

CITY OF STEAMBOAT SPRINGS

AGENDA

REGULAR MEETING NO. 2010-03 TUESDAY, FEBRUARY 2, 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 REPORTS/CITY COUNCIL DISCUSSION TOPIC:

1. Chamber Board Joint Meeting.

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:** Motion for City Council to not accept the 2010 pay increase. (Litzau)
3. **MOTION:** Motion to approve amending the agreement with Jim Moylan to include the scope of work for compliance officer services for Medical Marijuana Dispensary licenses. (Franklin)
4. **RESOLUTION:** A resolution adopting the Amended By-Laws and the Amended and Restated Intergovernmental Agreement for the Yampa Valley Airport Commission. (Shelton)

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 Revised Municipal Code; repealing all conflicting ordinances; providing for severability; and providing an effective date. (Wilson)
 9. **MEDICAL MARIJANUA DISPENSARY LICENSE:** D and C, LLC. (Foote)
 10. **MEDICAL MARIJANUA DISPENSARY LICENSE:** Rocky Mountain Remedies, LLC. (Foote)
 11. **MEDICAL MARIJANUA DISPENSARY LICENSE:** Natural Choice Co-op. (Foote)
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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.**

PLANNING
PROJECTS

F. PLANNING COMMISSION REPORT

G. CONSENT CALENDAR - PLANNING COMMISSION REFERRALS

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

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.**

12. 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 and January 19, 2010 City Council meetings.

I. REPORTS

13. City Council

14. Reports

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

15. Staff Reports

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

J. OLD BUSINESS

16. 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 # 1



Proposed Agenda Outline For City Council/Chamber Board Joint Meeting

1. Introductions
2. Stated Purpose: Bob Larson, Board President/Cari Hermacinski, Council President
3. Review Council priorities for 2010 – Cari Hermacinski
4. Review Chamber Strategic Plan/2010 Action Plan – Bob Larson
5. Identify 3-4 items that we need to work on together to accomplish – Council/Chamber discussion, Public Comment
6. Determine next steps (staff direction, future meeting, other)



2008 – 2013

Issue Areas and Strategies
2010 Action Plan

Areas of potential cooperation with City Council and Staff

Issue Area #1 – Tourism Development

Understand New Tourism Demographic – Marketing Committee & Staff

- Strategy – Over the next 5 years, conduct research to measure and quantify new customer demographic.
 - **Intercept Survey will be conducted in 2010 which will help to quantify changes to our summer customer demographics**

- Strategy – In 2 years, the chamber will actively promote and pursue activities and events that appeal to this changing demographic.
 - **Identify cross marketing promotion opportunity – poster, postcard, etc. to reach winter guests with summer message**
 - **Develop cross marketing promotion event in March, 2010**
 - **Grow Steamboat All Arts Festival event to appeal to empty nester demographic**
 - **Follow trend toward opt-in emails and text message “hot deals” as a main form of communication for millennials**
STATUS: In progress
 - **Build up biking components on website, create a more detailed page, link to steamboatbiking.com url, find ways to hit multiple generations**
STATUS: Not started
 - **Give sustainability and its connection to Steamboat more of presence on website, with links, info and pages**
STATUS: Not started
 - **Video-Buy a flip video camera and partner with CMC, TV18, local high school students, etc. to edit 3 minute videos on events, outdoor activities and post on YouTube, website and create content contest**
STATUS: In Progress
 - **Target groups that travel together (biking groups, women groups) with press kit**
STATUS: Not started

Update web site to reflect changing technologies and social media networks- Marketing Committee & Staff

- Strategy-Over the next 6 months, increase our social media networking

- **Enhance blog by integrating community member guest bloggers writing about special topics in the community such as biking, skiing, fishing, dancing as well as providing an opportunity for visitor's to submit posts about their experiences in Steamboat; create blogging schedule**
STATUS: In progress
- **Create a new web page that provides links to our member businesses' blog, twitter and facebook accounts to create a great opportunity for visitor's to access information about our member businesses**
STATUS: Complete
- **Growth Categories- Utilize TwitPics, Facebook photos, links and video sharing galleries, Flickr gallery and YouTube.**
STATUS: In progress
- **Provide educational opportunities about getting the most out of the chamber's social media network, a breakfast or a lunch**
STATUS: Not started
- **Define four Twitter accounts: SteamboatCO, SteamboatPR, SteamboatBiz, SustainableBoat, and further identify target followers and messaging stimulating effective, strategic and active use**
STATUS: Complete

Maintain and Leverage our Olympic and Western Heritage – Marketing Committee, Board of Directors & Staff

- Strategy – Over the next 5 years, the chamber will promote and provide events and services that maintain and leverage our Olympic and Western Heritage
 - **Continue to support the Cultural and Heritage tourism group in their initiatives through for example bike tourism. Build the history and heritage through press kit, releases collateral and web as much as the budget allows us to support**
STATUS: In Progress
 - **Reconvene Walk of Olympians Task Force with SSWSC and have 4 plaques placed in sidewalk (Jon Wade)**
 - **Work with Ski Corp. and SSWSC to provide Olympic Sendoff and honor Todd Lodwick (Dean Vogelaar)**
- Strategy – Over the next 5 years, the chamber will support new tourism initiatives that highlight our Olympic and Western Heritage
 - **In the Special Event Funding process the Chamber will continue to promote cultural heritage components to events that receive funding**
 - **Develop podcasts/ iphone apps for hiking, biking, historical tours, Olympic history**
STATUS: Checking into

Grow Existing Signature Events and Create New Events/Series to Fill Gaps – Marketing Committee & Staff

- Strategy – In 5 years, our Signature events will be designed to attract national level exposure and growth in sponsorship revenues;
 - **Work with Ski Area to combine winter and summer sponsorship opportunities where appropriate**
 - **More Banner Ads on Facebook**

STATUS: In Progress

- Strategy – In 3 years we will have filled all gaps in our annual event schedule with new events that support our overall tourism strategy, providing renewal of Triple Crown Contract
 - **Continue to grow new events: All Arts Festival and OktoberWest by creating greater public awareness and attendance**
 - **Improvements for OktoberWest to include more music and Cruiser Bike Showcase on Saturday**
 - **Improvements to Wild West Air Fest to include showcasing more helicopters, gliders, and non-traditional aircrafts**
 - **Celebrate 30th Annual Balloon Rodeo anniversary with options such as gallery space to display images of history of event, seek out more vendors, identify a secondary viewing location, include a bike & balloon ride, give more info or a recording to bus drivers running shuttles with event info**
 - **Assist with existing or new bicycling events and marketing of bicycling assets**
 - **Research Music Festival opportunities**
 - **Make Triple Crown net promoters of our destination (TC Buddy Program-team moms)**
- Strategy – We will seek to create new events/series that leverage the fan and participation bases of existing assets
 - **Continue to seek community collaboration on event weekends – work with Main Street, Mountain Village group and other eventors to create weekend schedules and marketing that is cohesive**
 - **Broaden sponsorship programs to include VIP sponsors and volunteer opportunities in lieu of cash payment where appropriate, or smaller donations to Special Events in lieu of sponsorships**
 - **Solicit sponsorships more strongly in winter months**
 - **Create opportunity to share chamber calendar with member businesses**

