunity to discuss access and parking issues that impact the parties’ adjacent properties.

On December 5, 2009, five members of the Association’s Board of Directors met with three representatives of STS Development in Washington, D.C. The meeting was constructive and the parties discussed in depth a number of issues, including parking and access for STS Condos.

426 OAK STREET

P.O. BOX 774064 STEAMBOAT SPRINGS, COLORADO 80477

PHONE (970) 879-8405 FACSIMILE (970) 879-8325

EMAIL SDC@FEMAIL-LAWYER.COM

City Council
January 11, 2010
Page Two

No specific resolution was reached at this meeting regarding parking and access. However, a commitment was made by both parties to regularly dialogue and work together during the final design of the development, which might entail future amendments to the development plan that would mutually benefit the Community, the Association, and the Applicant.

Because of the Applicant's stated willingness to continue to explore and consider means to improve upon the status quo regarding the relationship between the parties, the Association has agreed to withdraw its opposition to the Development Plan as presently submitted by STS Development and by this letter so notifies the Council.

Sincerely,



Sarah D. Claassen

sdc

cc: Jonathan Spence, Planning Department
Joe Somers, President, Ski Time Square Condominium Association
Mark Mathews, The Atira Group
Steve Peer, Steamboat STS Development, LLC



PROJECT TEAM



OWNER

- *STEAMBOAT STS DEVELOPMENT, LLC*

ARCHITECT

- *OZ ARCHITECTURE*

LANDSCAPE ARCHITECT

- *LANDWORKS DESIGN, INC*

CIVIL ENGINEER

- *LANDMARK CONSULTANTS, INC*

STRUCTURAL ENGINEER

- *MONROE & NEWELL ENGINEERS*

LIGHTING DESIGN

- *CLANTON & ASSOCIATES*

LEED CONSULTANT

- *BEAUDIN GANZE CONSULTING ENGINEERS, INC*

MEP ENGINEER

- *BEAUDIN GANZE CONSULTING ENGINEERS, INC*

PROJECT SUMMARY



ZONE DISTRICT

- *G-2*

LOT AREA

- *201,354 SQ.FT.*

LOT COVERAGE MAX

- *.44*

OPEN SPACE

- *39.3%*

NET RESIDENTIAL SQ.FT.

- *399,719 SQ.FT.*

NUMBER OF UNITS

- *199*

AVG. SQ.FT. PER UNIT

- *2000 SQ.FT.*

BUILDING OH. HEIGHT MAX

- *105' WITH UNDERGROUND PARKING*

LEGEND

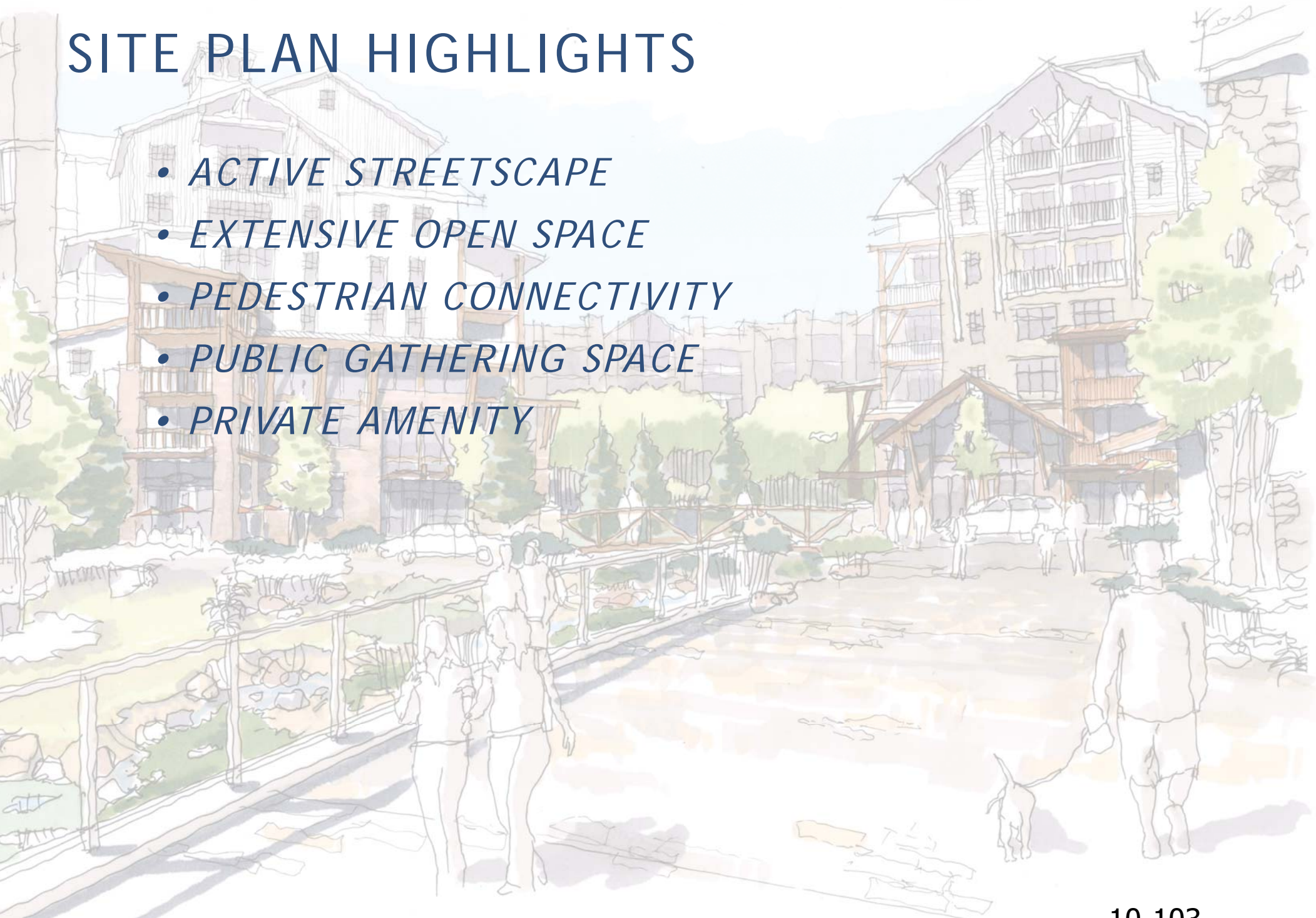
-  VEHICULAR CIRCULATION
-  PEDESTRIAN CIRCULATION
-  MULTI USE CORRIDOR
-  PEDESTRIAN CIRCULATION (SUMMER ONLY)
-  SKI TRAIL
-  ACTIVITY NODE
-  GONDOLA SQUARE



Plan Scale: 1/8" = 1'-0"

SITE PLAN HIGHLIGHTS

- *ACTIVE STREETScape*
- *EXTENSIVE OPEN SPACE*
- *PEDESTRIAN CONNECTIVITY*
- *PUBLIC GATHERING SPACE*
- *PRIVATE AMENITY*



ROOF TOP AMENITY LAWN:
FLEXIBLE SPACE FOR A TENT OR
FOR THROWING OUT A TOWEL
AND CATCHING SOME
SUN.

ROOF TOP POOL AMENITY:
POOL: 1380sf
HOT TUB: 150sf
HOT TUB: 150sf
HOT TUB: 196sf

POOL AMENITY
HOT TUB: 152sf

NEW SIDEWALK

12' FIRE ACCESS

TRASH ROOM

GARAGE ENTRY
60 LEVEL

SERVICE ENTRY
61 LEVEL

GARAGE ENTRY
61 LEVEL

BUILDING F/G LOBBY
51 LEVEL

ROOF TOP AMENITY LAWN

ROOF TOP FIRE PIT

GARAGE ENTRY
48 LEVEL

GARAGE ENTRY
45 LEVEL

EXISTING PARKING
GARAGE BELOW

PEDESTRIAN ACCESS TO
BURGESS CREEK ROAD

BUILDING D/E LOBBY
60 LEVEL

VILLAGE GREEN

COMMUNITY FIRE PIT

STEPS DOWN TO WATER

PUBLIC SOFT TRAIL AMENITY
WITH SEATING AREAS

OUTDOOR SEATING WITH
SOUTHERN EXPOSURE AND VIEWS
TO BURGESS CREEK.

POOL AMENITY:
HOT TUB: 119sf
HOT TUB: 145sf

TRASH ENCLOSURE

GARAGE ENTRY
60 LEVEL

12' FIRE ACCESS

SIDEWALK DINING

FUTURE THUNDERHEAD
PROJECT

SKI TIME SQUARE DRIVE:
PEDESTRIAN AND VEHICULAR CORRIDOR
INCORPORATING STREETSCAPE AND ARTISTIC
ELEMENTS WHICH REFLECT THE MOUNTAIN
LANDSCAPE AND PROVIDE OPPORTUNITIES
FOR CAFE TABLES, SEASONAL LIGHTING AND
ART DISPLAYS.



Plan 0 25 50
Scale 1" = 50'-0"





TEMPORARY USE & LANDSCAPE PLAN
 SKI TIME SQUARE DEVELOPMENT



ILLUSTRATIVE VIGNETTE A
VIEW FROM THUNDERHEAD TO SKI TIME SQUARE



ILLUSTRATIVE VIGNETTE B
VIEW OF BURGESS CREEK WITH BUILDING D BEYOND





ILLUSTRATIVE VIGNETTE C

VIEW OF BURGESS CREEK, BUILDINGS C & D
WITH THUNDERHEAD AND TORIAN PLUM BEYOND



ILLUSTRATIVE VIGNETTE E
VIEW OF SKI TIME SQUARE STREETSCAPE

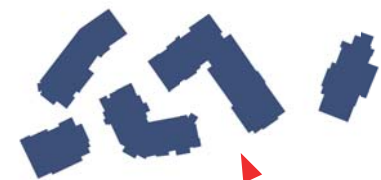
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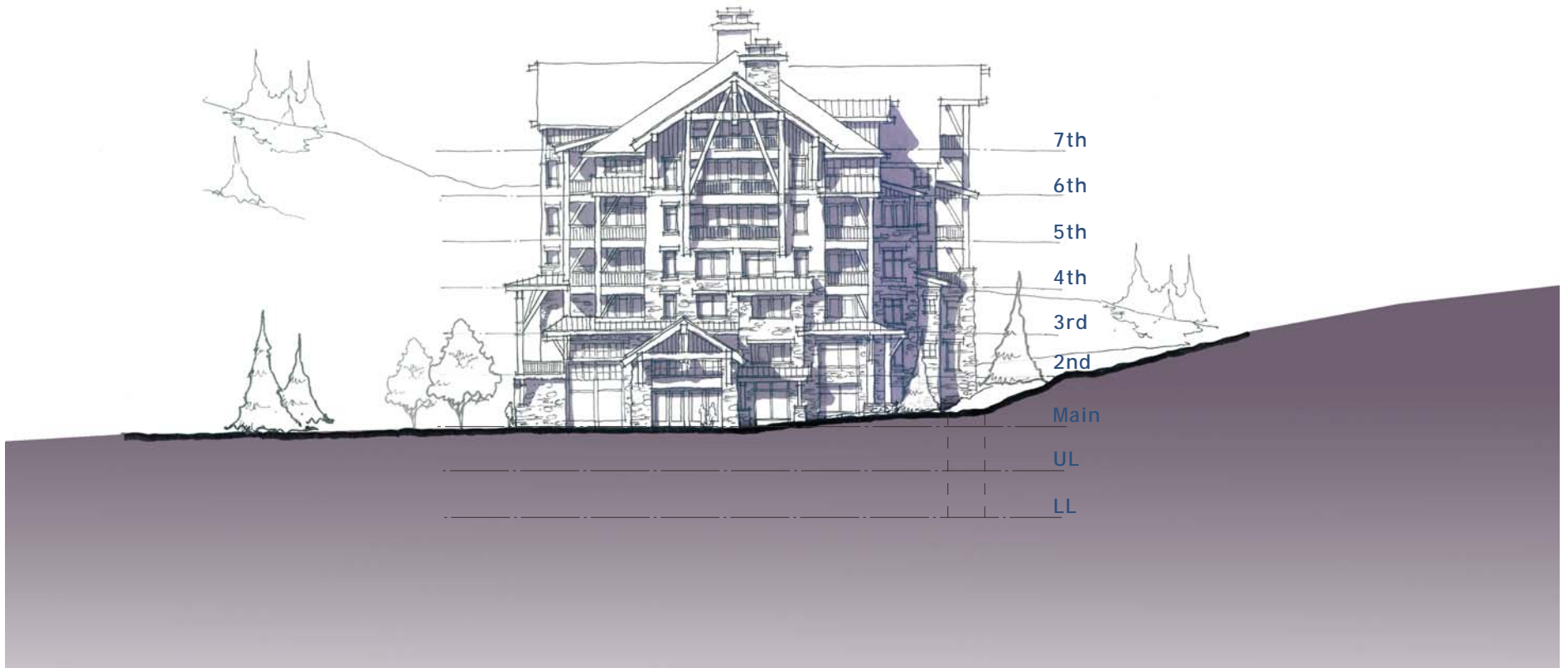




SKI TIME SQUARE DRIVE ELEVATION
BUILDINGS D, E

10-111

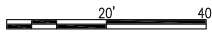




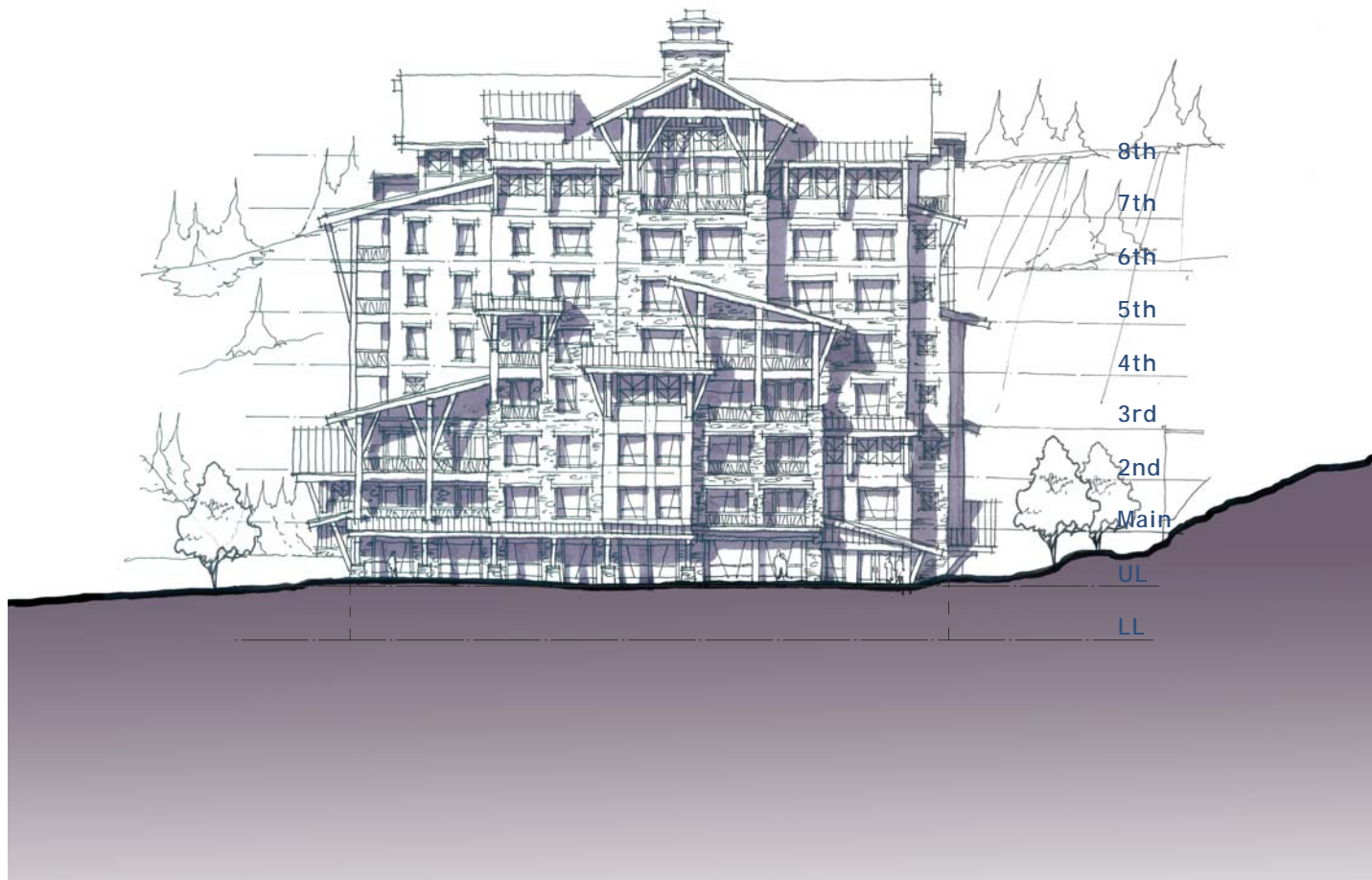
7th
6th
5th
4th
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2nd
Main
UL
LL



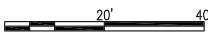
SKI TIME SQUARE DRIVE ELEVATION
BUILDING C



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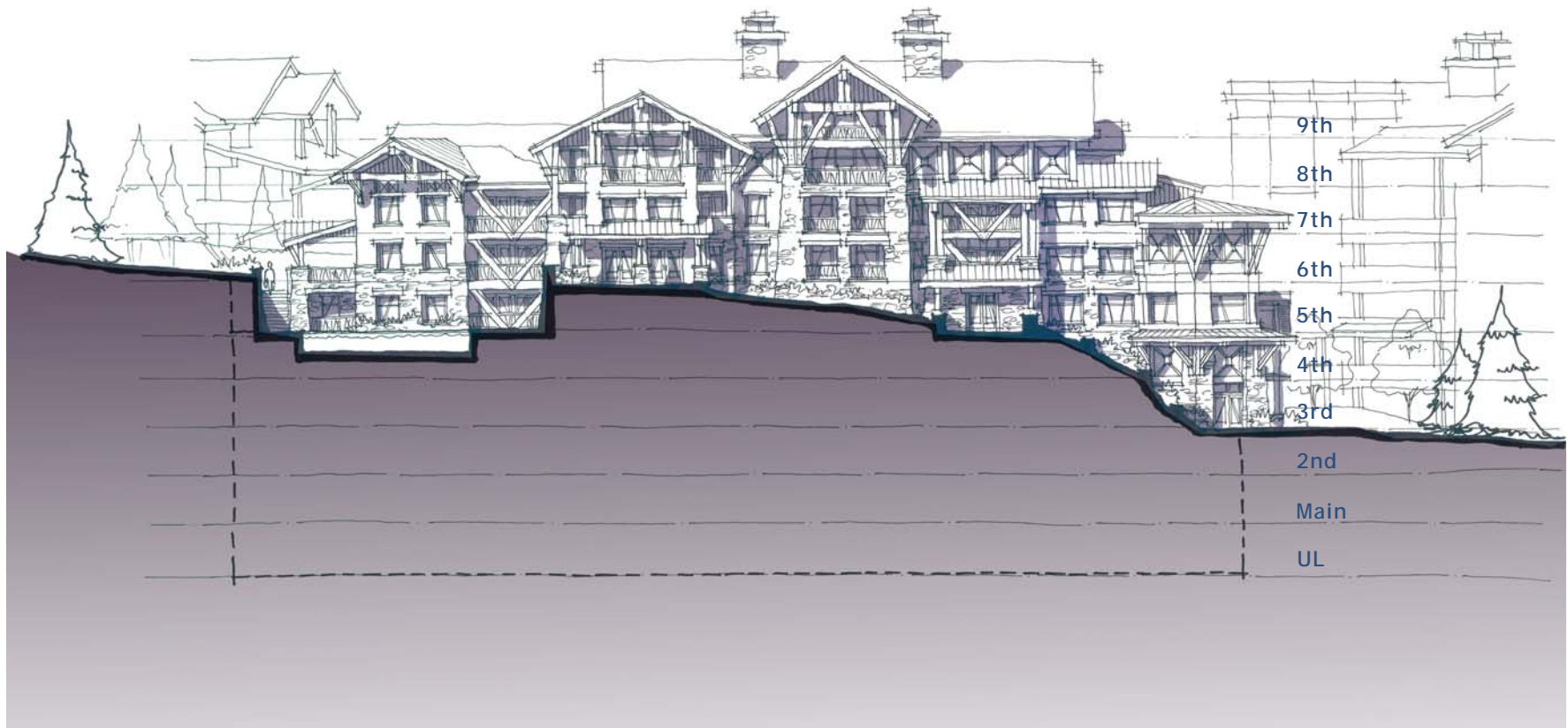