STATUS: In progress

Construction Message – Marketing Committee & Staff

- Strategy – In the next year the chamber will create an ongoing campaign that creates excitement and a sense of possibility about the new construction that will be happening over the next several years
 - **Create messaging around Steamboat Unbridled for summer 2010 at the mountain and assist with downtown promotion during spring/fall construction on Hwy 40**
 - **Use Google Earth, Communitywalk.com pages, provide links and photos to give potential visitors a better feel for what it's like**

STATUS: Checking into

Funding Summer Marketing & Cross-Season Promotion

- Strategy – In the next year work with City Council and business leaders to find a way to secure funding for marketing the non-ski seasons

- **Form committee to evaluate funding mechanisms for effectively marketing the destination**
 - **Discuss how to measure our efforts beyond tax revenue, lodging barometer-go ask businesses what they believe is our measure of success-promote to local community**
STATUS: Not started-March
 - **Sound evaluation and measurement of existing plan through establishing stronger ROIs, metrics, to get a handle on tangible aspects of marketing by asking competitive set what they use and evaluating more frequently**

- **Prepare supplemental funding request for spring 2010**
- **Continue professional and effective use of current funds to market Steamboat Springs in non-ski season months**
- **Promote Steamboat's summer amenities through public relations**
 - **Augmentation-cultural Heritage Tourism speaks to layering tourism, for example bike tourism. Build the history and heritage through press kit, releases collateral and web as much as the budget allows us to support**
STATUS: In Progress
 - **Helping TV 18 and City's Channel 6 to produce and air summers shots and information during the winter-river, golf, biking, rafting, hiking**
STATUS: Not Started
 - **Spring-time event list sent to all members**
STATUS: Not started
 - **Push summer press releases out sooner in order to build summer connection to our winter visitors**
STATUS: Not started
 - **Include Sustainable Steamboat concepts in collateral**
STATUS: Not started-February

- **Promote Steamboat's summer amenities through marketing campaign**
 - **Marketing at DIA-viral, banners, United hub; already doing brochures and DMCVB; look into cost of back-lit signs**
STATUS: Not Started-February
 - **Put up summer photos at local airport departure locations**
STATUS: Complete
 - **Communicate summer assets better through non-traditional, multi-generational marketing with unique pictures, people vs. scenery, heartstring photos, focus on relationship aspects not product and experiences building off of we love steamboat concept**
STATUS: Not changing campaign, but will look into other avenues
 - **Create a summer piece (poster, table tent, brochure, bag stuffers) that member businesses can display in the Winter "Come for the winter, stay for the summer; make plan for low cost execution**
STATUS: Not started
 - **Retail shopping bags with summer advertising on one side, winter on the other**
STATUS: Checking into

- **Work collaboratively with lodging partners to effectively market the destination**
- **Provide education on competitive environment among destinations and value of marketing**

Issue Area #2 – Transportation

Take an Active Role in Local and Regional Transportation Issues – EDC & Board/Bob Larson (TRANSPORTATION SOLUTIONS PROCESS ONGOING)

- **Strategy – In the next year the chamber will seek to place a representative on public groups that are currently taking an active role in transportation issues**
 - **Continue to facilitate Transportation Solutions process to determine public acceptance of a Regional Transportation Authority and taxation**
- **Strategy – The chamber will create opportunities for members to actively engage in transportation issues through educational forums, coalitions for resource sharing and board awareness**
 - **With Transportation Solutions process there will be a series of open houses to display recommendations and gather input in 2010**
- **Strategy – The chamber will investigate and champion solutions to parking in downtown and mountain areas**
 - **The Transportation Solutions parking and transit committee is working on recommendations for improvements in both these areas**

Continue to Support Competitive Summer and Fall Air Service – LMD & Lodging

- **Strategy – The chamber will continue to promote year round competitive air service into YVRA**

Increase funding for Winter Air Service – LMD & Lodging

- **Strategy – Research mechanism for increasing LMD tax and work with lodging to find a way for current non-contributors to participate**
 - **Work with City Council and staff to strongly enforce payment of taxes from rental by owner properties**
 - **Work with timeshare, fractional, or other vacation property ownership structures to find ways to contribute to air service**
 - **Include air service funding as part of a Regional Transportation Authority**
 - **Work with City Council on new lodging developments to ensure a contribution mechanism for air service and to create more taxable nightly rental product**
 - **Partner with Board of Realtors to deliver message about funding of air service**
 - **Review Merchant Pass/Fly Steamboat program to encourage more participation**

Issue Area #3 – Infrastructure

YVRA – Board/Chris Diamond/Dean Vogelaar

- Strategy – The chamber will remain actively involved in Phase III of the YVRA expansion
 - **Work with chambers in region to establish a Yampa Valley regional information center at YVRA**
- Strategy – The chamber will champion the acceleration of the ongoing ramp expansion project

Sports Facilities – Board & Staff

- Strategy – The chamber will participate in future discussions on expanding sports facilities in the community
- Strategy – Work with City to negotiate a 10 year contract with Triple Crown Sports and to develop needed facilities to do this
 - **Negotiate a multiyear contract with Triple Crown Sports to be completed by September 2010**

Chamber Building – Building Task Force – Mark Halvorson, Jon Wade

- Strategy – Over the next two years, develop a capital improvement plan for the Chamber Building and property
 - **Review survey of property behind Chamber and current lease agreement**
 - **Identify additional space needs for storage, staff and meetings**
 - **Investigate options for building, land development or additional sites**
 - **Prepare a financial plan for future needs**

Issue Area #4 – Workforce

Workforce Housing – Board & Staff

- Strategy – Over the next 5 years, the chamber will be a stronger advocate for workforce housing
 - **Continue to remain informed of City and Yampa Valley Housing Authority initiatives and inform and educate membership as appropriate**

Childcare – Board & Staff

- Strategy – Over the next 5 years, the chamber will be a stronger advocate for childcare solutions for workforce
 - **Continue to participate with First Impressions and inform membership of any initiatives that may impact them**

Steamboat Friendliness –Membership/Lodging & Staff

- ****Strategy – Develop a new comprehensive training program for employees to promote and reward Steamboat friendliness throughout the community – NEW SPURS ON SERVICE PROGRAM**
 - **Increase business participation in the Spurs on Service program to 50 by December 2011**
 - **Spurs on Service training program offered winter and summer season**
 - **Work with Lodging group and Ski Area and City to raise service standards throughout the community**

Issue Area #5 – Government Relations

URA – Board/David Nagel & David Baldinger, Jr.

- **Strategy – The chamber will continue to support the URA to ensure progress and completion of the base area redevelopment plan as established**
 - **Continue to monitor progress in current economic conditions**
 - **Assist with messaging about Steamboat Unbridled during construction season**
 - **Assist mountain and downtown businesses with promotions during construction period of summer 2010**
 - **Work with developers of Ski Time Square to market new initiatives to create vitality at mountain base area**

City and County Government – Board/David Nagel, Bob Larson, Dave Ruppel

- *****Strategy – Involve board members to improve relationships with City and County elected officials and staff**
 - **Create a Government Relations Task Force**
 - **Meet with full City Council early 2010 to discuss agendas for improving economy and ways to partner**
 - **Meet regularly with Council and Commissioner representatives**
 - **Meet regularly with City and County managers**
 - **Ensure that representatives of City Council attend board meetings**

Issue Area #6 – Business Development

Sustainable Business Practices – Membership

- **Strategy – The chamber will continue to support, encourage and reward businesses through the Sustainable Steamboat Business program**
 - **Work with consultant to review pricing and structure of program to maximize benefit to businesses at affordable rates**
- **Strategy – The chamber will look to have representation on the Yampa Valley Sustainability Council and contribute to community wide sustainability education and initiatives**

Strengthen Local Businesses – Membership/EDC/Ambassadors

- Strategy – Continue to promote Buy Local Campaign for both retail and service businesses
- Strategy – Provide forecasting and training for businesses
 - **Develop addition to lodging barometer to provide long range forecasting tool**
 - **Hold Business Outlook Breakfasts monthly during the winter months to help businesses prepare**
 - **Host EDC forums Series**
 - **Host EDC Economic Summit – Look at changes in the environment due to recession**
 - **Host Forum on Health Care initiatives**
- Strategy – Continue to reach out to non-traditional business sectors – young business owners and location neutral businesses while strengthening membership base
 - **Continue to work with YPN to ensure its success**
 - **Continue to produce and develop diverse and effective networking opportunities**
 - **Continue regular weekly communication to members**
 - **Increase business visitation with Ambassadors and staff**
 - **Reach out to employers to add employees to communication lists to broaden message delivery**
 - **Investigate scholarship and monthly auto billing for long standing members who need assistance**
 - **Increase polling and surveying opportunities and increase response rate with incentives**

AGENDA ITEM # 2

**Motion: City Council to not accept
the 2010 pay increase (Litzau)**

This item is a discussion only.

AGENDA ITEM # 3

CITY COUNCIL COMMUNICATION FORM

FROM: Julie Franklin, City Clerk (Ext. 248)
Dan Foote, Staff Attorney (Ext. 223)

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

DATE: February 2, 2010

ITEM: **MOTION: To approve amending the agreement with Jim Moylan to include the scope of work for compliance officer services for Medical Marijuana Dispensary licenses. (Franklin)**

NEXT STEP: **Approve the attached Extension Agreement.**

ORDINANCE
 RESOLUTION
 MOTION

I. REQUEST OR ISSUE:

Staff was directed to administer the Medical Marijuana Dispensary License process similar to the Liquor License process, which includes a compliance hearing officer for any violations.

II. RECOMMENDED ACTION:

Staff recommends approval of the attached Extension Agreement expanding Jim Moylan's (the City's current Liquor License Hearing Officer) scope of work to include Medical Marijuana Dispensary License violations.

III. BACKGROUND INFORMATION:

Mr. Moylan is compensated at the rate of \$200 per hour when services are provided, which comes out of Council's budget.

ATTACHMENTS:

Attachment 1. Extension Agreement

EXTENSION AGREEMENT

This Extension Agreement is entered into this _____ day of _____, 2010 by and between the City of Steamboat Springs (City), a Municipal Corporation organized under the laws of the State of Colorado, and James J. Moylan (“Contractor”).

RECITALS

WHEREAS, that certain Original Agreement dated May 28, 2008 (Original Agreement), and by this reference made a part hereof, was entered into between the City and Contractor for the purpose of providing liquor license compliance officer services in Steamboat Springs, Colorado; and

WHEREAS, Section 6 of the Original Agreement provides for two, one-year renewals of the Agreement at the sole discretion of the City; and

WHEREAS, the City desires to extend the Original Agreement for the term of January 1, 2010 to December 31, 2010 and expand the scope of work to include compliance officer services for medical marijuana dispensary licenses; and

NOW, THEREFORE IN CONSIDERATION of the promises and covenants herein contained, the parties hereto mutually agree as follows:

1. The Original Agreement is hereby extended for the term from January 1, 2010 through December 31, 2010.
2. The Contractor’s scope of work shall also include compliance officer services for medical marijuana dispensary licenses. Contractor shall be compensated at the rate of \$200 per hour when services are provided.
3. It is expressly agreed by the parties that this is supplemental to the Agreement dated May 28, 2008 and shall in no way act as a waiver of any of the conditions and obligations imposed on the parties by the Original Agreement executed by them, and any rights that either of the parties may have by virtue of such Original Agreement shall remain binding without modification or amendment.

IN WITNESS WHEREOF, the parties have set their hands the day and year first written above.

CITY OF STEAMBOAT SPRINGS
A Municipal Corporation

Jon B. Roberts, City Manager

ATTEST:

Julie Franklin, City Clerk

Moylan 2010 Extension Page 1 of 2

AGENDA ITEM # 4

CITY COUNCIL COMMUNICATION FORM

FROM: Philo Shelton, Public Works Director (871-8204)

THROUGH: Jon Roberts, City Manager

DATE: February 2, 2010

RE: A RESOLUTION ADOPTING THE AMENDED BY-LAWS AND THE AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT FOR THE YAMPA VALLEY AIRPORT COMMISSION.

NEXT STEP: No additional steps are required.

X ACTION

I. REQUEST OR ISSUE:

Discussion and consideration to approve and recommend that the Steamboat Springs City Council approve the amended Yampa Valley Airport Commission (YVAC) by-laws establishing a policy to hold bimonthly meetings and add a hold harmless clause, and to adopt the Amended and Restated Intergovernmental Agreement for the YVAC.

II. RECOMMENDED ACTION:

Approve the resolution adopting the amended by-laws and IGA of the YVAC.

III. FISCAL IMPACTS:

Proposed Expenditure: NA
Funding Source: NA

IV. BACKGROUND INFORMATION:

The YVAC gave direction during the annual retreat to prepare an amendment to the by-laws to hold bimonthly meetings instead of monthly meetings and add a hold harmless clause.

The YVAC and the Routt County BCC have signed the amendment. An unsigned copy is attached as an exhibit to the resolution.