SKI TIME SQUARE DRIVE ELEVATION
BUILDING G

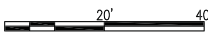


10-113





BURGESS CREEK ROAD ELEVATION
BUILDING F



10-114



LEGEND

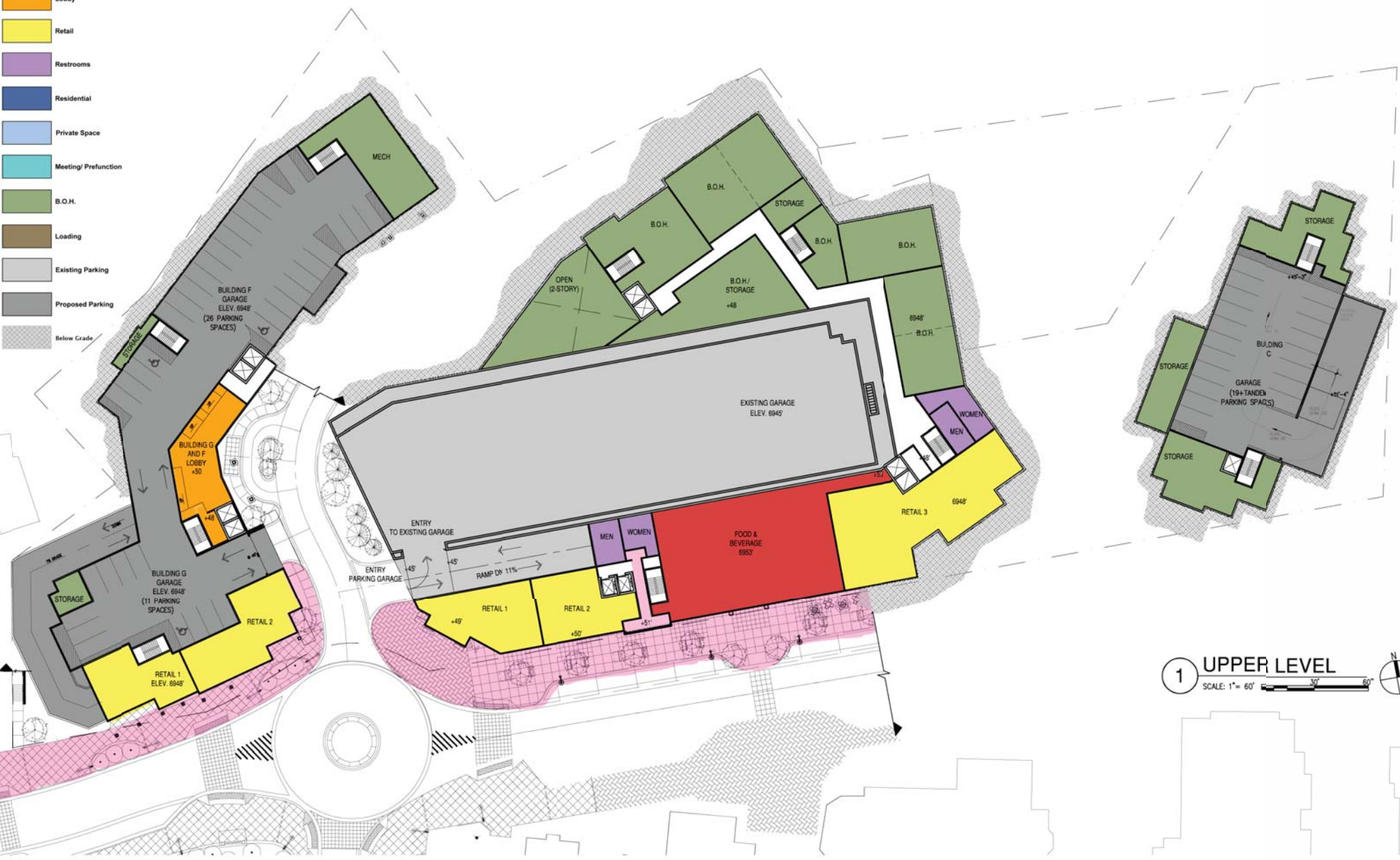
- Public Space
- Restaurant
- Lobby
- Retail
- Restrooms
- Residential
- Private Space
- Meeting/ Prefunction
- B.O.H.
- Loading
- Existing Parking
- Proposed Parking
- Below Grade



1 LOWER LEVEL
 SCALE: 1" = 60'
0'
30'
60'

 N

- LEGEND**
- Public Space
 - Restaurant
 - Lobby
 - Retail
 - Restrooms
 - Residential
 - Private Space
 - Meeting/ Prefunction
 - B.O.H.
 - Loading
 - Existing Parking
 - Proposed Parking
 - Below Grade



1 UPPER LEVEL
 SCALE: 1" = 60'

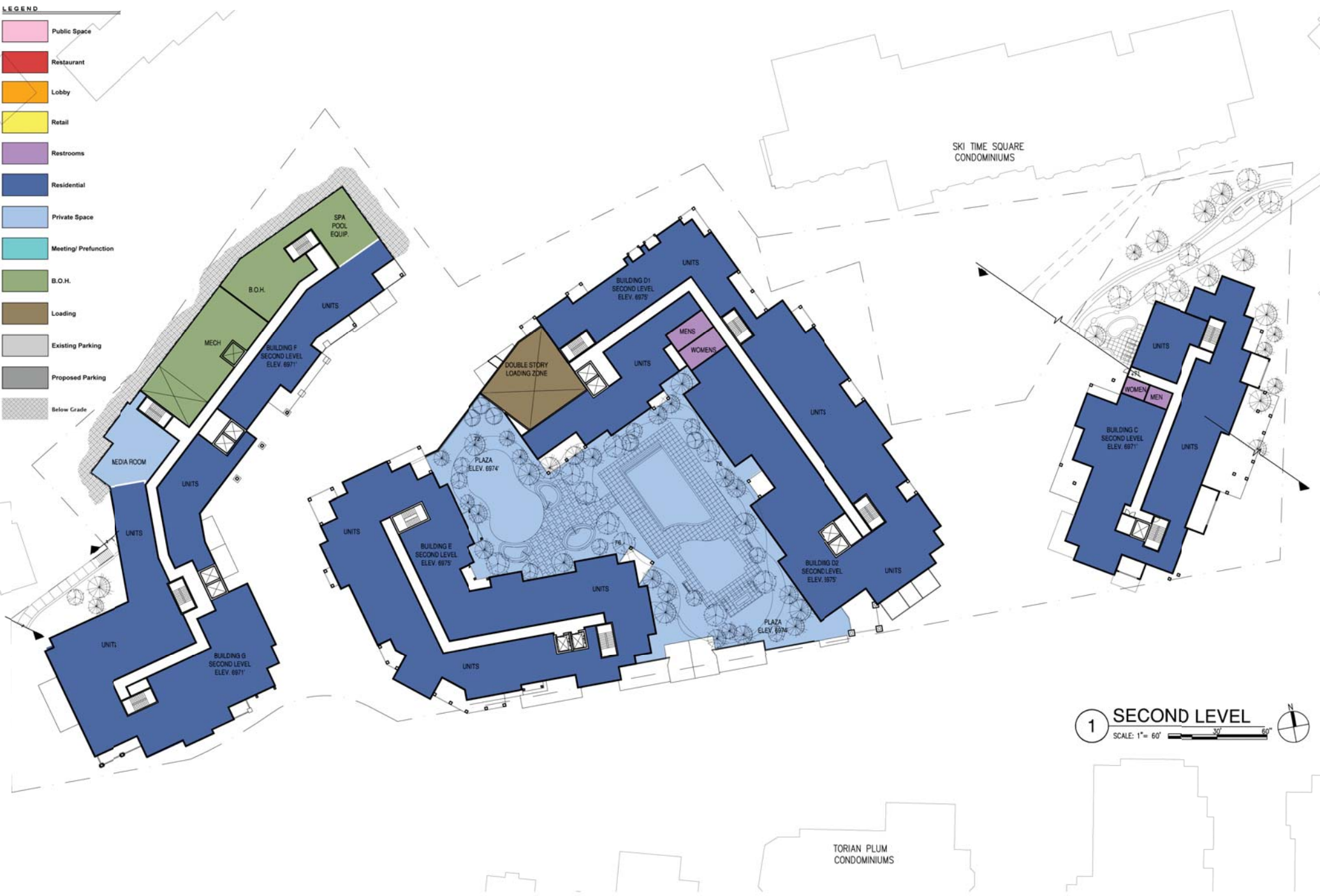
- LEGEND**
- Public Space
 - Restaurant
 - Lobby
 - Retail
 - Restrooms
 - Residential
 - Private Space
 - Meeting/ Prefunction
 - B.O.H.
 - Loading
 - Existing Parking
 - Proposed Parking
 - Below Grade



1 MAIN LEVEL
 SCALE: 1" = 60'

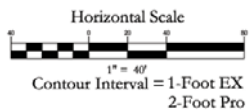


- LEGEND**
- Public Space
 - Restaurant
 - Lobby
 - Retail
 - Restrooms
 - Residential
 - Private Space
 - Meeting/ Prefunction
 - B.O.H.
 - Loading
 - Existing Parking
 - Proposed Parking
 - Below Grade

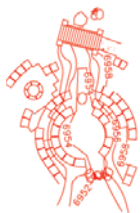


1 SECOND LEVEL
 SCALE: 1" = 60'
0
30'
60'

 N



- TOP LIFT OF ASPHALT
- SOFT SURFACE TRAIL
- CONCRETE WALK TO A PEDESTRIAN RAMP

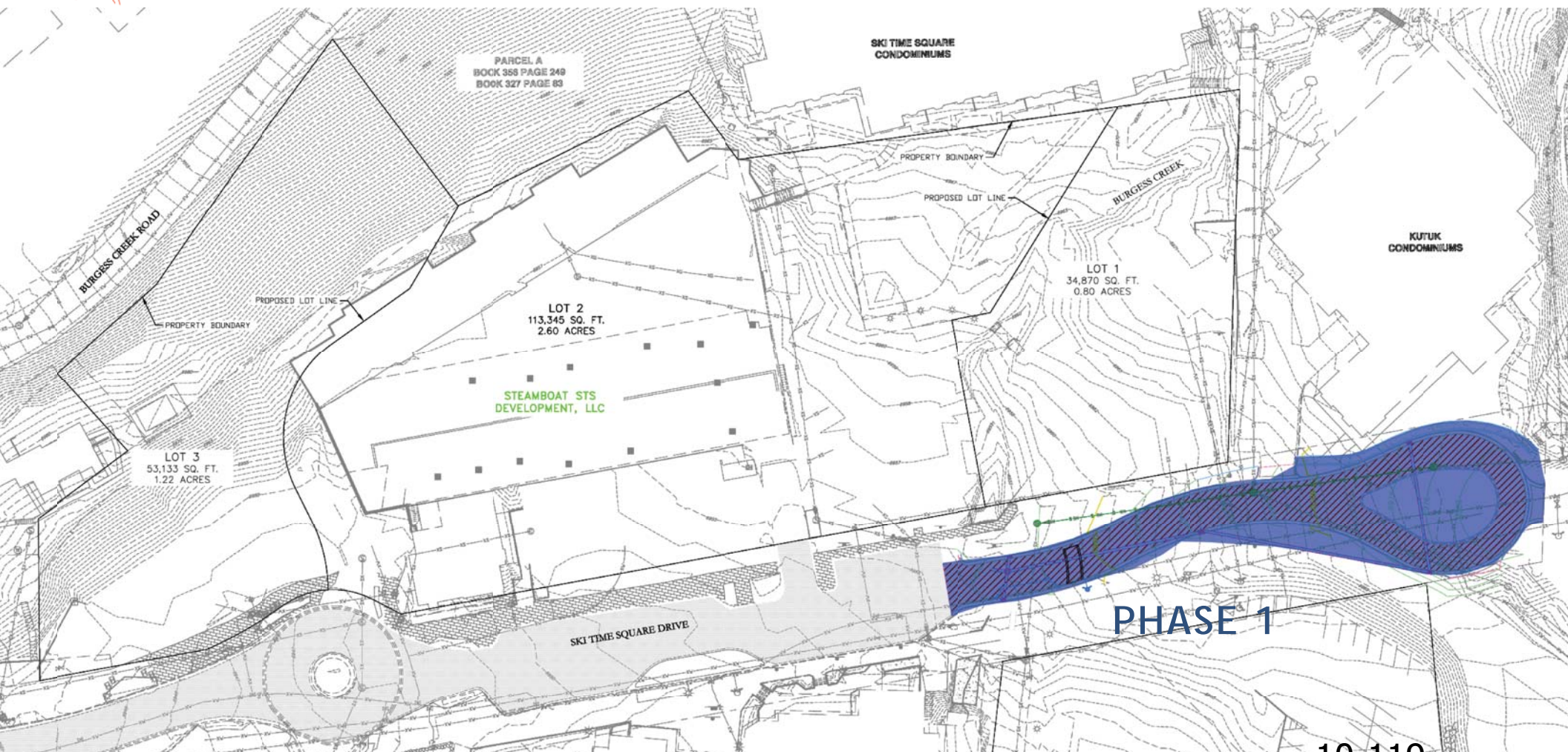


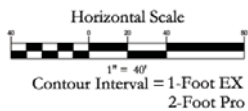
EXISTING GENERAL LEGEND

- EXISTING BUILDING
- EXISTING WALL
- EXISTING ROCK WALL
- EXISTING FENCE
- EXISTING BACK OF CURB AND FLOWLINE
- EXISTING EDGE OF GRAVEL
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING UNDERGROUND SANITARY SEWER LINE
- EXISTING SANITARY SEWER MANHOLE AND CLEANOUT
- EXISTING UNDERGROUND WATER LINE
- EXISTING WATER MANHOLE AND CURB STOP
- EXISTING GATE VALVE AND FIRE HYDRANT
- EXISTING ASPHALT
- EXISTING CONCRETE
- EXISTING GRAVEL
- EXISTING DITCH / SWALE
- EXISTING CULVERT W/ END SECTIONS AND RIPRAP
- EXISTING STORM DRAINS AND STORM MANHOLE

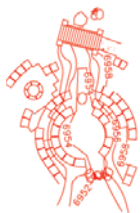
PROPOSED GENERAL LEGEND

- PROPOSED BUILDING
- PROPOSED ROOF / BUILDING OVERHANG
- PROPOSED DECK
- PROPOSED WALL
- PROPOSED BACK OF CURB AND FLOWLINE
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- PROPOSED UNDERGROUND SANITARY SEWER LINE
- PROPOSED SANITARY SEWER MANHOLE AND CLEANOUT
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- PROPOSED WATER MANHOLE AND CURB STOP
- PROPOSED GATE VALVE AND FIRE HYDRANT
- PROPOSED ASPHALT PAVEMENT
- PROPOSED CONCRETE SIDEWALK / APRON
- PROPOSED BRICK PAVERS / WALLWAY
- PROPOSED SOFT SURFACE TRAIL
- PROPOSED DITCH / SWALE
- PROPOSED CULVERT W/ END SECTIONS AND RIPRAP
- PROPOSED STORM DRAINS AND STORM MANHOLE





- TOP LIFT OF ASPHALT
- SOFT SURFACE TRAIL
- CONCRETE WALK TO A PEDESTRIAN RAMP

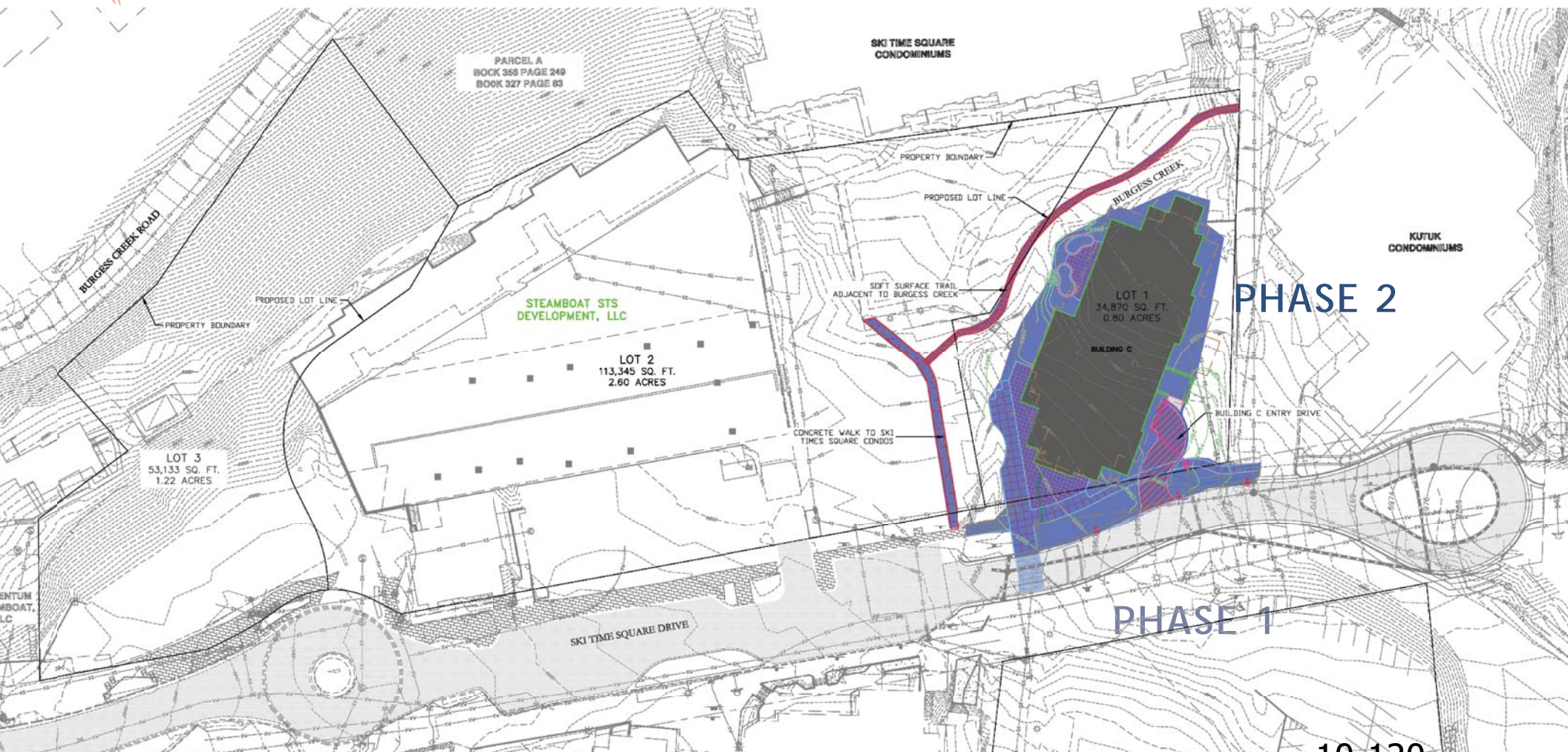


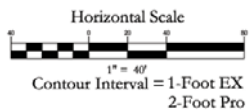
EXISTING GENERAL LEGEND

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- EXISTING WALL
- EXISTING ROCK WALL
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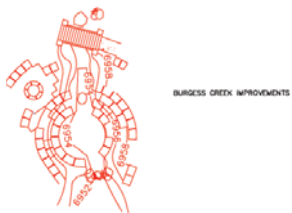
PROPOSED GENERAL LEGEND