V. LEGAL ISSUES:

The City Attorney and John Merrill (County Attorney's office), have reviewed the amended language.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None.

VII. SUMMARY AND ALTERNATIVES:

Alternative: Maintain the current by-laws and current IGA of the YVAC.

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE AMENDED BY-LAWS AND THE AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT FOR THE YAMPA VALLEY AIRPORT COMMISSION.

WHEREAS, the City of Steamboat Springs and Routt County have heretofore entered into an Intergovernmental Agreement Establishing the Yampa Valley Airport Commission dated as of August 5, 2003, pursuant to which the Yampa Valley Airport Commission (the "Airport Commission") was established; and

WHEREAS, the Yampa Valley Airport Commission, as heretofore established, was confirmed as a commission of both County and City, and the Amended and Restated Intergovernmental Agreement Establishing the Yampa Valley Airport Commission was adopted by the Routt County Commissioners on December 22, 2009; and

WHEREAS, the Yampa Valley Airport Commission (YVAC) gave direction during their 2009 annual retreat to prepare an amendment to the By-Laws to establish a policy to hold bimonthly meetings and add a Hold Harmless clause; and

WHEREAS, the attached Amended By-Laws were drafted by the County Attorney and adopted by the Routt County Commissioners on December 22, 2009; and

WHEREAS, the attached Amended By-Laws and the attached Amended and Restated Intergovernmental Agreement have been reviewed and approved by City legal staff.

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

Section 1. The Amended By-Laws for the Yampa Valley Airport Commission, attached hereto as Exhibit A, are hereby approved.

Section 2. The Amended and Restated Intergovernmental Agreement Establishing the Yampa Valley Airport Commission, attached hereto as Exhibit B, is hereby approved.

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

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

ATTEST:

**Julie Franklin, CMC
City Clerk**

AMENDED BY-LAWS
OF THE
YAMPA VALLEY AIRPORT COMMISSION

This Commission has been established pursuant to an Intergovernmental Agreement (the “IGA”) between the City of Steamboat Springs and Routt County. In the event of any conflict between the rules and procedures in these by-laws and the IGA, the IGA shall control.

Article I. Election

A. There shall be elected a Chair and a Vice Chair. Said officers shall be elected at the first regular meeting of the year, except that successors shall be elected at the first regular meeting following resignation or removal of any officer from the Yampa Valley Airport Commission (“Commission”). Elections of officers shall be the first order of business at the appropriate meeting and the election shall be held by member voting on seconded nominations. In case of a tie vote, additional seconded nominations shall be taken for the tied contestants and additional seconded nominations and votes shall be taken until one person has received a majority vote. Following the election of a Chair, the Vice Chair shall be elected.

B. Chair

The Chair shall take the chair at the hour appointed for the Commission meeting, and shall immediately call the members to order. He/she shall preserve decorum and decide all questions of order, subject to appeal of the Commission. If members transgress the rules of the Commission, the Chair shall call them to order.

C. Vice Chair

The Vice Chair shall perform the duties of Chair during the latter’s absence or disability.

D. Temporary Chair

In the event of the absence of the Chair and Vice Chair, the Yampa Valley Regional Airport (“YVRA”) Airport Manager or the Steamboat Springs Airport Manager, or a representative of either office, shall call the Commission to order and call the roll of the members. If a quorum is found to be present, the Commission shall

proceed to elect, by a majority vote of those present, a Chair for the meeting to act until the Chair or Vice Chair appears.

Article II. Sessions

A. Regular Meetings

The Commission shall meet in regular session bi-monthly on the second Thursday of the month with other meetings scheduled by motion on the fourth Thursday of the month. When a regular meeting is scheduled on a holiday, the regular meeting shall be held on the following Thursday unless otherwise provided for by motion. All regular meetings shall commence at 6:00 p.m. in the Yampa Valley Regional Airport Administration Building, the FBO of Bob Adams Field, or such other suitable public spaces as may be determined by vote of the Commission at its previous meeting.

B. Special Meetings

Special meetings shall be called by the staff upon the request of the Chair, or by any two members of the Commission, and the staff shall provide at least 24 hours' notice to each member of the Commission. No special meeting shall be held unless all members are personally notified of said meeting, and a quorum of the Commission is present.

C. Adjourned Sessions

Any session of the Commission may be continued or adjourned from day to day or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting thereafter.

D. Quorum

A quorum consisting of a simple majority of the seated members of the Commission is required for the transaction of business at all Commission meetings. All regular members shall be entitled to vote but shall not have the right to grant a proxy or to have an alternate attend the Airport commission meetings on their behalf. Notwithstanding the foregoing sentence, the City Council of Steamboat Springs, Board of County Commissioners of Routt County, the Town of Hayden and the Board of County Commissioners for Moffat County along with the Craig City Council may designate a primary representative member and one alternate representative member for the seats filled by their appointment and, in the absence of the primary representative member, the alternate representative member shall be considered seated and_ entitled to vote. The selection process for the alternate shall be the same as that for the primary representative.

Article III. Officers and Employees

A. Secretary

The YVRA Airport Manager or the Steamboat Springs Airport Manager, or a staff representative of either office, shall serve as secretary to the Commission and shall keep minutes of meetings and perform such other and further duties in the meeting as may be ordered by the Chair. The Secretary shall furnish each member of the Commission with a copy of the minutes of all Commission meetings. The Secretary shall attest to the signature of the Chair on all documents where necessary and shall perform such other duties as may be required by law.

B. Other Duties of Staff

The YVRA Airport Manager or the Steamboat Springs Airport Manager, or a staff representative of either office, shall attend all Commission meetings, and shall advise the Commission of relevant regulations and factual data requested by the Commission. The staff shall conduct such investigations and direct such planning efforts that may reasonably be assigned by the Commission.

C. Other City or County Officers and Employees

When the Commission wishes to confer with the head of any department or any office or employee of the County on any matter relating to the Yampa Valley Regional Airport or the Steamboat Springs Airport, the City or County Managers shall be asked to request that such official or employee attend a regular, adjourned or special meeting.

Article IV. Order of Business

A. The agenda for all regular or special meetings of the Commission shall be set by the Commission Chair, in consultation with the YVRA Airport Manager and the Steamboat Springs Airport Manager. Copies of meeting agendas shall be provided to the Commission members as far in advance as possible of the meetings to which they pertain.

B. The Commission shall assign committees as necessary in the conduct of normal business.

Article V. Duties and Privileges of Members

ATTEST:

YVAC Secretary

by: _____
Paul Hughes, Chairman

Ratified this ____ day of _____, 2009 by Routt County, Colorado.

ATTEST:

_____ by:

Kay Weinland
Routt County Clerk

Douglas B Monger, Chairman
Routt County Board of County
Commissioners

Ratified this ____ day of _____, 2009 by the City of Steamboat Springs,
Colorado.