- PROPOSED BUILDING
- PROPOSED ROOF / BUILDING OVERHANG
- PROPOSED DECK
- PROPOSED WALL
- PROPOSED BACK OF CURB AND FLOWLINE
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- PROPOSED STORM DRAINS AND STORM MANHOLE





TOP LIFT OF ASPHALT
 SOFT SURFACE TRAIL
 CONCRETE WALK TO A PEDESTRIAN RAMP

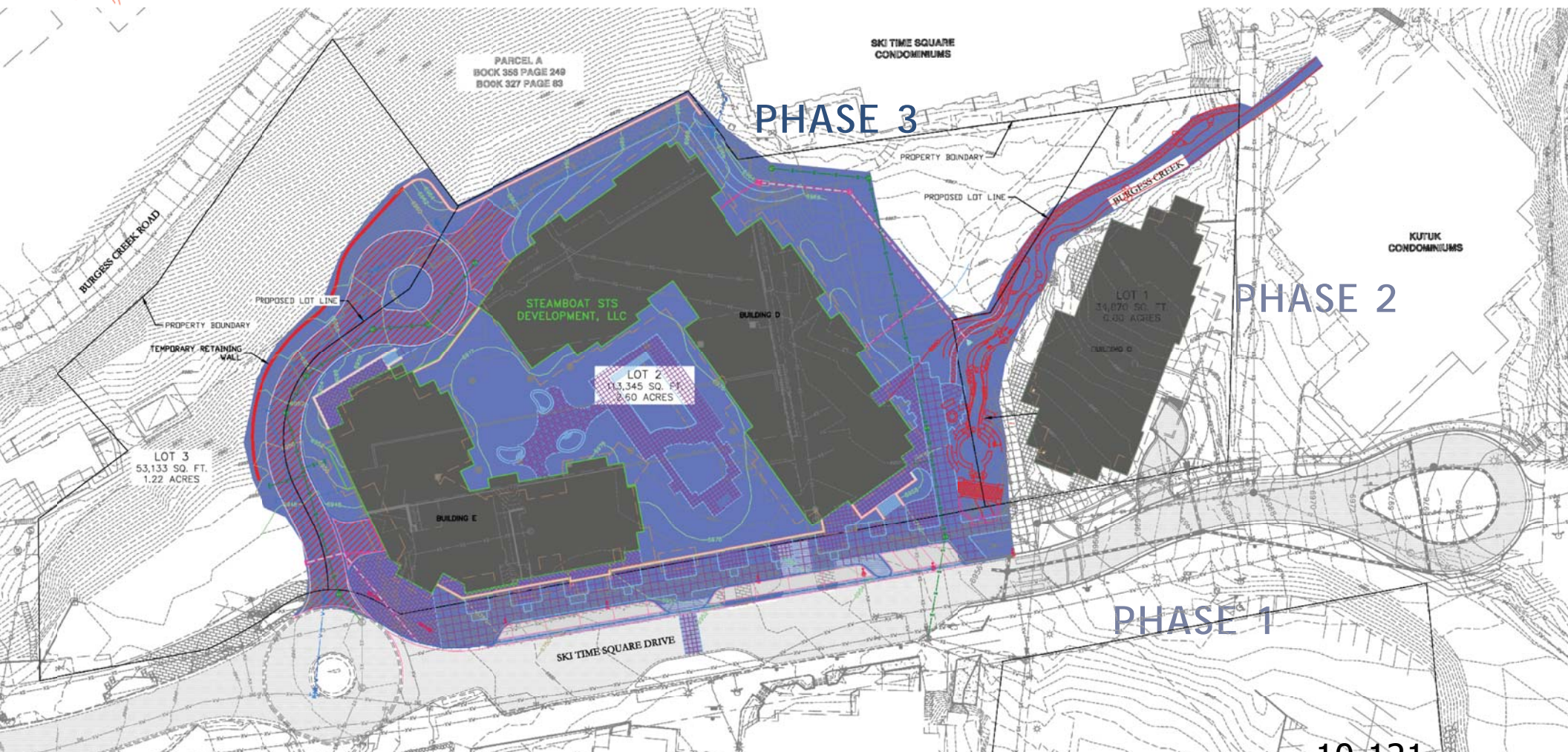


EXISTING GENERAL LEGEND

	EXISTING BUILDING
	EXISTING WALL
	EXISTING ROCK WALL
	EXISTING FENCE
	EXISTING BACK OF CURB AND FLOWLINE
	EXISTING EDGE OF GRAVEL
	EXISTING MAJOR CONTOUR
	EXISTING MINOR CONTOUR
	EXISTING UNDERGROUND SANITARY SEWER LINE
	EXISTING SANITARY SEWER MANHOLE AND CLEANOUT
	EXISTING UNDERGROUND WATER LINE
	EXISTING WATER MANHOLE AND CURB STOP
	EXISTING GATE VALVE AND FIRE HYDRANT
	EXISTING ASPHALT
	EXISTING CONCRETE
	EXISTING GRAVEL
	EXISTING DITCH / SWALE
	EXISTING CULVERT W/ END SECTIONS AND RIPRAP
	EXISTING STORM DRAINS AND STORM MANHOLE

PROPOSED GENERAL LEGEND

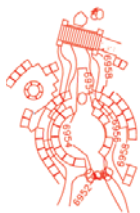
	PROPOSED BUILDING
	PROPOSED ROOF / BUILDING OVERHANG
	PROPOSED DECK
	PROPOSED WALL
	PROPOSED BACK OF CURB AND FLOWLINE
	PROPOSED MAJOR CONTOUR
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	PROPOSED SOFT SURFACE TRAIL
	PROPOSED DITCH / SWALE
	PROPOSED CULVERT W/ END SECTIONS AND RIPRAP
	PROPOSED STORM DRAINS AND STORM MANHOLE





Contour Interval = 1-Foot EX
2-Foot PRO

- TOP LIFT OF ASPHALT
- SOFT SURFACE TRAIL
- CONCRETE WALK TO A PEDESTRIAN RAMP



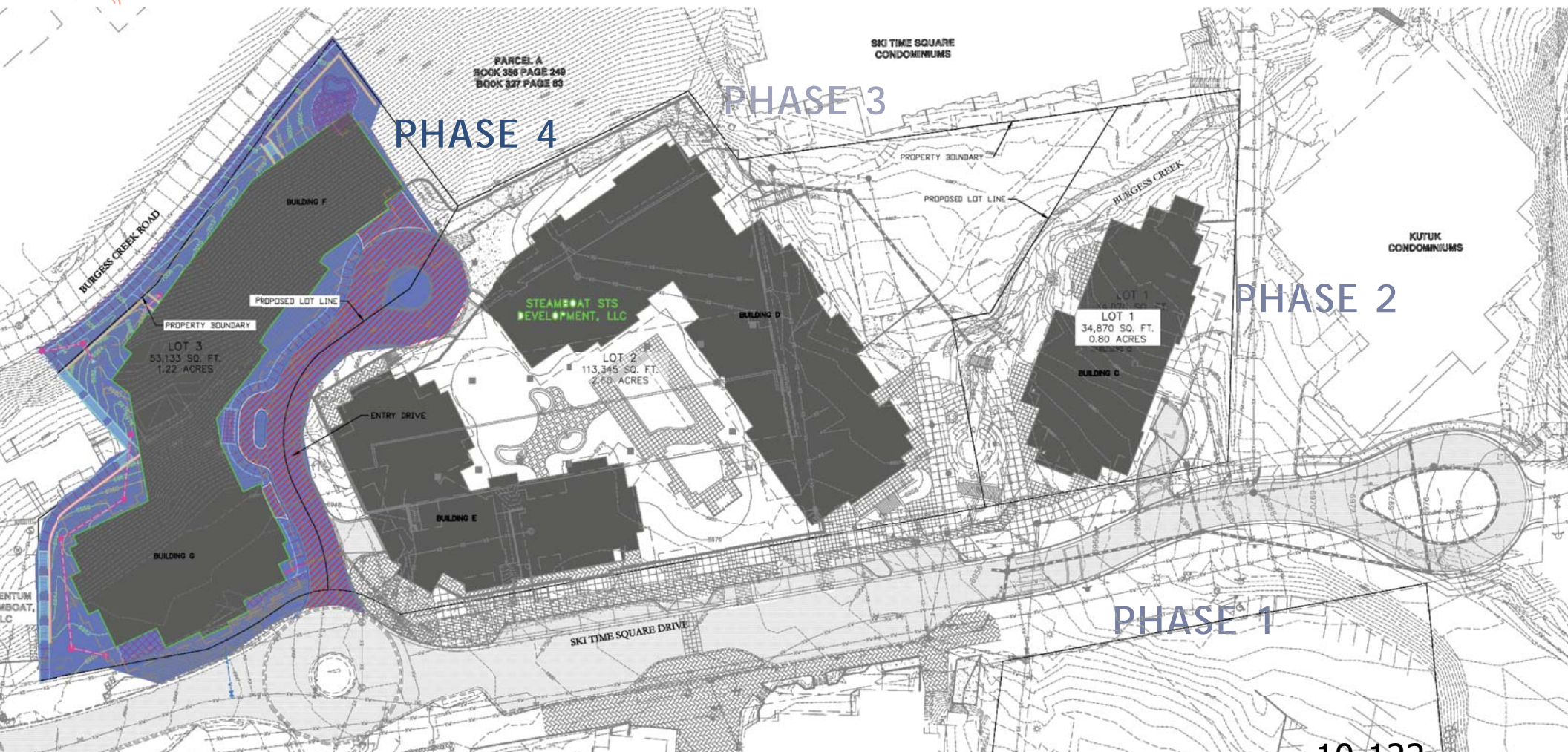
BURGESS CREEK IMPROVEMENTS

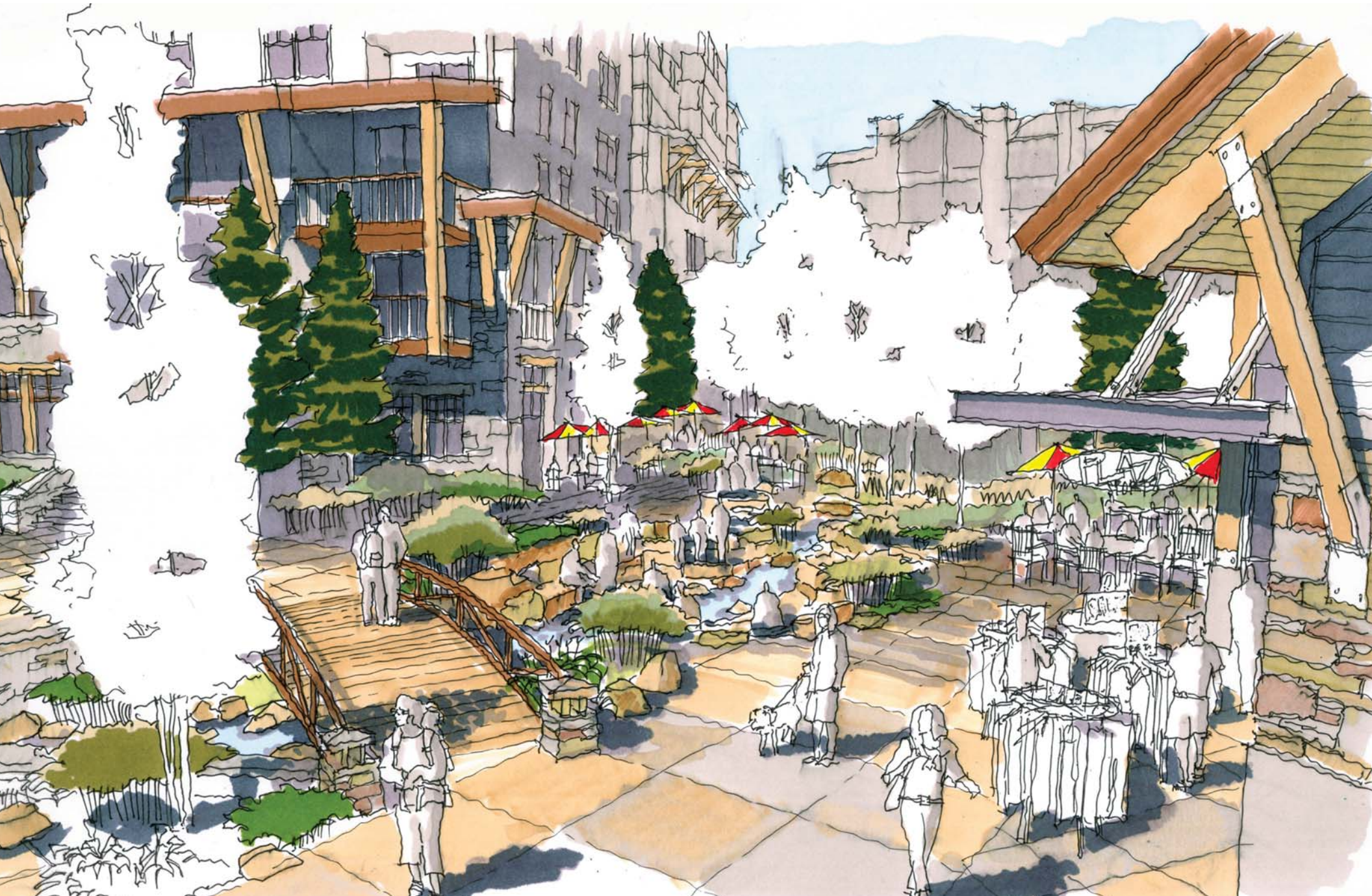
EXISTING GENERAL LEGEND

- EXISTING BUILDING
- EXISTING WALL
- EXISTING ROCK WALL
- EXISTING FENCE
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PROPOSED GENERAL LEGEND

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AGENDA ITEM # 11

CITY COUNCIL COMMUNICATION FORM

FROM: Anthony B. Lettunich, City Attorney (879-0100)

THROUGH: Tom Leeson, AICP, Director of Planning & Community Development (Ext. 244)
Jon Roberts, City Manager, (Ext. 228)
Bob Litzau, Interim Director of Finance (Ext. 239)

DATE: January 19, 2010

ITEM: Ordinance - Second Reading: AN ORDINANCE AMENDING CHAPTER 26, ARTICLE 148 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE PERTAINING TO COMMUNITY HOUSING, WITH PARTICULAR REFERENCE TO COMPLIANCE METHODS; AND ESTABLISHING AN EFFECTIVE DATE. (Lettunich)

NEXT STEP: If adopted at second reading, the ordinance will be published on January 24, 2010 and become law on Friday, January 29, 2010.

ORDINANCE

REQUEST OR ISSUE:

On May 12, 2009, the City Council discussed the current Inclusionary Zoning Ordinance ("IZO") and directed staff to bring back a revised ordinance for first reading that addressed City Council's concerns and incorporated City Council's direction. City Council approved the ordinance at first reading on July 21, 2009 and it is now coming back to you in revised form for second reading in accordance with direction given on July 21st and November 17th. The large time gap between the originally scheduled second reading and its appearance on the November 17th agenda resulted from a misunderstanding of the point at which the fee in lieu would be paid, on which closings the fee would be collected, and on which units the Voluntary Real Estate Transfer fee would become a lien. After a number of meetings with the City Staff and

the "Payment in Lieu Committee" ("Committee"), City Staff and the Committee have reached consensus on these issues.

BACKGROUND:

The City Council discussed a number of issues on May 12th, including (a) whether or not the compliance methods should include the payment of a Fee in Lieu of other obligations, (b) if so, should other compliance methods, including construction of units and dedication of land, remain as compliance options, (c) at what point in the project should the applicant be required to make the payment of the Fee in Lieu, (d) should surety be required of the applicant, (e) should the applicant be permitted to substitute a voluntary real estate transfer fee on the first and subsequent sales of all market units as an alternative to the payment, in part or in whole, of a Fee in Lieu of construction of the units, and (f) should the payment of a Fee in Lieu be the right of each applicant and not conditioned on the occurrence or non-occurrence of other facts or events.

The ordinance accompanying this City Council Agenda Communication Form incorporates the direction to staff given by the City Council at the May 12, 2009 meeting and at the City Council meeting on July 21, 2009, and negotiations and clarifications arrived at through meetings between City Staff and the Committee. In addition, Planning Staff has incorporated other changes regarding "eligibility" and "unit sizes". The discussion of the calculation method for the amount of the Fee in Lieu was also addressed at the July 21st meeting and has already come back to the City Council in the form of an amendment to the Community Housing Guidelines. The proposed language in the accompanying ordinance does not address the question of the calculation of the Fee in Lieu; but rather refers the developer to the Fee in Lieu number addressed in the Community Housing Guidelines, as that Fee may be modified from time to time.

The accompanying draft of the ordinance incorporates a blend of the Fee in Lieu and the Voluntary Real Estate Transfer Fee ("VRETF"). As drafted, the Developer could not use a stand alone VRETF. A VRETF would have to be paired with, and part of, an election to pay a portion (50%) of the Fee in Lieu up front. This matches the discussion in which staff and City Council expressed concern that insufficient funds would be produced in the early years if a VRETF were used exclusively. Staff feels that a reduced fee upfront coupled with a VRETF would be a fair compromise.

The current draft of the ordinance allows for either (a) the up front payment of 100% of the Fee in Lieu as set out in the Community Housing Guidelines, as that Fee in Lieu may be modified from time to time, or (b) the up front payment of 50% of the Fee in Lieu, if also accompanied by a VRETF equal to 0.20% of the gross sales price on each and every transfer of every unit in the development, beginning with the first sale by the developer. The payment of the Fee in Lieu, whether the 100% option or the 50% option, would be due on the sale of the first 15% of the units in the development, beginning with the first sale by the developer. For example, if a development phase had 50 units, at the closing of each of the first 7 units, the title company would collect and remit 1/7th of the total Fee in Lieu calculated for the project. If the developer elected option B (50% Fee/VRETF Option), the title company would collect 1/7th of 50% of the total Fee in Lieu calculated for the project, and the VRETF would become a lien on the property. The VRETF of 0.20% of the gross sales price would be collected on each and sale of every unit in the development and remitted to the City, beginning with the first sales by the developer.

SUMMARY AND ALTERNATIVES

If City Council feels that the current draft for second reading is consistent with the direction given at the July 21 and November 17, 2009, City Council meeting, staff recommends that City Council approve the ordinance at second reading.

City Council may also decide to table the second reading to a date certain for further discussion, more information, or for any reason.

END OF MEMO

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 26, ARTICLE 148 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE PERTAINING TO COMMUNITY HOUSING, WITH PARTICULAR REFERENCE TO COMPLIANCE METHODS; AND ESTABLISHING AN EFFECTIVE DATE.

RECITALS:

- 1.** The City of Steamboat Springs has previously adopted an Inclusionary Zoning Ordinance ("IZO"); and
- 2.** In the course of applying the IZO to developments since its adoption, the City Council has determined that it would be in the best interest of the City to modify the IZO, with particular attention being given to the compliance methods, to add a provision for the payment of a Fee in Lieu of other compliance methods, with the option of a Voluntary Real Estate Transfer Fee, which could be coupled with a Fee in Lieu.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, THAT:

SECTION 1

The City Council finds that this ordinance is necessary for the health, safety, and welfare, peace, and prosperity of the community.

SECTION 2

The Municipal Code of the City of Steamboat Springs shall be amended as follows:

CHAPTER 26-148 COMMUNITY HOUSING

SECTION:

- 26-148(a): Purpose
- 26-148(b): Definitions
- 26-148(c): Applicability
- 26-148(d): Exemptions
- 26-148(e): Minimum Requirements
- 26-148(f): Income Eligibility
- 26-148(g): Compliance Methods

- 26-148(h): Exit Strategy
- 26-148(i): Unit Sizes
- 26-148(j): Timing of Occupancy
- 26-148(k): Quality Standards
- 26-148(l): Community Housing Plan Required
- 26-148(m): Variances
- 26-148(n): Incentives
- 26-148(o): Administration
- 26-148(p): No Taking of Property without Just Compensation
- 26-148(q): Administrative Regulations
- 26-148(r): Monitoring
- 26-148(s): Transition Rules

Sec. 26-148(a). Purpose.

The purpose of this Section is to ensure that a reasonable amount of Community Housing is provided in the City of Steamboat Springs that meets the needs of all economic groups. This is accomplished through the establishment of regulations that require either (a) the set-aside of a portion of new residential development for Community Housing purposes, or (b) a financial equivalent, as a condition of approval. This Section also provides incentives and concessions for Community Housing. It is the City's intent that Community Housing is intermingled throughout the City and is not concentrated in one area of the City. Where alternatives to the on-site provision of such housing are determined to be more practical, efficient, and equitable, this Section will set forth standards for off-site housing, the dedication of land, or the payment of a fee in lieu or other financial equivalent as compliance methods.

Sec. 26-148(b). Definitions.

When used in this Section, the following words and phrases shall have the specific meaning as defined in this section:

Accommodations shall mean any hotel, lodge or similar building in which rooms without kitchens are rented on a nightly basis; each room in which beds are located shall be considered a room.

Affordable shall mean the total monthly housing payment that can be managed comfortably by low to moderate income households so as not to encounter financial difficulties that jeopardize their overall financial status or lead to foreclosure.

AMI shall mean the area median income for Routt County as published annually by the Department of Housing and Urban Development and updated annually.

Community Housing shall mean units restricted for occupancy by eligible households that meet size, rental and for-sale price requirements and that are deed restricted in accordance with a covenant approved by the City Council of the City of Steamboat Springs.

Community Housing Guidelines shall mean the document that contains procedures and guidelines for complying with the requirements of this Section, updated at least annually.

Deed Restriction shall mean a contract entered into between the City of Steamboat Springs or their designee with the owner or purchaser of real property which is developed or to be developed for permanently affordable community housing and identifies the conditions of occupancy, rental, sale and resale. Deed Restrictions for rental units shall include a provision conveying an interest in the unit or units to the Program Administrator meeting the requirements of §38-12-301, 10 C.R.S. (1999). Such interest may include:

1. A fractional undivided ownership or trustee interest provided that Program Administrator shall be indemnified against any and all liability by reason of its interest.
2. A lease to Program Administrator of the unit or units with authorization to Program Administrator to sublet pursuant to Community Housing Guidelines, provided that Program Administrator assumes no liability by reason thereof. Program Administrator may in its sole discretion accept or reject any proposed conveyance or lease pursuant to this Section.

Development shall mean:

1. The construction, improvements, alterations, installation, erection, restoration, change of color or building materials, or expansion of any building, structure or other improvement including utility facilities;
2. The demolition or destruction by voluntary action of any building, structure, or other improvement;
3. The grading, excavation, filling or similar disturbance to the ground level, change of drainage without limitation, change of grade, change of ground level, change of drainage pattern, or change of stream bed;
4. Landscaping, planting, clearing, or removing of natural vegetation or revegetation including trees, shrubs, grass, or plants; or
5. Any change in use that may alter the character, use, or appearance of a parcel of land.

Eligible Household shall mean a household that is comprised entirely of one or more residents of Routt County with gross income that does not exceed guidelines established annually based upon the AMI; 80% of the household's income must consist of wages and salaries earned within Routt County or distribution of profits from business operations within Routt County unless the household is headed by a retired or disabled resident.

Employee Unit shall mean a unit that is rented and, that is restricted on the deed of the property for continuous occupation by at least one employee employed at least 30 hours per week at one or more businesses (or self-employed) located within Routt County, or a retired employee who has ceased active employment but was a full-time employee in Routt County for a minimum of two years immediately prior to his or her retirement.

Existing Unit shall mean a unit located within the City, which existed prior to the development which requires Community Housing.

Fee in Lieu shall mean the payment of a fee in place of other compliance methods as set forth in § 26-148(g)(6). All fees in lieu of other compliance methods shall be paid directly to the City to be used for the provision of affordable housing.

Free Market Units shall mean residential units upon which there are no restrictions on the occupancy, price or resale.

Full Time Equivalent (FTE) shall mean the conversion of part-time work hours to the equivalent number of full-time work hours based on a forty (40) hour work week.

Gross Income shall mean the total income of a household derived from employment, business, trust or other income producing assets including wages, alimony and child support, distributions and before deductions for expenses, depreciation, taxes and similar allowances.

Household shall mean all individuals who will be occupying the unit regardless of legal or familial status.

HUD shall mean the US Department of Housing and Urban Development

Inclusionary Zoning shall mean the mandatory provision of Community Housing units, or financial set-aside, as a quid pro quo for development approval.

Income Limits shall mean the income amounts on which the eligibility of households is based expressed as percentages of the AMI and in absolute dollar amounts, updated annually and contained in the Community Housing Guidelines.

Interim Covenant shall mean a covenant placed on lots or parcels that conveys the conditions of the deed restrictions that will be filed upon Community Housing units built on the lots or parcels.

Off Site shall mean a location for Community Housing units other than the parcel, or lot where the residential development that generates the requirement for Community Housing units is located. Off site location is to be within the municipal boundaries of the City of Steamboat Springs.

Permanently Affordable shall mean a unit that is deed-restricted and available to income-eligible households. This may be accomplished through income limitations, contractual agreements, restrictive covenants, and resale restrictions, subject to reasonable exceptions, including, without limitation, subordination of such arrangements, covenants, and restrictions to a mortgagee. No unit shall be considered as permanently affordable until the City Council has approved the location and techniques used to ensure that the unit will remain affordable.

Plat shall mean a map and supporting materials of described land prepared in accordance with subdivision regulations as an instrument for recording of real estate interests with the county clerk and recorder.

Price-Cap shall mean a deed-restriction limiting maximum resale price to an annual increase as defined in the Community Housing Guidelines.

Program Administrator shall mean the City of Steamboat Springs, or its designee.

Real Estate Transfer Fee ("RETF") shall mean a voluntary fee imposed upon the units in a project by a Developer in satisfaction of a portion of the Compliance Methods set forth in § 26-148(g)

Redevelopment shall mean the removal or demolition of existing structures buildings, residential units, rental units, and commercial units for the purpose of reconstruction of a new development on the same site.

Resale Controls shall mean deed restrictions or mortgage provisions that limit the maximum resale price of a Community Housing unit.

Square Feet shall mean the sum of the gross horizontal floor areas of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings.

Unit shall mean a structure or portion of a structure, other than a mobile home, that is designed, occupied or intended to be occupied as living quarters and includes facilities for cooking, sleeping and sanitation; but not including hotels, motels, clubs, boarding houses,

or any institution where human beings are housed by reason of illness or under legal restraints.

Unit - Duplex shall mean a single building containing two (2) separate single family residential dwelling units where the two units are connected by heated enclosed space, such as a garage, mud-room or other fully enclosed space that results in a common wall a minimum of twelve (12) feet in length.

Unit - Multi-family shall mean a residential building designed for or occupied by three (3) or more families, maintaining independent access to each unit and separate living, kitchen and sanitary facilities.

Unit - Single-family shall mean a dwelling designed for, or used as a dwelling unit exclusively by one family as an independent housekeeping unit. A Single Family Dwelling Unit contains no more than one dwelling unit and does not include Mobile Homes.

Sec. 26-148 (c). Applicability.

Community Housing shall be required as a condition of approval for all developments that contains the addition of three (3) or more residential units, including, without limitation: annexations, development plans, final development plans, preliminary plats, and final plats. The amended provisions of this Section 26-148, entitled "Community Housing" shall not apply to any development for which a completed application has been received prior to the effective date of the ordinance adopting these provisions, unless the Developer elects to avail itself of the new, amended provisions.

Sec. 26-148 (d). Exemptions.

The following development is exempt from the requirements of this Section:

- 1) *Community Housing.* Community Housing units as defined herein are exempt from the requirements of this Section.
- 2) *Secondary Units.* Secondary units shall be exempt from the requirements of this Section.
- 3) *Institutional Uses.* Institutional uses listed in Sec. 26-92, Use Classification Table, shall be exempt from the requirements of this Section.
- 4) *Redevelopment.*
 - a. Inclusionary Zoning: For developments that involve demolition of existing residential units, the minimum requirements of this Section shall apply to the increase in net saleable square footage divided by 1,450 square feet multiplied

by 15% provided that construction of the new development commences within three years of the demolition.

- 5) *Employee Units.* Employee units shall be exempt from the requirements of this Section.
- 6) *Change of Use.* The change from one use to another is exempt.
- 7) *Vested Approvals.* Development permits with vested approvals and development in accordance with development permits with vested approvals pursuant to Section 26-4(d)(1), development in substantial conformance with development permits with vested approvals pursuant to Section 26-4(d)(1), and development in accordance with revised vested approvals in accordance with Section 26-4(d)(2), shall all be exempt from this Section.
- 8) *Existing Agreements.* All residential developments for which agreements for the development of Community Housing had been executed prior to the adoption of this ordinance shall be exempt from the requirements of this Section unless major alterations as defined by Sec. 26-402 (a) Substantial Conformance are made.

Sec. 26 – 148 (e). Minimum Requirements.

The minimum Community Housing requirement for development in all zoning districts shall be determined according to the following:

- 1) Inclusionary: All new developments with three (3) or more additional residential units shall set aside units for Community Housing, as follows:
 - a. Fifteen percent (15%) of all single-family units shall be developed as Community Housing for sale or rent to eligible households;
 - b. The following percentages of all new multi-family units shall be developed as Community Housing for sale or rent to eligible households:

Market Rate Unit Size (Gross Floor Area)	Number of Affordable Housing Units to be Provided Per Market Rate Unit
<u>< 999</u>	<u>.05</u>
<u>1,000 – 1,500</u>	<u>.10</u>

<u>1,501 - 2,000</u>	.15
2,001-3,000	.17
3,001-4,000	.20
≥ 4,001	.25

Sec. 26 – 148 (f). Income Eligibility.

Community Housing required by this Chapter shall be permanently deed restricted, in accordance with a deed restriction enforceable in the State of Colorado, as approved by the City Council, to rental or ownership and occupancy by eligible households with incomes as follows:

- 1) Inclusionary Requirements: Between ~~eighty one percent (81%)~~thirty (30% and one-hundred and ~~twenty fifty~~ percent (~~120~~150%) of AMI, with an average of the Community Housing units being permanently deed restricted for ownership or rental and occupancy by eligible households with incomes ~~at one hundred percent (100%) of AMI, as recommended on a semi-annual basis by the Program Administrator and approved by City Council. Generally, units for households at or below 60% AMI will be designated as rental units, units for households at or above 120% AMI will be designated as ownership units and units for households between 60 and 120% AMI will be a mixture of rental and ownership units.~~

The mix of units within these ranges shall be adjusted semi-annually to meet community need as determined by the Program Administrator. ~~so long as the averages specified are not exceeded~~

Sec. 26 – 148 (g). Compliance Methods.

There are multiple ways by which each of the housing requirements can be satisfied. Options are provided to allow flexibility, maximize project-financing alternatives, and provide opportunities to creatively achieve the City’s goals and objectives for housing.

1. **Develop Units.** In the case of single-family/duplex subdivisions, directly develop the lots with single-family detached or duplex units priced initially in targeted range, or transfer ownership of lots to builders who, in accordance with the interim covenants filed on the lots, must develop them in accordance with this Section. In the case of multi-family developments, directly develop the multi-family dwellings priced for sale to eligible households.
2. **Develop Units Off-Site.** In the case of single-family/duplex subdivisions, develop single-family detached or duplex units priced initially in targeted range off-site, but within the municipal boundaries of the City of Steamboat Springs. In

the case of multi-family developments, develop the multi-family dwellings off-site, but within the municipal boundaries of the City of Steamboat Springs priced for sale to eligible households. The number of Community Housing units developed must equal ~~±25~~ 100% of the required number of units.

3. **Dedication of Lots On-Site.** Dedicate lots on site to the City of Steamboat Springs provided that there are no covenants, restrictions, or issues that would limit the construction of Community Housing units on the lots. Land dedicated in lieu of Community Housing Units must be of an equivalent or greater value than the payment in lieu contribution.
4. **Dedication of Lots Off-Site.** Dedicate lots off-site, provided lots are within the municipal boundaries of the City of Steamboat Springs, to the City of Steamboat Springs, provided that there are no covenants, restrictions, or issues that would limit the construction of Community Housing units on the lots. Land dedicated in lieu of Community Housing Units must be valued at ~~±25~~ 100% of the payment in lieu contribution.
- 5.
- ~~6.~~ **Dedication of Land.** With the approval of the City Council, dedicate land to the City of Steamboat Springs. The land may be off site but within the municipal boundaries of the City of Steamboat Springs provided there are no covenants or other restrictions placed on, or issues associated with the land that would limit the appropriateness for Community Housing. Land dedicated in lieu of Community Housing Units must be valued at ~~±25~~ 100% the payment in lieu contribution.
6. **Payment of a Fee in Lieu.** A Developer may, at the Developer's sole option, satisfy all of the Community Housing requirements set forth in this Sec. 26 – 148 (g) by the Payment of a Fee in Lieu of all other compliance methods. This option for the Payment of a Fee in Lieu must be elected, if at all, no later than the date of the approval of the Community Housing Plan for the Development.
 - a. The payment of a Fee in Lieu of all other compliance methods is to be based on a formula approved by City Council, plus an administration fee of up to 15%. The fee per unit of Community Housing shall be stipulated in the Community Housing Guidelines and updated semi-annually.
 - b. Unless otherwise agreed to, fees shall be due and payable to the City of Steamboat Springs anytime after development approvals and no later than the date of closing on any sale of a Unit or Lot in the development that triggered the requirement. If the Developer elects to make the payment of a Fee in Lieu after the time of issuance of a building permit, the City and the Developer, as a condition of the issuance of a building permit, shall execute and record a lien on the property that is the subject of the development approval, which lien shall be released at time of payment of the Fee in Lieu. The City agrees to

subordinate its lien to that of any lender that has a first position lien on the property that is the subject of the development approval. If the Fee in Lieu for the Development is to be paid at the time of closing of the sale of the Units or Lots, the Fee in Lieu shall be spread equally over the first 15% of the Units or Lots sold in the Development. For example, if the Fee in Lieu for a Development of 100 units is calculated to be \$600,000, at the closing of each of the first 15 Units or Lots sold, the closing agent shall collect and remit to the City the sum of \$40,000 per closing. At each such closing the City shall partially release its lien as to the Unit or Lot closing. Upon the closing of the final sale and payment of the last portion of the Fee in Lieu, the City shall release its lien on the remaining Units or Lots in the Development, which was being held as security for the payment of the Fee in Lieu.

- c. Real Estate Transfer Fee Alternative. The Developer may, as an alternative within, and as an integral part of, the Fee in Lieu option, elect to pay a Fee in Lieu of ½ of the Fee per unit as set forth in the Community Housing Guidelines, on condition that a voluntary Real Estate Transfer Fee is imposed on each and every Unit or Lot sold in the development of 0.20%, which RETF shall be imposed on the first sale and all subsequent sales in perpetuity. The RETF shall be documented by a recorded covenant either in accordance with (a) required forms set forth in the Community Housing Guidelines, or, if none, with (b) such covenants as may be approved from time to time by the City. All proceeds of a RETF shall be paid at closing to the City of Steamboat Springs and shall be used to provide affordable housing.

7. **Alternative Compliance Methods.** The City Council shall have the discretion to accept in-lieu consideration in any form so long as the value of that consideration is equivalent to or greater than the payment-in-lieu contribution required by this Section and that the acceptance of an alternative form of consideration will result in additional benefits to the City of Steamboat Springs consistent with the purpose of this Section.

Sec. 26-148 (h). Exit Strategy.

In the event buyers cannot be found for the Community Housing Units that meet the income eligibility requirements of this Section within twelve (12) months of the date the Community Housing units are made available for contract, and no less than twelve (12) months after issuance of Certificate of Occupancy, in accordance with the Community Housing Guidelines, any unsold Community Housing units may be offered to the City of Steamboat Springs or the Yampa Valley Housing Authority, subject to Community Housing price and deed restrictions. The offer price to the City or the Yampa Valley Housing Authority shall be equivalent to the purchasing ability of a purchaser at either 50% AMI, or 100% AMI, whichever is applicable the average income requirements in effect at the time of offer (a 2.5 person household size shall be utilized to determine the

appropriate AMI). If the City or the Yampa Valley Housing Authority does not agree in writing to purchase the units within sixty (60) days of the offer, the Developer shall comply with the provisions of Sec. 26 – 148 (g)(6), entitled “Payment of a Fee in Lieu”.

Sec 26-148 (i). Unit Sizes.