ATTEST:

_____ by:

Julie Franklin
City Clerk

Cari Hermacinski, President
Steamboat Springs City Council

**AMENDED AND RESTATED
INTERGOVERNMENTAL AGREEMENT
ESTABLISHING THE YAMPA VALLEY AIRPORT COMMISSION**

This Amended and Restated Intergovernmental Agreement Establishing the Yampa Valley Airport Commission (the "Amended Agreement") dated as of _____, 2009, is between the City of Steamboat Springs, Colorado, a municipality chartered pursuant to the laws of the State of Colorado ("City") and Routt County, Colorado ("County") acting by and through its Board of County Commissioners.

Recitals

A. City is the owner and operator of the Steamboat Springs Airport at Bob Adams Field ("BAF").

B. County is the owner and operator of the Yampa Valley Regional Airport ("YVRA") located at Hayden, Colorado. Collectively, BAF and YVRA are sometimes referred to hereinafter as the "Airports."

C. City and County have extensively discussed the need for and advantages of having unified policies and long-range planning for the Airports and the possibility of forming a statutory airport authority pursuant to the Colorado Public Airport Authority Act (C.R.S. Section 41-3-101, et seq.) to obtain those objectives.

D. City and County have concluded that, rather than forming a statutory airport authority, forming an airport commission by an intergovernmental agreement is more consistent with the above objectives while allowing each to maintain ownership of its airport.

E. City and County have heretofore entered into an Intergovernmental Agreement Establishing the Yampa Valley Airport Commission (the "Agreement") dated as of August 5, 2003 and amended as of January 10, 2006, pursuant to which the Yampa Valley Airport Commission (the "Airport Commission") was established.

F. City and County desire to further amend the Agreement in certain respects.

G. City and County intend by this further Amended Agreement to amend and restate the Agreement and to set forth the terms and conditions under which the Airport Commission will exist and operate and to further set forth the relationships among City, County and the Airport Commission.

Terms and Conditions

Section 1. Airport Commission Established:

The Yampa Valley Airport Commission, as heretofore established, is hereby confirmed as a commission of both County and City. City and County agree to share equally in the start-up and operational costs of the Airport Commission, such as the cost of obtaining stationery, advertising for commission members, the salary for the Commission's minute taker, and expense incurred by commission members in the performance of their duties.

Section 2. Selection of Airport Commission Members:

There shall be nine regular members of the Airport Commission whose qualifications and manner of selection shall be as follows:

- a. Seat One shall be occupied by a member of the City Council of the City of Steamboat Springs, as selected by said City Council.
- b. Seat Two shall be occupied by a member of the Board of County Commissioners of Routt County, as selected by said Board of County Commissioners.
- c. Seat Three shall be occupied by a resident of Moffat County, Colorado, to be nominated by the Board of County Commissioners of Moffat County and the City Council of the City of Craig, Colorado, and appointed jointly by the City Council of Steamboat Springs and the Board of County Commissioners of Routt County.
- d. Seat Four shall be occupied by a resident of the Town of Hayden, Colorado, to be nominated by the Town of Hayden Town Board, and appointed jointly by the City Council of Steamboat Springs and the Board of County Commissioners of Routt County.
- e. Seat Five shall be occupied by an officer, director or employee of the Steamboat Ski & Resort Corporation, to be nominated by the President of said corporation, and appointed jointly by the City Council of Steamboat Springs and the Board of County Commissioners of Routt County.
- f. Seat Six shall be occupied by a resident of Routt County, to be appointed jointly by the City Council of Steamboat Springs and the Board of County Commissioners of Routt County, based upon the nomination of the Interview Committee established pursuant to Section 4 of this Agreement.
- g. Seat Seven shall be occupied by a resident of Routt County active in the general business community to be nominated by the Steamboat Springs Chamber Resort Association. Said member shall be appointed jointly by the City Council of Steamboat Springs and the Board of County Commissioners of Routt County.

h. Seats Eight and Nine shall be occupied by residents of Routt County active in the aviation community. Said members shall be appointed jointly by the City Council of Steamboat Springs and the Board of County Commissioners of Routt County based upon the nomination of the Interview Committee established pursuant to Section 4 of this Agreement.

With the exception of the member occupying Seat Three, all members of the Airport Commission must be full-time residents of Routt County.

Where appointments are specified to be made jointly by the City Council of Steamboat Springs and the Board of County Commissioners of Routt County, said bodies' actions of appointment shall be by separate vote although said bodies may deliberate such action at a joint meeting.

All regular members shall be entitled to vote but shall not have the right to grant a proxy or to have an alternate attend the Airport commission meetings on their behalf. Notwithstanding the foregoing sentence, the City Council of Steamboat Springs, Board of County Commissioners of Routt County, the Town Council of Hayden and the Board of County Commissioners of Moffat County along with the Craig City Council may designate a primary representative member and one alternate representative member for the seats filled by their appointment and, in the absence of the primary representative member, the alternate representative member shall be entitled to vote. A majority of the members entitled to vote shall constitute a quorum of the Airport Commission.

Section 3. Term of Airport Commission Members:

The terms of the members occupying Seats One and Two shall be indefinite and determined by the elective body, that is the City Council or Board of County Commissioners, selecting such members; provided, however, that the terms of such members shall automatically expire upon termination of such member's term on the elective body which they represent. All other members of the Airport Commission except those occupying Seats One and Two shall serve four year terms; provided, however, that the terms of the members initially occupying Seats Three, Seven, Eight and Nine shall end on June 30, 2007.

All members of the Airport Commission other than those occupying Seats One and Two shall serve at the pleasure of both the City Council and the Board of County Commissioners and may be removed at any time, with or without cause, by action of both such bodies. The foregoing provisions notwithstanding, any duly appointed member of the Airport Commission shall continue to serve until the member's successor has been appointed. Members may be appointed to serve successive terms without limitation.

All members of the Airport Commission shall serve without compensation except for such amounts determined appropriate by the County Manager or County Commissioners and City Manager or City Council to offset expenses incurred by Airport Commission members in the performance of their duties as Airport Commission members.

The City Manager of the City of Steamboat Springs and the County Manager of Routt County or their designees shall serve as liaisons to the Commission on behalf of their respective employers.

Section 4. Interview Committee:

The Interview Committee shall consist of three members of the City Council of Steamboat Springs and three members of the Board of County Commissioners of Routt County.

The Interview Committee shall be responsible for notifying those parties having nominating power with respect to members of the Airport Commission of that power and the deadlines for exercising that power. The Interview Committee shall also be responsible for providing notice to the public including, without limitation, by advertisements in the newspapers designated as the official publications of the City and the County, that the Interview Committee is accepting letters of interest and resumes for such seats on the Airport Commission as the Interview Committee has responsibility for making recommendations to the City and the County.

The Interview Committee shall make recommendations to the City Council and the Board of County Commissioners as to replacements for members occupying Seats Six, Seven, Eight and Nine in the event that any of those seats should become vacant for any reason during a term. In such case, the Interview Committee shall make its recommendation within 45 days after the seat becomes vacant.

Additionally, the Interview Committee shall make recommendations as to the members to occupy Seats Six, Seven, Eight and Nine no later than 45 days before the expiration of the terms of the members occupying those seats in accordance with Paragraph 3 hereof.

The Interview Committee shall request the Board of County Commissioners of Moffat County and the City Council of the City of Craig to provide their nomination for Seat Three in the event that such seat becomes vacant during a term and shall also request their nomination for that seat at least 90 days prior to the end of the term of Seat Three. In the event that the Board of County Commissioners of Moffat County and the City Council of the City of Craig fail to make the requested nomination within 30 days after the request is made by the Interview Committee, then the Interview Committee shall make a recommendation to the City Council of the

City of Steamboat Springs and the Board of County Commissioners of Routt County as to the member to occupy such seat within 30 days after the expiration of the 30 day period for nominations by those entities.

The Interview Committee shall request the Town Council of Hayden to provide its nomination for Seat Four in the event that such seat becomes vacant during a term and shall also request their nomination for that seat at least 90 days prior to the end of the term of Seat Four. In the event that the Town Council of Hayden fails to make the requested nomination within 30 days after the request is made by the Interview Committee, then the Interview Committee shall make a recommendation to the City Council of the City of Steamboat Springs and the Board of County Commissioners of Routt County as to the member to occupy such seat within 30 days after the expiration of the 30 day period for nominations by those entities.

The Interview Committee shall request the Steamboat Springs Chamber Resort Association to provide its nomination for Seat Seven, in the event that such Seat becomes vacant during a term and shall also request its nomination for Seat Seven at least 90 days prior to the end of the term for Seat Seven. In the event that the Steamboat Springs Chamber Resort Association fails to make the requested nomination within 30 days after the request is made by the Interview Committee, then the Interview Committee shall make a recommendation to the City Council of the City of Steamboat Springs and the Board of County Commissioners of Routt County as to the member to occupy such Seat within 30 days after the expiration of the 30 day period for nomination by such entity.

In the event that the Interview Committee fails to make any recommendation required of it hereunder, the City Council and the Board of County Commissioners may jointly appoint members to seats for which no recommendation had been made without such recommendation.

Section 5. Meetings:

The Airport Commission shall meet at least bi-monthly with the managers of the Airports. Meetings of the Airport Commission shall be held at such place and time as a majority of the Airport Commission may agree. City and County shall make such of their facilities available to the Airport Commission for meetings upon request of the Airport Commission and to the extent consistent with other uses of those facilities. Minutes shall be kept of all Airport Commission meetings. The Airport Commission shall have the responsibility and authority to select, for hiring through the Airport Manager of YVRA, qualified minute takers for all meetings of the Airport Commission. The Airport Commission shall comply with all requirements of the Open Public Meetings Act, (C.R.S. Section 24-6-401 et seq.) applicable to "local public bodies" as defined in that Act as well as any applicable provisions of the Charter of the City of Steamboat Springs, ordinances of the City

of Steamboat Springs and resolutions of the Board of County Commissioners of Routt County.

In addition, the Airport Commission shall conduct its proceedings in accordance with Robert's Rules of Order, Revised.

Section 6. Authority and Responsibilities of the Airport Commission:

a. Policy Direction To Airport Managers Regarding the Operation and Management of Airports. The Airport Commission shall provide policy direction to the Airport Manager of YVRA and the Airport Manager of BAF in relation to the operation and management of the airport for which each is responsible. The Airport Manager of YVRA shall remain an employee of County and, subject to the authority of the Airport Commission to provide policy direction to the Airport Manager of YVRA concerning matters related to the operation and management of YVRA, under the direction of the County Manager. The Airport Manager of BAF shall remain an employee of City and, subject to the authority of the Airport Commission to provide policy direction to the Airport Manager concerning matters related to the operation and management of BAF, under the direction of the City Manager. All personnel actions, such as discipline or termination, taken with respect to the Airport Manager of YVRA shall be taken only by the County Manager or the Board of County Commissioners following consultation with the Airport Commission. All personnel actions, such as discipline or termination, taken with respect to the Airport Manager of BAF shall be taken only by the City Manager following consultation with the Airport Commission.

b. Airport Budget Preparation. The Airport Commission, with the assistance of the Airport Managers, shall be responsible for preparing and presenting operations, personnel and capital budgets for YVRA and BAF. These budgets shall comply with the accounting and budgeting procedures of the County or City, as applicable and shall be subject to the approval and adoption by the Board of County Commissioners or the City Council, as applicable. The Airport Commission shall also prepare and present a budget for each budget year commencing with 2004 for the operational expenses of the Airport Commission. This budget for the operational expenses of the Airport Commission shall also be subject to approval and adoption of both the Board of County Commissioners and the City Council, it being the intent that County and City shall share equally in these expenses.

c. Limitations on Authority of the Airport Commission. The foregoing provisions notwithstanding, the Airport Commission shall not have the authority to do any of the following without the consent of the City or County, or both, as applicable:

- i. to make substantial changes in the operations of either of the Airports;
- ii. to acquire or dispose of real property or other assets subject to the Airport Commission's management;

iii. to commit or expend funds except in accordance with an adopted budget;
iv. to borrow or lend money;
v. to hire, terminate, discipline, promote, demote or reassign the personnel of either Airport;
vi. to transfer funds, personnel or equipment from one airport to the other except on a short-term basis in response to special circumstances.

d. Capital Improvements Planning. The Airport Commission shall formulate and forward to the Board of County Commissioners and City Council, short, medium and long-range capital improvement plans for each of the Airports.

Section 7. No Joint Venture or Partnership Created:

BAF and all assets of the City used in connection with BAF shall remain assets of the City. YVRA and all assets of the County used in connection with YVRA shall remain assets of the County. No assumption of indebtedness by City or County of the other's indebtedness shall result from this Agreement or the operation of the Airport Commission. No joint venture or partnership is created hereby. It is the intention of City and County that the Airport Commission provide for unified direction of BAF and YVRA, but City shall continue to fund the operations of BAF and County shall continue to fund the operations of the YVRA.

Section 8. Allocation of Liability and Provision for Insurance:

City shall indemnify, defend and hold County, the Board of County Commissioners, all members of the Yampa Valley Airport Commission, and all employees and insurers of the County harmless from any claim, lawsuit or other liability made against all or any of them arising out of the operation of BAF. County shall indemnify, defend and hold City, the City Council, all members of the Yampa Valley Airport Commission, and all employees and insurers of City harmless from any claim, lawsuit or other liability arising out of the operation of YVRA.