The Community Housing units required under this Section shall meet the minimum ~~and average~~-size requirements as specified below. On a semi-annual basis the Program Administrator will recommend and City Council approve targets for Community Housing unit sizes and types for development. :

- 1) Inclusionary Requirements: a minimum of ~~five hundred (500) square feet, with an average of nine hundred (900) square feet.~~ seven hundred (700) square feet.

Sec. 26-148 (j). Timing of Occupancy.

The Community Housing units shall be ready for occupancy no later than the issuance of certificates of occupancy for the non-residential portion or the free market residential units within the project. If the development is to occur in phases, Community Housing units shall be phased to coincide with employment generation or other performance indicators specified in the Community Housing Plan.

Sec. 26-148 (k). Quality Standards.

Community Housing units shall meet local building codes and be built to a standard that will enhance durability over time. Building designs, appliances and heating systems that meet nationally recognized standards for energy efficiency are ~~encouraged~~ required so that the long-term affordability of Community Housing is enhanced.

Sec. 26-148 (l). Community Housing Plan Required.

An applicant for any new development that is required to provide Community Housing within the City of Steamboat Springs shall submit a Community Housing Plan or Statement of Exemption to the City of Steamboat Springs for approval.

1. The Community Housing Plan shall include the following:
 - a. Calculation Method. The calculation and method by which housing is to be provided.
 - b. Unit Descriptions. A site plan and building floor plans (if applicable), illustrating the number of units proposed, their location, the number of bedrooms and size (s.f.) of each unit, the rental/sale mix of the development, and the categories to

which each unit is proposed to be restricted. A tabulation of this information shall also be submitted.

- c. Lot sizes. Average lot size of proposed Community Housing units and average lot size of market rate housing units.
 - d. Schedules. The timeline for construction of Community Housing units shall be proposed accompanied by the schedule for the entire development and a description of any performance factors that are to be used to set the schedule for satisfaction of Community Housing requirements.
 - e. Terms. Terms for the development agreement that would provide surety to insure that any Community Housing units scheduled for future development ultimately get developed.
 - f. Sale Price or Rent Rates. Computation that clearly delineates how the initial sales price or the proposed rents for the Community Housing units were derived to meet the requirement of this Section.
 - g. Payment-in-lieu. Computation for any payment-in-lieu for all compliance to be provided pursuant to Sec. 26 – 148 (g)(6) and a statement as to whether or not the Developer has determined if Developer will elect to pay ½ of the Fee in Lieu and implement a RETF, although election of that option is not due at the time of providing the Community Housing Plan for approval. .
 - h. Variances. A description of any requested variance, as well as an explanation as to how the overall outcome will advance the goal of obtaining community housing in a manner which meets or exceeds the requirements herein.
2. The Community Housing Plan shall be submitted to and approved by the City of Steamboat Springs prior to, or concurrent with, application to the City of Steamboat Springs for the development. After review and recommendation by the Planning Commission, the City Council shall approve, approve with revisions, or deny the Community Housing Plan. The City Council may approve a Community Housing Plan prior to receiving an application for, or prior to approving, a development plan; provided, however, the Community Housing Plan shall expire one (1) year after final approval by the City Council, unless within that one (1) year period, the applicant files a complete application for a development plan for the property covered by the approved Community Housing Plan. If the complete application for the development plan is made more than one (1) year after the approval of the Community Housing Plan, that approval lapses and the applicant must resubmit the Community Housing Plan. If the submitted development application changes the obligations of the applicant under this chapter, applicant must submit a revised Community Housing Plan. An approved Community Housing Plan will become part of the development

application and development agreements subsequently executed by the City of Steamboat Springs for any approved project. Any amendment to the Community Housing Plan deemed to be significant by the Director of Planning Services shall require the approval of the City Council.

Sec. 26-148 (m). Variances.

The City Council shall have the authority to grant variances from this Section when it is deemed to be in the best interest of the community and when it furthers the overall goal or promoting community housing to Steamboat Springs citizens.

The City Council shall have the sole authority to grant variances to this Section. In doing so, the City Council shall approve variances only in the instances where the overall outcome will advance the goal of obtaining community housing in a manner which meets or exceeds the requirements herein.

All requests for variances shall be submitted with the Community Housing Plan as required in Sec. 26-184 (l).

Sec. 26-148 (n). Incentives.

Developments that provide Community Housing units above and beyond the minimum requirements shall be eligible for incentives/concessions as specified in the following matrix. These incentives/concessions shall only be provided for the number of Community Housing units above and beyond the minimum requirements.

Community Housing Incentives/Subsidies Matrix			
	Developer Contribution	City Incentives/ Subsidy	Net Total to Developer
F.A.R. Bonus			
<70% of AMI	1 Additional Square Foot of Floor Area Constructed in Community Housing Units	2.5 Additional Square Feet of Floor Area	1.5 additional square foot of market rate floor area
70—79% of AMI	1 Additional Square Foot of Floor Area Constructed in Community Housing Units	2.25 Additional Square Feet of Floor Area	1.25 additional square foot of market rate floor area

80—120% of AMI	1 Additional Square Foot of Floor Area Constructed in Community Housing Units	2.0 Additional Square Feet of Floor Area	1 additional square foot of market rate floor area
Maximum Bonuses			
The maximum amount of bonus FAR achieved through a defined affordable housing incentive shall be 25% of the floor area allowed based on the underlying zone of the subject property.			
Dimensional Standards Modification—built in to the application of the FAR bonus			
Maximum Lot Coverage	Lot coverage may be increased by up to 5% over the maximum lot coverage permitted by the underlying zone district.		
Overall Height	Overall height containing affordable housing units may be increased by up to 6 feet.		
Required Setback	Structures containing affordable housing units may encroach up to 5 feet into any required setback.		
Minimum lot size	Minimum lot size may be reduced by up to 5% as permitted by the underlying zone district.		
Permit Fee Calculation			
Fee Exemption	<p>Applicants proposing bonus units of affordable housing units are eligible for exemption from the following fees*:</p> <ul style="list-style-type: none"> • Building Fee • Plan Review • Planning Dept fees • City Tap Fees • Building Use Tax • Excise Tax <p>*Fee are exempted from the bonus affordable housing units only, not to the overall project.</p>		
Expedited Plan Review	Projects proposing bonus affordable housing units shall be given the highest priority and processed in an expedited manner.		

Sec. 26-148 (o). Administration.

The City of Steamboat Springs Director of Planning Services shall be responsible for the administration of this Section. The Director of Planning Services, or his/her designee shall have the authority and duty to:

1. Exercise administration of this Section pertaining to all building and developments where applicable.

2. Enforce all terms of the Section.
3. Review and recommend approval or denial of all Community Housing Plans submitted in accordance with this Section.
4. Review and recommend approval or denial of all variance requests submitted pursuant to the provisions of this Section, subject to the approval of the City Council.

The City of Steamboat Springs may also enter into contracts with other agencies, including the Yampa Valley Housing Authority, to administer this Section, subject to approval of the City Council.

Sec. 26-148 (p). No Taking of Property without Just Compensation.

1. *Purpose:* It is the intention of the City of Steamboat Springs that the application of this Section not result in an unlawful taking of private property without the payment of just compensation.
2. *Request for Review:* Any applicant for the development of a housing project who feels that the application of this chapter would effect such an unlawful taking may apply to the City Manager for an adjustment of the requirements imposed by this Section.
3. *City Manager Review:* If the City Manager determines that the application of the requirements of this chapter would result in an unlawful taking of private property without just compensation, the City Manager may alter, lessen or adjust permanently affordable unit requirements as applied to the particular project under consideration such that there is no unlawful uncompensated taking.
4. *Hearing:* If after reviewing such application, the City Manager denies the relief sought by an applicant, the applicant may request an hearing before City Council with which to seek relief from the provisions of this Section. Such hearing shall be a "quasi-judicial" hearing and conducted according to the City's rules and regulations regarding "quasi-judicial" hearings. At such hearing, the burden of proof will be upon the applicant to establish that the fulfillment of the requirements of this Section would effect an unconstitutional taking without just compensation pursuant to the applicable law of the United States and the State of Colorado. If it is determined at such hearing that the application of the requirements of this Section would effect an illegal taking without just compensation, the City Council shall alter, lessen or adjust permanently affordable unit requirements as applied to the particular project under consideration such that no illegal uncompensated taking takes place.

Sec. 26 - 148 (q). Administrative Regulations.

To the extent that Director of Planning Services deems necessary, rules and regulations pertaining to this Section will be developed, maintained and enforced in order to assure that the purposes so this Section are accomplished.

Sec. 26 – 148 (r). Monitoring.

At least annually, the Director of Planning Services will present sufficient information to the City Council so that it can effectively review the operation of this Section and determine whether any of the provisions of this Section should be amended, adjusted or eliminated. Such information should be sufficient to allow the City Council to evaluate the following:

1. The appropriateness of goals, objectives and actions for Community Housing development specified in the Community Housing Implementation Program adopted by the City Council April 17, 2007; and,
2. The level of integration of the provisions of this Section with other tools being utilized by the City of Steamboat Springs as part of a comprehensive approach toward obtaining the goals of this Section.

Sec. 26 – 148 (s). Transition Rules.

Upon the effective date of this revised/amended Chapter 26-148, Developers with completed applications and those with approved Community Housing Plans may, but are not obligated to, avail themselves of the additional compliance methods set forth in this revised and amended Chapter 26-148, entitled "Community Housing." Developers with approved Community Housing Plans may apply to amend their Community Housing Plans based on the provisions of this amended Chapter 26-148.

SECTION 3

If any section, subsection, clause, phrase, or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

SECTION 4

This Ordinance shall take effect five (5) days after publication following final passage, as provided in Section 7.6 of the Steamboat Springs Home Rule Charter.

INTRODUCED, READ AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the 21 st day of July, 2009.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

Julie Franklin, City Clerk

FINALLY READ, PASSED AND APPROVED this 19th day of January, 201009.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

Julie Franklin, City Clerk

AGENDA ITEM # 12

CITY COUNCIL COMMUNICATION FORM

FROM: Tom Leeson, AICP, Director of Planning & Community Development (Ext. 244)

THROUGH: Jon Roberts, City Manager (Ext. 228)

DATE: January 19, 2010.

ITEM: An ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code by amending the term and effect of approval of Final Development Plans by allowing administrative extensions in limited circumstances; providing for severability; providing an effective date; repealing all conflicting ordinances; and setting a hearing date.

NEXT STEP: This is the second and final reading of the Ordinance.

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

An amendment to the CDC to revise the term of approval for Final Development Plans, as well as the vesting period for single-phased projects that have installed required infrastructure and received Preliminary Acceptance from the City.

II. RECOMMENDED ACTION:

Staff recommends City Council pass the ordinance at First Reading.

III. FISCAL IMPACTS:

None.

IV. BACKGROUND INFORMATION:

See attached Planning Commission Report.

V. LEGAL ISSUES:

None.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None.

VII. SUMMARY AND ALTERNATIVES:

The ordinance amends the term and effect of approval of Final Development Plans by allowing administrative extensions in limited circumstances.

LIST OF ATTACHMENTS

Attachment 1: December 10, 2009 Planning Commission Report
Attachment 2: December 10, 2009 Planning Commission Minutes

AGENDA ITEM # PLANNING COMMISSION COMMUNICATION FORM

FROM: Tom Leeson, AICP, Director of Planning & Community Development (Ext. 280)

DATE: December 10, 2009

ITEM: Revisions to Vesting Provisions, #TXT-09-07

NEXT STEP: Planning Commission's recommendation will be forwarded to the City Council for First Reading.

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

PROJECT NAME: Revisions to Vesting Provisions, #TXT-09-07

PETITION: An amendment to the CDC to revise the term of approval for Final Development Plans, as well as the vesting period for single-phased projects that have installed required infrastructure and received Preliminary Acceptance from the City.

APPLICANT: City of Steamboat Springs, Department of Planning Services, c/o Tom Leeson, AICP, Director of Planning & Community Development, Centennial Hall, 124 10th Street, PO Box 775088, Steamboat Springs, CO 80477, 970-879-2060.

I. RECOMMENDED ACTION

Staff recommends the Planning Commission approve the attached draft ordinance amending the Community Development Code amending the term and effect of approval for Final Development Plans.

II. BACKGROUND INFORMATION

- 1. Term and Effect of Approval:** The CDC currently grants a three-year vesting period for Final Development Plans. A longer term of approval may be negotiated with City Council provided a Development Agreement is executed. The CDC language reads as follows:

“Approval of a Final Development Plan shall remain effective for a period of three (3) years, or for a time period agreed upon by the City Council through a Development Agreement pursuant to Sec. 26-203. Such Development Agreement shall be processed concurrently with Final Development Plan application. If an active building permit has been obtained for the Final Development Plan or part thereof, and the term of approval for the Final Development Plan expires, the development covered under the active building permit may continue; however, the Final Development Plan approval shall be considered expired and no new building permits may be issued based on the expired approval. Once the Final Development Plan or part thereof has been fully executed, the approval or part thereof shall remain in effect for perpetuity or until amended.”

Long vesting periods (greater than five years) can result in some negative consequences. The CDC is a dynamic regulatory document that is frequently modified to respond to evolving community priorities, changing building practices, shifting financing rules and other variables. As such, it is imperative the built environment also adjust to the constantly changing development environment. Longer vesting periods significantly increase the odds of buildings and projects being out of conformance with the CDC. This could result in outdated projects with respect to architecture or building materials, projects that don't align with community priorities, or projects that no longer adequately meet community needs.

Furthermore, longer vesting periods can result in land owners seeking approval of projects with the goal of increasing property values without the intent of actually constructing the project. This leads to a secondary real estate market that ultimately only increases real estate prices.

In order prevent any of the consequences detailed above, while allowing a slightly longer vesting period for greater flexibility, staff recommends administratively allowing a maximum of one 2-year extension of the vesting period if the project is still within substantial compliance of the development and dimensional standards contained within the CDC. If the project is found not to be within substantial compliance by the Director of Planning and Community Development, an extension could only be granted by City Council after a recommendation from Planning Commission through the established public review process. Extensions longer than two (2) years would also need to be approved by City Council after a recommendation from Planning Commission. Subsequent extensions would not be permitted.

2. Developments that have received Preliminary Acceptance of infrastructure improvements.

There are several developments that were approved in the last several years that contain multiple buildings but were only a single phase, and therefore, were required to install infrastructure (water, sewer, roadways, etc) to serve the development prior to issuance of a building permit. As a result of the slowdown in the economy, most of these projects may not be able to pull building permits on the remainder of the buildings prior to the expiration of the development permit.

Due to health and safety reasons such projects are required to install infrastructure (water, sewer, roadways, etc) to serve the development prior to issuance of a building permit. This requirement results in significant financial investment by the property owner prior to issuance of a building permit. Due to these up-front costs due to City requirements, it seems reasonable to grant an extension to the vesting provided the project receives Preliminary Acceptance of the infrastructure.

Any extension in vesting, however, needs to be contingent upon any outstanding agreements with regards to infrastructure improvements be fulfilled, as well as any incomplete grade & fill, or other improvements associated with outstanding permits, be completed.

By way of an example, the City of Steamboat Springs entered into an agreement as part of the Sundance North subdivision approval with respect to drainage issues. The City agreed to upgrade an undersized culvert under Hwy. 40 with financial participation from the developer. The City proceeded and completed the work, but has not yet received the financial participation of the developer. Furthermore, a grade and fill permit was approved for the project, but has not yet been completed. It seems reasonable to require execution of any agreements, as well as all outstanding work be completed prior to any extension of vesting.

For projects that were approved with multiple buildings in a single phase, Staff recommends the vesting be extended an additional three (3) years provided any outstanding agreements with regards to infrastructure improvements be fulfilled, as well as any incomplete grade & fill, or other improvements associated with outstanding permits, be completed.

III. DESCRIPTION

The Community Development Code shall be amended as follows (revisions are underlined):

Sec. 26-66 (e) Term and effect of approval.

- 1) Approval of a Final Development Plan shall be final as of the date of City Council approval.
- 2) Approval of a Final Development Plan shall remain effective for a period of three (3) years, or for a time period agreed upon by the City Council through a Development Agreement pursuant to Sec. 26-203, and may be extended as provided in Subsection (3) of this Section. Such Development Agreement shall be processed concurrently with Final Development Plan application. If an active building permit has been obtained for the Final Development Plan or part thereof, and the term of

approval for the Final Development Plan expires, the development covered under the active building permit may continue; however, the Final Development Plan approval shall be considered expired and no new building permits may be issued based on the expired approval. Once the Final Development Plan or part thereof has been fully executed, the approval or part thereof shall remain in effect for perpetuity or until amended.

3) The Director may approve a two (2) year extension if the Director finds the project substantially conforms to the provisions of the Community Development Code as defined in Sec. 26-402 at the date of the original approval expiration date. The Director may approve a three (3)-year extension if the project is in substantial conformance as defined in the preceding sentence and if the approval included multiple buildings in a single phase, the project has installed public infrastructure improvements and received Preliminary Acceptance of those improvements, and all outstanding agreements with regards to infrastructure improvements are fulfilled, as well as any incomplete grade and fill requirements, or other improvements associated with outstanding permits are fully complete. The applicant shall submit a request for administrative approval of an extension pursuant to this subsection to the Director no later than thirty (30) days prior to the approval expiration date.

III. ATTACHMENTS

Attachment 1 – Draft Ordinance

Attachment 2 – July 9, 2009 PC Minutes

Text Amendment to CDC – Vesting Ordinance #TXT-09-07 Text Amendment to the CDC amending the term and effect of approval of Final Development Plans by allowing administrative extensions in limited circumstances.

Discussion on this agenda item started at approximately 5:15 p.m.

STAFF PRESENTATION

Tom Leeson –

He handed out a definition of substantial conformance. This text amendment makes two changes to the CDC. One is the term and effect of the approval for all FDP's. If they are found to be in substantial conformance then they can get a three-year administrative approval extension. The second is for projects that are single phased multiple building projects. They can get a three-year extension administratively approved if it's in substantial conformance as well as has installed the necessary infrastructure and have received preliminary acceptance. The reason why we did a three-year as opposed to a two-year is that there are substantial costs to install the infrastructure, which is a requirement of the City in order to pull any building permits. As a result of that we felt that it was justification for an additional three-year extension.

COMMISSIONER QUESTIONS

Commissioner Beauregard –

Currently it has to go back to City Council to get an extension or Planning Commission and City Council to get an extension and that's why we're changing it?

Tom Leeson –

Currently now extensions aren't permitted. The only way to get an extension right now is to bring it back to Planning Commission and City Council as an ordinance to extend the vesting period.

Commissioner Fox –

What's the process if someone misses their opportunity to ask for an extension? They come in and ask for an additional vesting period and then they have to go back through City Council and the whole process again?

Tom Leeson –

Yes.

Commissioner Dixon –

I was wondering if thirty days was long enough for them to apply and to get onto the agenda?

Tom Leeson –

Its thirty days for staff to review whether they're in substantial conformance with the approval or not at that point.

Commissioner Fox –

It just says no later than thirty days prior to the expiration date. They can come in before,

12/10/09

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just not the day before their expiration date?

Tom Leeson –
Right.

Commissioner Beauregard –
This change has come about because a lot of people have come in asking for extensions?