In order to protect themselves, City and County at all times during the term of this Agreement shall each maintain standard form comprehensive airport liability and omissions public officials/professional coverage which is mutually acceptable to the City and County. Worker's compensation insurance for County employees shall be the responsibility of County, and worker's compensation insurance for City employees shall be the responsibility of City.

Section 9. Notice:

Any notice required under this Agreement may be personally delivered or mailed in the United States mails, first class postage prepaid to the party to be served at the following addresses:

City: City Council
c/o City Manager
P.O. Box 775088
Steamboat Springs, Colorado 80477

County: Board of County Commissioners
c/o County Manager
P.O. Box 773598
Steamboat Springs, Colorado 80477

Notices personally served shall be deemed served on the date of delivery. Notices mailed shall be deemed served the next business day following the date of mailing if mailed in Steamboat Springs, Colorado.

Section 10. Amendments:

This Agreement may not be amended except by a written document executed by both City and County.

Section 11. Term and Termination of Agreement:

Subject to due execution of this Agreement by the parties, this Agreement shall be effective as of August 5, 2003. The initial term of this Agreement shall be from August 5, 2003, through December 31, 2003. Thereafter, its term shall automatically be extended annually for the following year unless either party gives written notice of termination to the other party at least 90 days prior to the commencement of the renewal period. In addition, this Agreement may be terminated at any time by either party hereto upon 90 days written notice to the other party to this Agreement.

Upon termination, the obligations of the parties hereunder shall terminate. Upon termination, the assets originally those of City shall remain City's and those originally those of County shall remain County's. Any assets purchased jointly by City and County for use at a particular airport shall become assets of the party (i.e., City or County) at whose airport they are in use at the time of termination. Any assets purchased jointly by City and County for use at both airports shall remain assets jointly owned by City and County in proportion to their contribution to the purchase price of such assets.

Section 12. Covenant of Good Faith:

City and County recognize that, in order to achieve the goals for the Airport Commission and the Airports as stated in this Agreement, the City and County need to continue cooperating.

Attest:

CITY OF STEAMBOAT SPRINGS,
COLORADO

Julie Franklin
City Clerk

By: _____
Cari Hermacinski,
Council President
Steamboat Springs City
Council

L:\AIRPORT\AIRPORT AUTHORITY\YVAC.IGA.AMEND&RESTATEV2.DOC (1/10/2006)

AGENDA ITEM # 5

CITY COUNCIL COMMUNICATION FORM

FROM: Philo Shelton, Public Works Director

THROUGH: Jon Roberts, City Manager

DATE: February 2, 2010

ITEM: **SECOND READING OF ORDINANCE:** 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: None

ORDINANCE (second reading)
 RESOLUTION
 MOTION
 DIRECTION
 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 Director approvals. 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 Code and 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 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**

AGENDA ITEM # 6

CITY COUNCIL COMMUNICATION FORM

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

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

DATE: Tuesday, February 2, 2010

RE: Ordinance - Second 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 Second 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 second 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.

We have added one new section between first and second readings addressing the time frame for appealing a denial at Planning Commission. This is the amendment to section 26-47 and adds subsection (b)(3). The municipal code has previously contained no express provision on the issue of Planning Commission appeals. That has led to confusion and the application of other similar sections regarding appeals to determine the appropriate time frame for appeal of a Planning Commission denial. This addition resolves that problem.

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 second reading, with or without further amendments to the proposed language. The City Council may also table the second reading or deny the second reading.

If approved at second reading on February 2, 2010, the title will be published in the newspaper on February 7, 2010 and will take effect on Friday, February 12, 2010.

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. 26-47. Planning commission role and procedures.

• • •
(b)
• • •

(3) Appeal of planning commission decision. Any aggrieved party may appeal a decision made by the planning commission. A written appeal must be submitted to the city clerk within fifteen (15) calendar days of the date of the decision, and must include a statement of the grounds for the appeal, and any applicable fees. Any appeal submitted by the applicant must include the original signature of the property owner, if the property owner is different from the applicant.

a. Effect of appeal. If the planning commission decision is appealed, the director and council shall follow the procedures outlined in subsection 26-48(b)(2)b. for city council review where a hearing is requested.

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, city council president pro tem, or the city manager, and the city clerk shall attest the signature of the city council president, city council 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, city council 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, city council 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, 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 # 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: February 2, 2010

ITEM: **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 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

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: February 2, 2010

ITEM: **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 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:

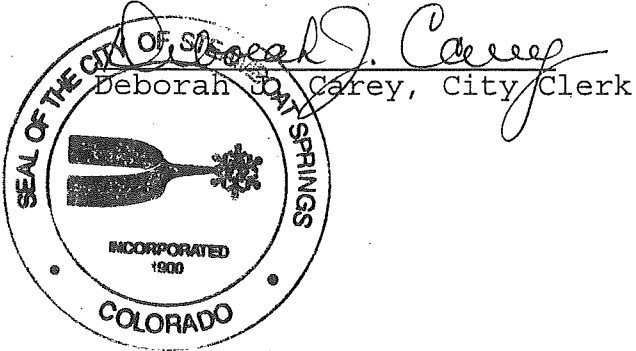
- 1) the Committee shall have ten (10) members appointed by City Council, with a total of nine (9) voting members. The membership shall consist of:
 - a) one member from the Lodging Community;
 - b) one member from the Parks and Recreation Commission;
 - c) one member from the City Council;
 - d) the 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.

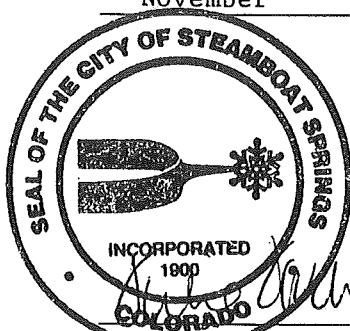
SECTION 2

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
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.

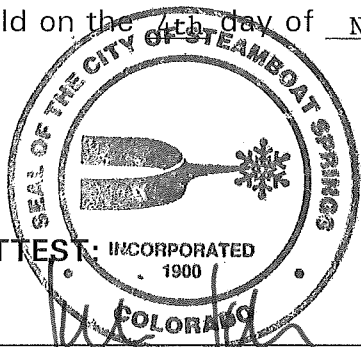
SECTION 4

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.

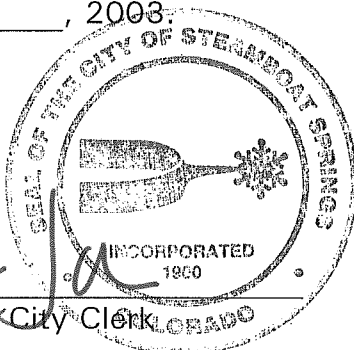


ATTEST:

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: Dan Foote, Staff Attorney (Ext. 223)
THROUGH: Jon Roberts, City Manager (Ext. 228)
DATE: February 2, 2010
ITEM: Medical Marijuana Dispensary License Application:
D&C, LLC
NEXT STEP: Approve or deny the application.