Tom Leeson –
One reason is because people have been coming in and asking for extensions. The second reason is because staff and the City have made significant changes to our design standards and the CDC over the past five years. We feel a lot more comfortable with what we're getting from those projects as a result. Before the design standards were fairly weak and it was easy to get the projects approved. We were getting projects that really weren't that great. Now with the increased standards we feel that if a project conforms to those standards then why not allow them to have some additional time.

Commissioner Fox –
Does it seem like you're getting the same amount of requests for vesting extensions or are there more because of the down economy at this time? Does it seem like you're getting a lot more because of the down economy or has it been fairly consistent with the amount of requests for vesting extensions?

Tom Leeson –
During the nine years that I've been here the economy has been humming along so people didn't really need to ask for extensions since they've been able to build their projects out in the allotted time. We haven't seen a lot of requests for vesting extensions until recently.

Commissioner Dixon –
Is there any way to extend a DP without an FDP? In other words if their mass and scale are within conformance, but their architecture is not would that be an option to split this up? I'm not saying that we should, but would that be a potential option?

Commissioner Slavik –
Could you explain that in a little bit more detail? I'm not sure what you're talking about with a DP versus an FDP.

Commissioner Dixon –
A DP is specifically for the site conditions and the mass and scale of a project versus any architectural detail, colors, materials, etc.

Commissioner Slavik –
It's concept versus detail.

Commissioner Dixon –
Correct. If we changed our architectural standards?

Tom Leeson –

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I suppose that's possible. We haven't really thought about that in that aspect.

Commissioner Dixon –

An example would be that we came to the conclusion that flat roofs hold snow better than sloped roofs. We changed everything to say that on a five story or taller building that it must have a flat roof to contain snow. We have a lot of things at the Base Area that's designed with pitched roofs to retain snow. I'm not saying that we're going to change that. In their DP their mass and scale will still be in conformance, but their roof slopes would not.

Commissioner Levy –

You would have to counter that in with the need for an extension. Both of those would have to overlap for that circumstance to comply.

Commissioner Dixon –

If they need an extension and we had changed that then I'm not sure that we would want to deny their DP or say that you can't have an extension and you can't come back through with a DP if it's just that one thing that has changed.

Tom Leeson –

I'm not sure about that, because they would still have to come back through the process. They would still have to come back through the process for their FDP.

Commissioner Dixon –

An FDP doesn't affect financing as much as a DP. I don't know if that's something we want to do. If nobody feels strongly about it then I'll let it go.

Commissioner Levy –

It seems like a unique situation.

Commissioner Fox –

I agree I don't think it's necessary.

Commissioner Levy –

The scenario that I thought was that they counted it as a DP and then things fall apart. For some reason they want to extend that before they have to come back for their FDP. That's what I thought you were hinting at.

Commissioner Dixon –

Either way.

Commissioner Fox –

What's the situation now if they did want to extend their DP? They just can't do it?

Tom Leeson –

Right.

Commissioner Beauregard –

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If all they had was a DP, is that what you're saying?

Tom Leeson –

A DP vesting is two years till they have to bring forward an application for an FDP.

Commissioner Fox –

They would have to resubmit a DP if that time ran out?

Tom Leeson –

Right.

Commissioner Hanlen –

Unless they've asked for a longer term such as Ski Time Square.

Tom Leeson –

Correct.

Commissioner Fox –

They can't come back before us and ask for a longer term after we've already approved them. If they have two years and they come back in 1½ years and say sorry we can't do it and can you extend it one year? That's not possible?

Tom Leeson –

Technically anything is possible. They can come back and ask City Council to do it through an ordinance. This is a unique circumstance that's not allowed by the code.

Commissioner Lacy –

Are there any major items regarding project approval that wouldn't be covered under substantial conformance review? I think that we noted in the July 9th, minutes that for instance the affordable housing ordinance would not be covered in this, right?

Tom Leeson –

The definition would not be covered in this. We would say in number seven there's a catchall phrase that covers everything. There's a phrase in the beginning of that that allows the director to make judgment calls on things that aren't included in the exact language.

Commissioner Levy –

In the background information you talked about subsequent extensions would not be permitted? I don't know that I noticed that in the ordinance if that needs to be spelled out?

Tom Leeson –

I talked to Dan Foote about that and he didn't think that it needed to. He thought that it was explicit that it was either a two or three year.

Commissioner Lacy –

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Then they'll have to go back through the process if they wanted to get another extension.

Tom Leeson –
Right.

Commissioner Dixon –
Or ask City Council. Administratively they couldn't ask for an extension.

Tom Leeson –
Right.

Commissioner Levy –
As long as you've looked at it and you feel that it's not necessary. It just caught my eye. The other thought that I had was that Riverfront has a substantial area of their site plan that's unfinished. It's not landscaped or graded as far as they've got piles of rocks in place. I wonder if that's something that should be addressed. If they're getting an extension then we're going to be having disturbed properties in a not so pretty condition. The same thing can happen anywhere, because they've started the mess on one side. There's nothing to enforce any kind of as far as I know unless our regular cleanliness ordinance still holds. As temporary landscaping or some type of finishing to make that look presentable during an extended period of time.

Commissioner Hanlen –
Shouldn't that have been caught when they went for their CO as far as final grading of a commercial project like that?

Tom Leeson –
At that time they were still under construction. I think that they assumed that they were going to continue. On the second part of that it included some of that in terms of incomplete fill and grade requirements or other improvements associated with outstanding permits be preferably complete.

Commissioner Levy –
There's a big footprint out there that wouldn't be covered by those improvements where they could have all of that slop. They do and there are piles of rocks in places. I can imagine it worse than that. It's not horrible, but it's certainly in the industrial zone. I think the same thing happened on Lincoln Ave. Until they have their final CO or all of their buildings are shut it seems like a loophole. Do our nuisance laws apply even during construction?

Tom Leeson –
They do. We have construction site management plans that require sites to treat materials like that and you can't have debris flying around. That's one where enforcement could be taken to get them to clean that site up.

Commissioner Levy –
Do you see a big restrictor on requiring the applicant to go to a phased plan? I wonder if they would see this as a default and say that they can get the extension. I think that you've

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said that a phased plan has more hoops that you have to jump through.

Tom Leeson –

We agree that some of these projects should be phased and have a defined and approved phasing plan. We're going to take a look at the submittal requirements for these different projects and may establish a threshold that some of these projects have to be phased.

Commissioner Levy –

I don't know if anybody else caught it, but there's a typo on paragraph 3 on pg 3-6. 'Conformance substantially' is one word.

Commissioner Lacy –

They need to decide if they want to say the phrase 'substantial conformance' or 'substantially conform'.

Tom Leeson –

We'll change that.

Commissioner Beauregard –

If this stimulated by a bad economy then I think that there's an argument that you can make that if a bad economy could give us a reason for a shorter vesting period also just because everything's in flux and requirements and standards would want to change. That's when they would want to change the most. As a community we may not want to see it stay the same and we may not want to see an extended vesting period during a down economy. I can see us being sympathetic to the developers, but in a down economy we're in a bigger state of flux than normal.

Commissioner Levy –

I would agree if we were making compromises on the code based on that. We've seen things commit all because of a down economy we need to do this and as long as we don't start compromising on enforcing the architectural standards. If it's a good project then it's a good project whether we ask them to do it in two years or longer. That's one that I would consider if other processions were being made. Hopefully we're not going that route.

Commissioner Fox –

In a way it's an incentive in a down economy to build, because you have a little longer length and you don't have to go through the whole process again.

Commissioner Beauregard –

I don't know what we would change. It just seems like a down economy is a state of flux.

Commissioner Slavik –

That might be more of a reason that they might want to encourage them to do more of a phased approach. With a phased approach we would have more sectioned off of things saying that they want to continue with more phased developments and encourage those in certain circumstances. Maybe that's something that you want to encourage even more when one of the issues is the economy and how quickly they might be able to do it. Rather than risking it in one project and then asking for an extension, but to do it right up front

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instead.

Commissioner Beauregard –

I think that that market could take care of some of that if say some of the units have to become a lot smaller to sell. Maybe it's a motivation. Maybe it's worthy enough for them to come back in and resubmit the whole FDP. If it's not in compliance and they have this long vesting then maybe it's not worth it and they'll build something that's not quite what the economy needs.

Commissioner Dixon –

How does financing work on a phased project? Can you finance just a phase at a time?

Tom Leeson –

Yes, and that's why a lot of projects do the phasing. All they need is the financing for that first phase. I think that a lot of the projects that are asking for extended vesting periods tonight would have phased if they had known what was coming.

Commissioner Lacy –

Do you have the discretion in the department to reject an application and to require them to phase it?

Tom Leeson –

It probably doesn't allow me to be able to do that. We could create some thresholds that do require phasing.

Commissioner Levy –

If not thresholds, couldn't you certainly say that if staff believes that it should be a phased project. You're saying that's not a review criteria at all?

Tom Leeson –

Right. We may just say at the discretion of the director that we recognize that we need to look at that.

Commissioner Hanlen –

You would hope that the education that people have received over the past year and a half to two years would teach them that they may need to phase it without having to have you tell them.

Tom Leeson –

You would think so.

PUBLIC COMMENTS

None

RECOMMENDED MOTION

Staff recommends the Planning Commission approve the attached draft ordinance amending the Community Development Code amending the term and effect of approval for Final Development Plans.

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MOTION

Commissioner Hanlen moved to approve TXT-09-07. Commissioner Lacy seconded the motion.

VOTE

Vote: 7-0

Voting for approval of motion to approve: Levy, Beauregard, Dixon, Fox, Hanlen, Lacy and Slavik

Alternate position is vacant

Discussion on this agenda item ended at approximately 5:39 p.m.

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 26 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE BY AMENDING THE TERM AND EFFECT OF APPROVAL OF FINAL DEVELOPMENT PLANS BY ALLOWING ADMINISTRATIVE EXTENSIONS IN LIMITED CIRCUMSTANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; REPEALING ALL CONFLICTING ORDINANCES; AND SETTING A HEARING DATE.

WHEREAS, approval of a Final Development Plan remains effective for a period of three (3) years, or for a time period agreed upon by the City Council through a Development Agreement pursuant to Sec. 26-203; and

WHEREAS, the City Council finds that a two-year extension of the term and effect of approval should be administratively granted provided the project is within substantial conformance of the Community Development Code at the date of the original expiration date; and

WHEREAS, the City Council finds that a three-year extension of the term and effect of approval should be administratively granted if the project was approved with multiple buildings in a single phase, and the project has installed public infrastructure improvements and received Preliminary Acceptance of those improvements, and provided any outstanding agreements with regards to infrastructure improvements be fulfilled, as well as any incomplete grade & fill, or other improvements associated with outstanding permits, be completed; and

WHEREAS, the Planning Commission held a public hearing on July 9, 2009 and December 10, 2009, and provided a recommendation regarding the term and effect of approval of Final Development Plans; and

WHEREAS, City Council held a public hearing on August 4, 2009 regarding the term and effect of approval of Final Development Plans and provided feedback for this ordinance; and

WHEREAS, the City of Steamboat Springs City Council finds it in the community's best interest to allow administrative extensions of the term and effect of approval of Final Development Plans in limited circumstances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:

Section 1. Sec. 26-66 (e) Term and effect of approval.

- 1) Approval of a Final Development Plan shall be final as of the date of City Council approval.
- 2) Approval of a Final Development Plan shall remain effective for a period of three (3) years, or for a time period agreed upon by the City Council through a Development Agreement pursuant to Sec. 26-203, and may be extended as provided in Subsection (3) of this Section. Such Development Agreement shall be processed concurrently with Final Development Plan application. If an active building permit has been obtained for the Final Development Plan or part thereof, and the term of approval for the Final Development Plan expires, the development covered under the active building permit may continue; however, the Final Development Plan approval shall be considered expired and no new building permits may be issued based on the expired approval. Once the Final Development Plan or part thereof has been fully executed, the approval or part thereof shall remain in effect for perpetuity or until amended.
- 3) **The Director may approve a two (2) year extension if the Director finds the project substantially conforms to the provisions of the Community Development Code as defined in Sec. 26-402 at the date of the original approval expiration date. The Director may approve a three (3)-year extension if the project is in substantial conformance as defined in the preceding sentence and if the approval included multiple buildings in a single phase, the project has installed public infrastructure improvements and received Preliminary Acceptance of those improvements, and all outstanding agreements with regards to infrastructure improvements are fulfilled, as well as any incomplete grade and fill requirements, or other improvements associated with outstanding permits are fully complete. The applicant shall submit a request for administrative approval of an extension pursuant to this subsection to the Director no later than thirty (30) days prior to the approval expiration date.**

Section 2. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts, thereof, are in conflict herewith.

Section 3. If any section, subsection, clause, phrase or provision of this Ordinance is, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

Section 4. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

Section 5. This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6 (h) of the Steamboat Springs Home Rule Charter.

INTRODUCED, READ, AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the _____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

FINALLY READ, PASSED AND APPROVED this _____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

AGENDA ITEM # 13

CITY COUNCIL COMMUNICATION FORM

FROM: Tom Leeson, AICP, Director of Planning & Community Development (Ext. 244)

THROUGH: Jon Roberts, City Manager (Ext. 228)

DATE: January 19, 2010.

ITEM: An ordinance of the City of Steamboat Springs, Colorado, extending the vesting period for a site specific development plan originally approved as "Montenero at Steamboat Springs" for an additional time period of three years, repealing all conflicting ordinances; providing for severability; and providing an effective date.

NEXT STEP: This is the second and final reading of the Ordinance.

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

An ordinance of the City of Steamboat Springs, Colorado, extending the vesting period for a site specific development plan originally approved as "Montenero at Steamboat Springs" for an additional time period of three years.

II. RECOMMENDED ACTION:

Staff recommends City Council pass the ordinance at Second Reading.

III. FISCAL IMPACTS:

None.

IV. BACKGROUND INFORMATION:

See attached Planning Commission Report.

V. LEGAL ISSUES:

None.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None.

VII. SUMMARY AND ALTERNATIVES:

The ordinance extends the vesting period for a site specific development plan originally approved as "Montenero at Steamboat Springs" for an additional time period of three years.

LIST OF ATTACHMENTS

Attachment 1: December 10, 2009 Planning Commission Report
Attachment 2: December 10, 2009 Planning Commission Minutes

AGENDA ITEM # PLANNING COMMISSION COMMUNICATION FORM

FROM: Tom Leeson, AICP, Director of Planning & Community Development (Ext. 280)

DATE: December 10, 2009

ITEM: Request to extend vesting periods for the site specific development plans originally approved as Montenero at Steamboat Springs, Rocky Peak Village, Riverfront Park, and Fulton Ridge.

NEXT STEP: Planning Commission's recommendation will be forwarded to the City Council for First Reading.

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

PROJECT NAME: Extension to Vesting Provisions

PETITION: Request to extend vesting periods for the site specific development plans originally approved as Montenero at Steamboat Springs, Rocky Peak Village, Riverfront Park, and Fulton Ridge.

APPLICANT: City of Steamboat Springs, Department of Planning Services, c/o Tom Leeson, AICP, Director of Planning & Community Development, Centennial Hall, 124 10th Street, PO Box 775088, Steamboat Springs, CO 80477, 970-879-2060.

I. RECOMMENDED ACTION

Staff recommends the Planning Commission approve the attached draft ordinances extending the vesting periods for the site specific development plans originally approved as Motenero at Steamboat Springs, Rocky Peak Village, Riverfront Park and Fulton Ridge.

II. BACKGROUND INFORMATION

Motenero at Steamboat Springs, Rocky Peak Village, Riverfront Park and Fulton Ridge were all approved in 2006 when the real estate and financial markets were significantly stronger than they are today. All four of these projects were approved as single-phase developments with multiple buildings. All four have installed infrastructure, received preliminary acceptance of the infrastructure and have commenced construction. Unfortunately, as a result of the severe economic downturn, these four projects have not been able to complete their projects, nor have they been able to pull the remaining building permits prior to their vesting expiring. A description of each project, the remaining portions of each project and the vesting periods are described below.

III. DESCRIPTION

1. Montenero at Steamboat Springs (Porches II)

The City approved the Montenero at Steamboat Springs Final Development Plan (DP-06-02, FDP-06-02), a 17-unit townhome project consisting of seven duplexes and one tri-plex, on May 2, 2006. The project's term of approval originally expired on May 2, 2009, but was granted a six-month extension that expired on November 2, 2009.

The project is located at the intersection of Mt. Werner Drive and Steamboat Boulevard, and is currently known as Porches II.

The project was approved with multiple buildings in a single phase, and the project has installed the water and sewer infrastructure and received Preliminary Acceptance from the Mt. Werner Water and Sanitation District. The project has four (4) duplexes and one (1) triplex remaining for which building permits are required.

If the vesting extension is approved, the project's term of approval will expire on November 2, 2012.

2. Rocky Peak Village

The City approved the Final Development Plan for the site specific development plan known as Rocky Peak Village (FDP-05-11), a multi-family development consisting of two (2) triplex buildings and 14 duplex buildings for a total of 34 units and 87,760 square feet, on August 8, 2006. The project's term of approval originally expired on August 8, 2009.

The project is located at Willett Heights Subdivision, F1, Block 5, Lot 1 which is next to the intersection of Tamarack Drive and Hilltop Parkway.

The project was approved with multiple buildings in a single phase, and the project has installed the water and sewer infrastructure and received Preliminary Acceptance from the City of Steamboat Springs. The project has eleven (11) duplexes and two (2) triplexes remaining for which building permits are required.

If the vesting extension is approved, the project's term of approval will expire on August 8, 2012.

3. Riverfront Park

The City approved the Final Development Plan as a Planned Unit Development for the site specific development plan known as Riverfront Park (FDP-05-14), a mixed use industrial, office and residential development including approximately 65,899 square feet of industrial space, 19,000 square feet of wholesale office/retail space and 21 deed restricted employee live/work units on October 18, 2005. The project's term of approval originally expired on October 18, 2008.

The project is located at on Curve Plaza adjacent to the Yampa River.

The project was approved with multiple buildings in a single phase, and the project has installed the water and sewer infrastructure and received Preliminary Acceptance from the City of Steamboat Springs. The project has two buildings for which building permits are required, Building #2 and Unit 21, which total 28,805 square feet, and Building #5 (includes units 15-20), which includes 14,112 square feet.

If the vesting extension is approved, the project's term of approval will expire on October 18, 2011.

4. Fulton Ridge (EcoCorral)

The City approved the Final Development Plan for the site specific development plan originally known as Fulton Ridge (FDP-06-13), a multifamily residential development including 7 buildings, containing 28 units (4 Deed Restricted units) on 2.7 acres on September 14, 2006. The project's term of approval originally expired on September 14, 2009.

The project is located directly to the south of the Eagle Point Subdivision and west of the Mountain Vista Subdivision on Hilltop parkway.

The project was approved with multiple buildings in a single phase, and the project has installed the water and sewer infrastructure and received Preliminary Acceptance from the City of Steamboat Springs. The project has six (6) additional 4-unit buildings remaining for which building permits are required.

If the vesting extension is approved, the project's term of approval will expire on September 14, 2012.

IV. SUMMARY

PLANNING COMMISSION COMMUNICATION FORM

Revisions to Vesting Provisions, #TXT-09-07

December 10, 2009

Due to the changing economic times during the last couple years, Staff recommends the Planning Commission recommend approval of the attached draft ordinances extending the vesting periods for the site specific development plans originally approved as Montenero at Steamboat Springs, Rocky Peak Village, Riverfront Park and Fulton Ridge.

IV. ATTACHMENTS

Attachment 1 – Draft Ordinance: Montenero at Steamboat Springs

Attachment 2 - Draft Ordinance: Rock Peak Village

Attachment 3 - Draft Ordinance: Riverfront Park

Attachment 4 - Draft Ordinance: Fulton Ridge

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Ordinances extending vesting period for site specific development plans known as Fulton Ridge, Rocky Peak Village, Montenero at Steamboat Springs, Riverfront Park. Ordinances amending the term and effect of approval of certain final development plans.

Discussion on this agenda item started at approximately 5:39 p.m.

STAFF PRESENTATION

Tom Leeson –

He showed a map of Porches II on the overhead. He showed which duplexes they have completed. Their project was approved in May 2006 and they received a six month extension and now they're asking for another extension. We're recommending three years from their original date.

COMMISSIONER QUESTIONS

Commissioner Hanlen –

Their original expiration date?

Tom Leeson –

Yes.

Commissioner Dixon –

It says that if the vesting extension is approved then it will expire on November 2, 2012. You just said May.

Tom Leeson –

That's with the six month extension.

The next one is Rocky Peak Village. They've completed three duplexes. They've constructed the entire infrastructure.

Commissioner Dixon –

They haven't done the roadway to the duplexes?

Commissioner Slavik –

Aren't the infrastructures there?

Tom Leeson –

I think that they put the water and sewer lines in.

Commissioner Levy –

That's Willett Heights and Fish Creek Falls Condominiums?

Tom Leeson –

That's next to Fish Creek Condominiums.

Commissioner Dixon –

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Is that going to connect?

Tom Leeson –

It does connect, but it's only for emergency access.

Commissioner Dixon –

Why would we not make them connect it?

Tom Leeson –

It's not a roadway, but a private drive and so we couldn't require it. They rejected the idea.

Commissioner Hanlen –

How would something like this fall in where you've got duplexes and triplexes with the new entry corridor standards for MF as far as the garage setbacks? The garages on all of these are setback tight to the front of all of the buildings. Does that affect duplex and triplex or only once you get over four units?

Tom Leeson –

Only once you get over four units.

Commissioner Hanlen –

Even if this lapses more than likely they can come back through to substantial redesign?

Tom Leeson –

Correct.

Commissioner Slavik –

You said that under new thinking you would have asked them to do more of a phasing approach?

Tom Leeson –

It's a big enough project to warrant a phasing plan.

Commissioner Lacy –

With each of these projects is it staff's opinion not only on this one, but also on all four that these are in substantial conformance with the code?

Tom Leeson –

No, not all of them. This one, Porches II, and Riverfront Park are all probably ok. The EcoCorral would not meet our new entry corridor standards.

Commissioner Fox –

The entry corridor is not met on Rocky Peak and Fulton Ridge (EcoCorral)?

Tom Leeson –

Just EcoCorral. Rocky Peak is ok.

Commissioner Hanlen –

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From a designer standpoint I'm looking at that project and it's quite big. They were quite naïve to think that they could build and sell twenty-two units in three years. If I was bringing this through I would think that I would want to first rezone the property to TND and second do a preliminary plat and chop it into separate lots. That takes the timing trigger away. You can come in individually with duplexes and skip the whole public process with a project like this.

Tom Leeson –

I agree with you. They wouldn't have been able to get as many units in as quickly.

Commissioner Hanlen –

Because of the public right of way?

Tom Leeson –

It's because of the minimum lot size.

Commissioner Hanlen –

In TND?

Commissioner Dixon –

That's why he's saying to rezone to TND.

Tom Leeson –

Now today that would be possible.

Commissioner Hanlen –

It's here today. Would staff say no way we're not going to spot zone something like that TND?

Tom Leeson –

That mostly applies to subdivision standards and you could subdivide the land, but you wouldn't be able to get the same number of units in.

Commissioner Hanlen –

Can we start changing our zone districts to allow some of the abilities that TND would give it? Since we have this beautiful thing that we're choosing to put on a shelf and not utilize. Like what we're talking about with CS and CC, can we start changing some of the other zone districts to offer smaller lots and other things that seem to further a lot of goals that the City has, but you can't do with the current zone district standards. I fail to see how you could consider them as being bad.

Tom Leeson –

It will change the character of some neighborhoods if they're allowed to subdivide their lots.

Commissioner Beauregard –

It seems to me like that should be discussed at the CP update.

Tom Leeson –

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I agree.

Commissioner Dixon –
Some of that stuff is in the CP already and it just hasn't been implemented.

Commissioner Hanlen –
A substantial amount of it is. It's never been acted upon.

Commissioner Beauregard –
There are specific examples.

Commissioner Hanlen –
The CP when it talks about land use it's very vague. They talk about all of these lofty goals that pretty much point right at TND. If we can do affordable housing by design, which is smaller lots. We have all of these triggers in that don't allow you to do smaller lots. I don't see a lot of the areas that it would affect community character for the worse.

Commissioner Beauregard –
I totally agree with you, but I can see the mob at the door that comes from that. It needs to be discussed in a bigger and broader form.

Commissioner Hanlen –
That's what we're trying to do with the density and intensity discussion. I'm not saying that we're solving it in this room tonight. I think that the whole community needs to be discussing it.

Commissioner Levy –
What's the process for the preplan update to decide what's going to be on the table? Is that all APPC or to make sure that all of Commissioner Hanlen's concerns are asked. If you don't ask where we want to have higher density or smaller lots. How does that process go?

Tom Leeson –
The process would be to have a fair amount of public meetings.

Commissioner Levy –
There is a scoping part of the plan where you open up the plan and you ask what the public thinks should be discussed in the next plan update.

Commissioner Hanlen –
When are those meetings scheduled for?

Commissioner Dixon –
They've been canceled, but are we going to get back to having them back on the schedule?

Tom Leeson –
What needs to happen particularly if the Steamboat 700 project is appealed is to

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immediately start going back through the process and talk about the CP. In other words we're starting over. There's no money in the budget for Steamboat 700 project. It's not to say that future discussions couldn't take place. What needs to be done is determining what needs to be done in order to go through the process.

Commissioner Hanlen –

What's the cost to put together the CAP? Is it \$200,000 or \$300,000?

Tom Leeson –

It's \$100,000 at least for one year. It's probably more than that if you get some consultants. Then there's all of the meetings, food, printing, etc. I think that those should start this year.

He showed the Riverfront Park project on the overhead. All that remains is a second building and the live/work units in the back.

Commissioner Hanlen –

Have they hinted at any expected date for moving forward?

Tom Leeson –

No, but we did tell them that they will have three years from their original expiration date.

Commissioner Lacy –

Why did they wait so long to come in and ask about this?

Tom Leeson –

There was a bit of miscommunication and they were under the impression that they had longer than they did. They took a lot longer to move the project forward.

Commissioner Beauregard –

That parking lot seems like a nightmare. I can't imagine it getting any better with more vehicles in there.

Commissioner Levy –

You get twice the amount of parking, because a lot of that parking lot hasn't been developed yet.

Commissioner Beauregard –

I guess you get that parking by the big building on the right hand side, but that's going to be accommodated by the people that are living in that building. Have you driven in there before? I don't have a huge truck, but it's very tight.

Tom Leeson –

They have graveled part of the undeveloped parking lot by the big building and so you can park along there now. They meet the industrial standards for parking.

Commissioner Levy –

It's all of the live/work units. There's not a lot of extra parking, because the people that are living upstairs are all probably renting the commercial site on the first floor and park in the

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garage. We're going to get away from parking standards anyways. If they can't park there then they stop driving.

Commissioner Fox –
Can you park in front of each of the live/work units now?

Tom Leeson –
Yes.

Commissioner Fox –
Can you fit 2 cars in front of each live/work unit?

Tom Leeson –
I think that there's room for two.

Commissioner Dixon –
Did we ever allow on street parking?

Tom Leeson –
No.

Commissioner Levy –
Supposedly all of the infrastructure improvements are done in order for us to grant this extension?

Tom Leeson –
Yes.

Commissioner Levy –
The soft trail seems to be a problem. That soft trail is part of the infrastructure. I know that the soft trail was thrown in. The soft trail at the end along the river and the part that goes under the bridge is very soft. They put gravel down, but it's not finished. It wasn't compacted and isn't to spec.

Tom Leeson –
The entire public infrastructure is completed.

Commissioner Levy –
That's public isn't it? It's a public easement. I remember that. That's summer access. That's a public easement along the river.

Tom Leeson –
It is. What we mean when we say infrastructure we mean the water and sewer lines.

Commissioner Levy –
Didn't you say that landscaping was included in that?

Tom Leeson –

12/10/09

DRAFT

No.

Commissioner Levy –

It seems to me that when you bring that up that if we're going to give them an extension. If their permit expires what happens then?

Tom Leeson –

It falls through. We could pull their charity.

Commissioner Dixon –

Is that something that we could do now? For the soft trails that Commissioner Levy is talking about, can you pull those charities now before their extension is granted?

Tom Leeson –

That would be a last resort since it's a lot of work for us to pull it.

Commissioner Levy –

You can threaten to pull and that might get them to do it. That one's a key to this parcel when it came through. That was a key component was getting that connection. There was a problem with having the core path going across their driveway. I was wondering why the core trail, which is a public right of way has to stop for a private driveway. It seems like the vehicles going in and out of that driveway have the right of way over the core trail users. There are stop signs for the bicycles. I can see it physically when you're crossing a right of way, but not there. Usually the person on the sidewalk has the right of way to someone using their driveway. I'm raising that soft trail as an issue for extension of this project. They put it in and made it look like it was done. I would like to see that as the carrot to get the extension.

Commissioner Dixon –

It could be conditioned as just this one project on that? Would we need to pull it into the motion?

Tom Leeson –

You could put it as a condition in the motion to have it done this summer.

Commissioner Levy –

That's better than waiting three years. We're giving them a three-year extension, right?

Tom Leeson –

It'll be two more years.

Commissioner Dixon –

Do we give them a six-month or a nine-month and if they put that in then they get the remainder of the two years?

Commissioner Levy –

I would say to condition it so that it's done by some time. That seems more enforceable.

12/10/09

DRAFT

Commissioner Fox –

Wasn't it a requirement in the original FDP? Then when they come back and finish it don't you inspect all of it again to make sure that it's all good? Wouldn't it just fall under that without making this a specific condition?

Commissioner Dixon –

Then they wouldn't have to finish it for another two years.

Commissioner Fox –

We're saying that it needs to be done in six months or some time next summer.

Commissioner Levy –

That's where we get into if it were a phased project would this have been a core improvement that they would have had to take care of in the first phase? That's where a phased project would take care of that. This stuff is important and needs to go into your first phase and the rest of this stuff can wait until your second phase. This is a first phase kind of improvement that should have been done.

Commissioner Beauregard –

It was done.

Commissioner Levy –

I don't know what the official standing is. It looks like they're trying to say that it is.

Commissioner Beauregard –

They're probably required to build that in the first building permit.

Commissioner Fox –

It kind of disintegrated.

Tom Leeson –

I don't know about that.

Commissioner Levy –

They threw it in recently. They put it in this summer and they had CO in those units in the summer before I think.

Commissioner Beauregard –

We don't really need to tie it to this extension. We can just make this part of the surety.

Commissioner Levy –

Tom Leeson says that's not really something they want to do.

Commissioner Beauregard –

It's just like the project that came back about the cranes and another one about the windows.

Commissioner Levy –

12/10/09

DRAFT

If it was a violation then I agree, but I don't know that. Can that be something that's addressed before it goes to City Council? If it's possible that they're already out of compliance isn't that possible if that trail isn't built properly?

Tom Leeson –

That's possible. Why don't you in your motion condition it to be completed sometime next summer.

Commissioner Lacy –

I think that we should set a date certain. I don't think we should say some time next summer. That means a lot of things to a lot of different people.

Commissioner Levy –

It's probably a high water issue so early summer.

Tom Leeson -

The next one is Fulton Ridge (EcoCorral). He showed on the map which buildings they have completed or have done some work on. They haven't done the sidewalk.

Commissioner Lacy –

I thought that they had done the sidewalk.

Commissioner Hanlen –

The sidewalk is done.

Commissioner Lacy –

I think they have. I drive by there every day.

Tom Leeson –

He showed where the project is located.

Commissioner Fox –

They only did one building on the right? I thought that they did two buildings?

Tom Leeson –

They might have pulled the permit on the second one, but I don't think that they've started it yet. It's just one building for now.

Commissioner Slavik –

Were the solar panels part of the original?

Tom Leeson –

This was originally purchased by KSM and they sold it to Otterman and he wanted to do some sustainability kinds of things.

Commissioner Slavik –

12/10/09

DRAFT

It's a pretty big addition to the roof.

Commissioner Fox –

These guys are out of compliance in what ways? The entry corridor?

Tom Leeson –

They did have some affordable housing. So they did have some IZ requirements. It would be with the design standards.

Commissioner Beauregard –

There are solar panels that stick up at the top?

Tom Leeson –

Yes.

PUBLIC COMMENTS

None

RECOMMENDED MOTION

Staff recommends the Planning Commission approve the attached draft ordinances extending the vesting periods for the site specific development plans originally approved as Montenero at Steamboat Springs, Rocky Peak Village, Riverfront Park and Fulton Ridge.

MOTION

Commissioner Hanlen moved to approve the ordinance concerning Montenero at Steamboat Springs, Rocky Peak Village, Riverfront Park, and Fulton Ridge with the 1 criteria in Riverfront Park needing to complete the soft trail by August 15, 2010. Commissioner Dixon seconded the motion.

VOTE

Vote: 7-0

Voting for approval of motion to approve: Levy, Beauregard, Dixon, Fox, Hanlen, Lacy and Slavik

Alternate position is vacant

Discussion on this agenda item ended at approximately 6:18 p.m.

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, EXTENDING THE VESTING PERIOD FOR A SITE SPECIFIC DEVELOPMENT PLAN ORIGINALLY APPROVED AS "MONTENERO AT STEAMBOAT SPRINGS" FOR AN ADDITIONAL TIME PERIOD OF THREE YEARS, REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council approved the Final Development Plan for the site specific development plan known as Montenero at Steamboat Springs, a 17-unit townhome project consisting of seven duplexes and one tri-plex, on May 2, 2006; and

WHEREAS, the approval of a Final Development Plan remains effective for a period of three (3) years; and

WHEREAS, City Council extended the term of approval for the site specific development plan originally approved as Montenero at Steamboat Springs (#FDP-06-02) to November 2, 2009; and

WHEREAS, if an active building permit has been obtained for a Final Development Plan or part thereof, and the term of approval for a Final Development Plan expires, the development covered under the active building permit may continue; however, the Final Development Plan approval shall be considered expired and no new building permits may be issued based on the expired approval; and

WHEREAS, the site specific development plan known as Montenero at Steamboat Springs has four (4) duplexes and one (1) triplex remaining for which building permits will be required and will not be applied for prior to the November 2, 2009 expiration date, and

WHEREAS, the site specific development plan known as Montenero at Steamboat Springs has installed all the necessary infrastructure for the project and has received Preliminary Acceptance for the infrastructure; and

WHEREAS, the City of Steamboat Springs City Council finds it in the community's best interest to extend Montenero at Steamboat Springs vesting period.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:

Section 1. The term of approval for the site specific development plan originally approved as Montenero at Steamboat Springs (#FDP-06-02) and known as Porches II shall be extended to November 2, 2012.

Section 2. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts, thereof, are in conflict herewith.

Section 3. If any section, subsection, clause, phrase or provision of this Ordinance is, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

Section 4. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

Section 5. This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6 (h) of the Steamboat Springs Home Rule Charter.

INTRODUCED, READ, AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the _____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

FINALLY READ, PASSED AND APPROVED this _____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

AGENDA ITEM # 14

CITY COUNCIL COMMUNICATION FORM

FROM: Tom Leeson, AICP, Director of Planning & Community Development (Ext. 244)

THROUGH: Jon Roberts, City Manager (Ext. 228)

DATE: January 19, 2010.

ITEM: An ordinance of the City of Steamboat Springs, Colorado, extending the vesting period for a site specific development plan originally approved as "Rocky Peak Village" for an additional time period of three years, repealing all conflicting ordinances; providing for severability; and providing an effective date.

NEXT STEP: This is the second and final reading of the Ordinance.

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

An ordinance of the City of Steamboat Springs, Colorado, extending the vesting period for a site specific development plan originally approved as "Rocky Peak Village" for an additional time period of three years.

II. RECOMMENDED ACTION:

Staff recommends City Council pass the ordinance at Second Reading.

III. FISCAL IMPACTS:

None.

IV. BACKGROUND INFORMATION:

See attached Planning Commission Report.

V. LEGAL ISSUES:

None.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None.

VII. SUMMARY AND ALTERNATIVES:

The extends the vesting period for a site specific development plan originally approved as "Rocky Peak Village" for an additional time period of three years.

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, EXTENDING THE VESTING PERIOD FOR A SITE SPECIFIC DEVELOPMENT PLAN ORIGINALLY APPROVED AS "ROCKY PEAK VILLAGE" FOR AN ADDITIONAL TIME PERIOD OF THREE YEARS, REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council approved the Final Development Plan for the site specific development plan known as Rocky Peak Village, a multi-family development consisting of 2 triplex buildings and 14 duplex buildings for a total of 34 units and 87,760 square feet, on August 8, 2006; and

WHEREAS, the approval of a Final Development Plan remains effective for a period of three (3) years; and

WHEREAS, if an active building permit has been obtained for a Final Development Plan or part thereof, and the term of approval for a Final Development Plan expires, the development covered under the active building permit may continue; however, the Final Development Plan approval shall be considered expired and no new building permits may be issued based on the expired approval; and

WHEREAS, the site specific development plan known as Rocky Peak Village has installed all the necessary infrastructure for the project and has received Preliminary Acceptance for the infrastructure; and

WHEREAS, the City of Steamboat Springs City Council finds it in the community's best interest to extend Rocky Peak Village vesting period.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:

Section 1. The term of approval for the site specific development plan originally approved as Rocky Peak Village (#FDP-05-11) shall be extended to August 8, 2012.

Section 2. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts, thereof, are in conflict herewith.

Section 3. If any section, subsection, clause, phrase or provision of this Ordinance is, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

Section 4. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

Section 5. This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6 (h) of the Steamboat Springs Home Rule Charter.

INTRODUCED, READ, AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the _____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

FINALLY READ, PASSED AND APPROVED this _____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

AGENDA ITEM # 15

CITY COUNCIL COMMUNICATION FORM

FROM: Tom Leeson, AICP, Director of Planning & Community Development (Ext. 244)

THROUGH: Jon Roberts, City Manager (Ext. 228)

DATE: January 19, 2010.

ITEM: An ordinance of the City of Steamboat Springs, Colorado, extending the vesting period for a site specific development plan originally approved as "Fulton Ridge" for an additional time period of three years, repealing all conflicting ordinances; providing for severability; and providing an effective date.

NEXT STEP: This is the second and final reading of the Ordinance.

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

An ordinance of the City of Steamboat Springs, Colorado, extending the vesting period for a site specific development plan originally approved as "Fulton Ridge" for an additional time period of three years.

II. RECOMMENDED ACTION:

Staff recommends City Council pass the ordinance at Second Reading.

III. FISCAL IMPACTS:

None.

IV. BACKGROUND INFORMATION:

See attached Planning Commission Report.

V. LEGAL ISSUES:

None.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None.

VII. SUMMARY AND ALTERNATIVES:

The ordinance extends the vesting period for a site specific development plan originally approved as "Fulton Ridge" for an additional time period of three years.

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, EXTENDING THE VESTING PERIOD FOR A SITE SPECIFIC DEVELOPMENT PLAN ORIGINALLY APPROVED AS "FULTON RIDGE" FOR AN ADDITIONAL TIME PERIOD OF THREE YEARS, REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council approved the Final Development Plan for the site specific development plan known as Fulton Ridge, a multi-family development Plan for a 7 buildings, containing 28 units (4 Deed Restricted units), on October 17, 2006; and

WHEREAS, the approval of a Final Development Plan remains effective for a period of three (3) years; and

WHEREAS, if an active building permit has been obtained for a Final Development Plan or part thereof, and the term of approval for a Final Development Plan expires, the development covered under the active building permit may continue; however, the Final Development Plan approval shall be considered expired and no new building permits may be issued based on the expired approval; and

WHEREAS, the site specific development plan known as Fulton Ridge has installed all the necessary infrastructure for the project and has received Preliminary Acceptance for the infrastructure; and

WHEREAS, the City of Steamboat Springs City Council finds it in the community's best interest to extend Fulton Ridge vesting period.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:

Section 1. The term of approval for the site specific development plan originally approved as Fulton Ridge (#FDP-06-13) shall be extended to October 17, 2012.

Section 2. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts, thereof, are in conflict herewith.

Section 3. If any section, subsection, clause, phrase or provision of this Ordinance is, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

Section 4. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

Section 5. This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6 (h) of the Steamboat Springs Home Rule Charter.

INTRODUCED, READ, AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the ____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

FINALLY READ, PASSED AND APPROVED this ____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

AGENDA ITEM # 16

CITY COUNCIL COMMUNICATION FORM

FROM: Tom Leeson, AICP, Director of Planning & Community Development (Ext. 244)

THROUGH: Jon Roberts, City Manager (Ext. 228)

DATE: January 19, 2010.

ITEM: An ordinance of the City of Steamboat Springs, Colorado, extending the vesting period for a site specific development plan originally approved as "Riverfront Park" for an additional time period of three years, repealing all conflicting ordinances; providing for severability; and providing an effective date.

NEXT STEP: This is the second and final reading of the Ordinance.

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

An ordinance of the City of Steamboat Springs, Colorado, extending the vesting period for a site specific development plan originally approved as "Riverfront Park" for an additional time period of three years.

II. RECOMMENDED ACTION:

Staff recommends City Council pass the ordinance at Second Reading.

III. FISCAL IMPACTS:

None.

IV. BACKGROUND INFORMATION:

See attached Planning Commission Report.

V. LEGAL ISSUES:

None.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None.

VII. SUMMARY AND ALTERNATIVES:

The ordinance extends the vesting period for a site specific development plan originally approved as "Riverfront Park" for an additional time period of three years.

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, EXTENDING THE VESTING PERIOD FOR A SITE SPECIFIC DEVELOPMENT PLAN ORIGINALLY APPROVED AS "RIVERFRONT PARK" FOR AN ADDITIONAL TIME PERIOD OF THREE YEARS, REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council approved the Final Development Plan for the site specific development plan known as Riverfront Park, a Planned Unit Development for a mixed use industrial, office and residential development including approximately 65,899 square feet of industrial space, 19,000 square feet of wholesale office/retail space and 21 deed restricted employee live/work units, on October 18, 2005; and

WHEREAS, the approval of a Final Development Plan remains effective for a period of three (3) years; and

WHEREAS, if an active building permit has been obtained for a Final Development Plan or part thereof, and the term of approval for a Final Development Plan expires, the development covered under the active building permit may continue; however, the Final Development Plan approval shall be considered expired and no new building permits may be issued based on the expired approval; and

WHEREAS, the site specific development plan known as Riverfront Park has installed all the necessary infrastructure for the project and has received Preliminary Acceptance for the infrastructure; and

WHEREAS, the City of Steamboat Springs City Council finds it in the community's best interest to extend Riverfront Park vesting period.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:

Section 1. The term of approval for the site specific development plan originally approved as Riverfront Park (#FDP-05-14) shall be extended to October 18, 2011.

Section 2. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts, thereof, are in conflict herewith.

Section 3. If any section, subsection, clause, phrase or provision of this Ordinance is, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

Section 4. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

Section 5. This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6 (h) of the Steamboat Springs Home Rule Charter.

INTRODUCED, READ, AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the _____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

FINALLY READ, PASSED AND APPROVED this _____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

AGENDA ITEM # 17

City Council Updates

A report will be provided at the meeting.

AGENDA ITEM # 18a1

*****TENTATIVE AGENDA FOR TUESDAY, FEBRUARY 2, 2010*****
This agenda is tentative and the information is subject to change until the agenda is finalized.

CITY OF STEAMBOAT SPRINGS

AGENDA REGULAR MEETING NO. 2010-03 TUESDAY, FEBRUARY 2, 2010

5:40 P.M.

MEETING LOCATION: Citizens' Meeting Room, Centennial Hall;
124 10th Street, Steamboat Springs, CO

MEETING PROCEDURE: Comments from the Public are welcome at two different times during the course of the meeting: 1) Comments no longer than three (3) minutes on items **not** scheduled on the Agenda will be heard under Public Comment; and 2) Comments no longer than three (3) minutes on all scheduled public hearing items will be heard **following** the presentation by Staff or the Petitioner. Please wait until you are recognized by the Council President. With the exception of subjects brought up during Public Comment, on which no action will be taken or a decision made, the City Council may take action on, and may make a decision regarding, ANY item referred to in this agenda, including, without limitation, any item referenced for "review", "update", "report", or "discussion". It is City Council's goal to adjourn all meetings by 10:00 p.m.

A City Council meeting packet is available for public review in the lobby of City Hall, 137 10th Street, Steamboat Springs, CO.

PUBLIC COMMENT: Public Comment will be provided at 7 p.m., or at the end of the meeting, (whichever comes first). CITY COUNCIL WILL MAKE NO DECISION NOR TAKE ACTION, EXCEPT TO DIRECT THE CITY MANAGER. **THOSE ADDRESSING CITY COUNCIL ARE REQUESTED TO IDENTIFY THEMSELVES BY NAME AND ADDRESS. ALL COMMENTS SHALL NOT EXCEED THREE MINUTES.**

A. ROLL CALL

B. COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:

1. Chamber Board Joint Meeting.

*******TENTATIVE AGENDA FOR TUESDAY, FEBRUARY 2, 2010*******

This agenda is tentative and the information is subject to change until the agenda is finalized.

C. CONSENT CALENDAR: MOTIONS, RESOLUTIONS AND ORDINANCES FIRST READINGS

LEGISLATION

ITEMS ON THE CONSENT CALENDAR GENERALLY REQUIRE LITTLE COUNCIL DELIBERATION AND MAY BE APPROVED WITH A SINGLE MOTION. ANY MEMBER OF THE COUNCIL OR THE PUBLIC MAY WITHDRAW ANY ITEM FROM THE CONSENT CALENDAR FOR FURTHER DISCUSSION AT ANY TIME PRIOR TO APPROVAL.

2. **MOTION:** City Council to not accept the 2010 pay increase. (Litzau)
3. **MOTION:** Haymaker Food and Beverage Food Service agreement. (Vanderbloemen)
4. **MOTION:** To approve amending the contract with Jim Moylan to include the scope of work for a Medical Marijuana Dispensary Permit Hearing Officer. (Small/Franklin)

D. PUBLIC HEARING: ORDINANCE SECOND READINGS

THE CITY COUNCIL PRESIDENT OR PRESIDENT PRO-TEM WILL READ EACH ORDINANCE TITLE INTO THE RECORD. PUBLIC COMMENT WILL BE PROVIDED FOR EVERY ORDINANCE.

5. **SECOND READING OF ORDINANCE:** An ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code, commonly referred to as the Steamboat Springs Community Development Code, to revise Sections 26-68 final plat, 26-141 phasing, and article VIII Agreements. (Shelton)
6. **SECOND READING OF ORDINANCE:** An ordinance amending certain Articles in Chapters 2 and 26 of the Steamboat Springs Revised Municipal Code pertaining to general administration of the City and execution of various documents, and establishing an effective date. (Lettunich)
7. **SECOND READING OF ORDINANCE:** An ordinance abolishing the Howelsen Hill Commission and repealing Division 13, Section 2-517, Section 2-518 and Section 2-519 of the Steamboat Springs Revised Municipal Code; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Wilson)
8. **SECOND READING OF ORDINANCE:** An ordinance abolishing the Tennis Advisory Committee and repealing Division 14, Section 2-520, Section 2-521 and Section 2-522 of the Steamboat Springs

*******TENTATIVE AGENDA FOR TUESDAY, FEBRUARY 2, 2010*******

This agenda is tentative and the information is subject to change until the agenda is finalized.

Revised Municipal Code; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Wilson)

- E. PUBLIC COMMENT: Public Comment will be provided at 7 p.m., or at the end of the meeting, (whichever comes first).** CITY COUNCIL WILL MAKE NO DECISION NOR TAKE ACTION, EXCEPT TO DIRECT THE CITY MANAGER. **THOSE ADDRESSING CITY COUNCIL ARE REQUESTED TO IDENTIFY THEMSELVES BY NAME AND ADDRESS. ALL COMMENTS SHALL NOT EXCEED THREE MINUTES.**
-

PLANNING
PROJECTS

F. PLANNING COMMISSION REPORT

G. CONSENT CALENDAR - PLANNING COMMISSION REFERRALS

9. PROJECT: Rendezvous Trails Subdivision, Filing 1, Lot 27 (Henderson VHR – Cleftstone Chalet)

PETITION: Development plan

LOCATION:

APPLICANT:

PLANNING COMMISSION VOTE: To be heard January 14, 2010.

H. PUBLIC HEARING – PLANNING COMMISSION REFERRALS

PUBLIC HEARING FORMAT:

- **Presentation by the Petitioner (estimated at 15 minutes). Petitioner to state name and residence address/location.**
- **Presentation by the Opposition.** Same guidelines as above.
- **Public Comment by individuals (not to exceed 3 minutes). Individuals to state name and residence address/location.**
- **City staff to provide a response.**

10. PROJECT:

PETITION:

LOCATION:

APPLICANT:

PLANNING COMMISSION VOTE:

I. REPORTS

11. City Council

*******TENTATIVE AGENDA FOR TUESDAY, FEBRUARY 2, 2010*******

This agenda is tentative and the information is subject to change until the agenda is finalized.

12. Reports

- a. Agenda Review (Franklin):
 - 1.) City Council agenda for February 16, 2010.
 - 2.) City Council agenda for March 2, 2010.

13. Staff Reports

- a. City Attorney's Update/ Report. (Lettunich)
 - b. Manager's Report: Ongoing Projects. (Roberts)
-

J. OLD BUSINESS

14. Minutes (Franklin)

- a. Regular Meeting 2010-01, January 5, 2010.
 - b. Regular Meeting 2010-02, January 19, 2010.
-

K. ADJOURNMENT

BY: JULIE FRANKLIN, CMC
CITY CLERK

AGENDA ITEM # 18a2

*** Tentative Agenda ***

STEAMBOAT SPRINGS REDEVELOPMENT AUTHORITY **AGENDA**

MEETING NO. SSRA-2010-01
TUESDAY, FEBRUARY 2, 2010
5:00 P.M.

MEETING LOCATION: Citizens' Meeting Room, Centennial Hall;
124 10th Street, Steamboat Springs, CO

A. ROLL CALL (5:00 P.M.)

B. BASE AREA REDEVELOPMENT

1. **Briefing: Design Refinements Promenade & Daylighting Burgess Creek.** (Kracum)
 2. **Briefing: Promenade & Daylighting Burgess Creek Proposal Process & Schedule.** (Kracum)
 3. **Briefing & Motion: Request Construction Proposals for Promenade & Daylighting Burgess Creek.** (Kracum)
 4. **Briefing & Motion: Promenade Street Furniture & Art Policy.** (Kracum)
-

C. APPROVAL OF MINUTES

5. **MINUTES:**
 - a. Steamboat Springs Redevelopment Authority Regular Meeting SSRA-2009-11, November 17, 2009.
 - b. Steamboat Springs Redevelopment Authority Regular Meeting SSRA-2009-12, December 15, 2009.
-

D. ADJOURNMENT (5:40 P.M.)

**BY: JULIE FRANKLIN
CLERK TO THE BOARD**

AGENDA ITEM # 18a3

*****TENTATIVE AGENDA FOR TUESDAY, FEBRUARY 16, 2010*****

This agenda is tentative and the information is subject to change until the agenda is finalized.

CITY OF STEAMBOAT SPRINGS

AGENDA

REGULAR MEETING NO. 2010-04
TUESDAY, FEBRUARY 16, 2010

5:00 P.M.

MEETING LOCATION: Citizens' Meeting Room, Centennial Hall;
124 10th Street, Steamboat Springs, CO

MEETING PROCEDURE: Comments from the Public are welcome at two different times during the course of the meeting: 1) Comments no longer than three (3) minutes on items **not** scheduled on the Agenda will be heard under Public Comment; and 2) Comments no longer than three (3) minutes on all scheduled public hearing items will be heard **following** the presentation by Staff or the Petitioner. Please wait until you are recognized by the Council President. With the exception of subjects brought up during Public Comment, on which no action will be taken or a decision made, the City Council may take action on, and may make a decision regarding, ANY item referred to in this agenda, including, without limitation, any item referenced for "review", "update", "report", or "discussion". It is City Council's goal to adjourn all meetings by 10:00 p.m.

A City Council meeting packet is available for public review in the lobby of City Hall, 137 10th Street, Steamboat Springs, CO.

PUBLIC COMMENT: Public Comment will be provided at 7 p.m., or at the end of the meeting, (whichever comes first). CITY COUNCIL WILL MAKE NO DECISION NOR TAKE ACTION, EXCEPT TO DIRECT THE CITY MANAGER. **THOSE ADDRESSING CITY COUNCIL ARE REQUESTED TO IDENTIFY THEMSELVES BY NAME AND ADDRESS. ALL COMMENTS SHALL NOT EXCEED THREE MINUTES.**

A. ROLL CALL

B. COMMUNITY RESPORTS/CITY COUNCIL DISCUSSION TOPIC:

- 1. Joint Meeting with the Yampa Valley Housing Authority.**
- 2. Tax Structure.**

*******TENTATIVE AGENDA FOR TUESDAY, FEBRUARY 16, 2010*******

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C. CONSENT CALENDAR: MOTIONS, RESOLUTIONS AND ORDINANCES FIRST READINGS

LEGISLATION

ITEMS ON THE CONSENT CALENDAR GENERALLY REQUIRE LITTLE COUNCIL DELIBERATION AND MAY BE APPROVED WITH A SINGLE MOTION. ANY MEMBER OF THE COUNCIL OR THE PUBLIC MAY WITHDRAW ANY ITEM FROM THE CONSENT CALENDAR FOR FURTHER DISCUSSION AT ANY TIME PRIOR TO APPROVAL.

2. RESOLUTION:

3. FIRST READING OF ORDINANCE:

D. PUBLIC HEARING: ORDINANCE SECOND READINGS

THE CITY COUNCIL PRESIDENT OR PRESIDENT PRO-TEM WILL READ EACH ORDINANCE TITLE INTO THE RECORD. PUBLIC COMMENT WILL BE PROVIDED FOR EVERY ORDINANCE.

E. PUBLIC COMMENT: Public Comment will be provided at 7 p.m., or at the end of the meeting, (whichever comes first). CITY COUNCIL WILL MAKE NO DECISION NOR TAKE ACTION, EXCEPT TO DIRECT THE CITY MANAGER. **THOSE ADDRESSING CITY COUNCIL ARE REQUESTED TO IDENTIFY THEMSELVES BY NAME AND ADDRESS. ALL COMMENTS SHALL NOT EXCEED THREE MINUTES.**

PLANNING PROJECTS

F. CONSENT CALENDAR - PLANNING COMMISSION REFERRALS:

ITEMS ON THE CONSENT CALENDAR GENERALLY REQUIRE LITTLE OR NO COUNCIL DELIBERATION AND MAY BE APPROVED WITH A SINGLE MOTION. A CITY COUNCIL MEMBER MAY REQUEST AN ITEM(S) BE REMOVED FROM THE CONSENT CALENDAR FOR FURTHER DISCUSSION. **ALL ORDINANCES APPROVED BY CONSENT SHALL BE READ INTO THE RECORD BY TITLE.**

4. FIRST READING OF ORDINANCE: 875 S. Lincoln zoning map amendment. (Peasley)

5. FIRST READING OF ORDINANCE: Text amendment sign code revisions. (Spence)

6. PROJECT: Copper Ridge Business Park Filing 4, Lot 2
PETITION: Development plan
LOCATION:
APPLICANT:
PLANNING COMMISSION VOTE: January 14, 2010.

*******TENTATIVE AGENDA FOR TUESDAY, FEBRUARY 16, 2010*******

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G. PUBLIC HEARING – PLANNING COMMISSION REFERRALS

PUBLIC HEARING FORMAT:

- **Presentation by the Petitioner (estimated at 15 minutes). Petitioner to state name and residence address/location.**
- **Presentation by the Opposition.** Same guidelines as above.
- **Public Comment by individuals (not to exceed 3 minutes). Individuals to state name and residence address/location.**
- **City staff to provide a response.**

7. PROJECT: Captain Jack Subdivision

PETITION: Preliminary Plat

LOCATION:

APPLICANT:

PLANNING COMMISSION VOTE: To be heard 1/14/2010.

H. REPORTS

8. City Council

9. Reports

- a. Agenda Review (Franklin):
 - 1.) City Council agenda for March 2, 2010.
 - 2.) City Council agenda for March 16, 2010.

10. Staff Reports

- a. Atmos Energy franchise agreement negotiations update. (DuBord)
- b. City Attorney's Update/Report. (Lettunich)
- c. Manager's Report: Ongoing Projects. (Roberts)

I. ADJOURNMENT

**BY: JULIE FRANKLIN, CMC
CITY CLERK**

AGENDA ITEM # 19a

City Attorney's Report

A report will be provided at the meeting.

AGENDA ITEM # 19b

City Manager/Local Business Weekly Meet & Greet 01/19/2010

City Manager Jon Roberts has met with the following businesses:

The Local
Ski Corp
Rotary
SmartWool
Allen's
TIC
Moots

Scheduled in the next few weeks:

Sheraton Steamboat Resort
Steamboat Grand
Zirkel Trading (and Soda Creek Pizza)
BAP!
FM Light & Sons