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

I. REQUEST OR ISSUE:

Application for a license to operate a medical marijuana dispensary.

II. RECOMMENDED ACTION:

N/A.

III. BACKGROUND INFORMATION:

D&D, LLC is a medical marijuana dispensary that commenced operation on August 14, 2009, prior to the City's adoption of regulations governing medical marijuana dispensaries. The operators submitted their application on December 7, 2009. The operators must obtain a license in order to comply with the terms of Ordinance No. and 2296, which the Council adopted on January 5, 2010 and which regulates the operation of medical marijuana dispensaries in Steamboat Springs.

IV. LEGAL ISSUES.

This is an application for a Medical Marijuana Dispensary License pursuant to Steamboat Springs Revised Municipal Code Chapter 12, Article VI. You should carefully listen to all evidence

presented at the public hearing, which is legally the only evidence, which you may consider. Following the public hearing, you may approve or deny the license with appropriate findings, go into executive session to consider the evidence, or table the matter for no longer than 30 days. Proposed findings, which you may modify to fit the facts, are as follows:

PROPOSED FINDINGS

The City Council finds as follows:

1. The location of the premises for which the license is sought is 410 S. Lincoln Ave, Suite A-7.
2. The applicant is entitled to possession of the premises for which the proposed Medical Marijuana License application is being made under lease, rental agreement, or other arrangement for possession of the premises and has obtained the written consent of the owner to this application.
3. The operation of a medical marijuana dispensary on the premises is not a violation of zoning, building, health and fire laws or regulations.
4. The proposed place to be licensed does not appear to be within 500 feet from any public or parochial school or the principal campus of any college, university or seminary.
5. That the application is in conformity with law and that notice of the public hearing has been posted and published as required by law.
6. The applicant commenced operation of the applicant's dispensary before the City adopted Ordinance No. 2268, which imposed a moratorium on new medical marijuana land uses, and No. 2296, which adopted permanent regulations governing medical marijuana dispensary uses. Section 12-204(4) of the City of Steamboat Springs Revised Municipal Code grants this application priority over those submitted to the City Clerk by applicants who had not lawfully established their medical marijuana dispensary land uses prior to the adoption of Ordinance No. 2268. In addition, this application was the second in time filed with the office of the City Clerk.
7. There is no evidence indicating that the applicant, its officers, directors or shareholders are not of good moral character; therefore, it is concluded they are of good moral character.
8. All other requirements for the issuance of a license have been met.
9. The application acknowledges that the applicant and its owners, officers, and employees may be subject to prosecution under federal laws relating to the possession and distribution of controlled substances and that the City of Steamboat Springs accepts no legal liability in connection with the approval and subsequent operation of the medical marijuana dispensary pursuant to this license.

THEREFORE, MOTION TO APPROVE OR DENY. Alternatively, you may decide to table or to go into executive session to consider the evidence presented at the hearing.

V. FISCAL IMPACTS.

There are no direct fiscal impacts to City. However, monitoring the dispensary operations may require an increased use of Police Department resources.



**APPLICATION FOR LICENSE TO OPERATE A MEDICAL MARIJUANA
DISPENSARY**

1. Provide a completed individual history record form for each individual applicant, all general partners of a partnership, and limited partners owning 10% or more of a partnership; all officers and directors of a corporation, and stockholders of a corporation owning 10% or more of the stock of such corporation; all limited liability company managing members, and officers or other limited liability company members with a 10% or more ownership interest in such company; and all directors and officers of a cooperative association, and members or stockholders of a cooperative association holding 10% or more of the outstanding or issued capital stock.

2. Provide the name and street address or addresses of medical marijuana dispensary location(s).

D & C, LLC.
410 S. LINCOLN AVE., SUITE A-7

3. Is the applicant the owner of the proposed location? NO If not, a notarized statement from the owner of such property authorizing the submission of the application must be attached to this application.
4. Does the applicant intend to operate as a cooperative association? NO. If so, articles of organizations or other documents establishing applicant's status as a cooperative association must be attached to this application.
5. The applicant must provide the Steamboat Springs Police Department with a complete set of each individual applicants' fingerprints and those of each individual completing an individual history record form per Section 1 of this application.

6. The applicant or officer signing this application acknowledges that the applicant and its owners, officers, and employees may be subject to prosecution under federal laws relating to the possession and distribution of controlled substances; that the City of Steamboat Springs accepts no legal liability in connection with the approval and subsequent operation of the medical marijuana dispensary; and that the application and documents submitted for other approvals relating to the medical marijuana dispensary operation are subject to disclosure in accordance with the Colorado Open Records Act.
7. The applicant or officer signing this application certifies that the information presented in this application is true and correct. The applicant acknowledges that the misrepresentation of any material fact in this application will be grounds for its denial.
8. This application must be accompanied by the application fee of \$400. The application will not be accepted if not accompanied by payment of the fee.
9. If the applicant is a partnership, corporation, or cooperative association, the officer executing this application represents that the officer is authorized to execute and submit this application.

CHARLES M. MAGNUSON
Name

PARTNER 12/7/09
Title Date

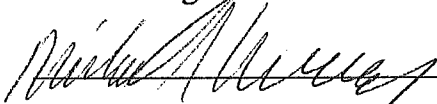
I submit this statement that I am the owner of 410 S. Lincoln Ave., Suite A-7 and I authorize D & C, llc to submit a application to the City of Steamboat Springs for a license to operate a medical marijuana dispensary at this location.

Mike Rossman
410 S. Lincoln Ave. Suite A-16
Steamboat Springs, Colorado 80487

I hereby certify that the above information is correct and complete.

Owner's Signature:

Date Signed:

 _____

17 NOV 09 _____

The owner's signature has been subscribed and affirmed before me in the county of ROUtt, State of Colorado, this 17th day of NOVEMBER, 20 09.


(Notary's Official Signature)

9/17/2012
(Commission expiration date)

AFFIX NOTARY SEAL

AGENDA ITEM # 10

CITY COUNCIL COMMUNICATION FORM

FROM: Dan Foote, Staff Attorney (Ext. 223)
THROUGH: Jon Roberts, City Manager (Ext. 228)
DATE: February 2, 2010
ITEM: Medical Marijuana Dispensary License Application:
Rocky Mountain Remedies, LLC
NEXT STEP: Approve or deny the application.

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

I. REQUEST OR ISSUE:

Application for a license to operate a medical marijuana dispensary.

II. RECOMMENDED ACTION:

N/A.

III. BACKGROUND INFORMATION:

Rocky Mountain Remedies, LLC is a medical marijuana dispensary that commenced operation on August 10, 2009, prior to the City's adoption of regulations governing medical marijuana dispensaries. The operators submitted their application on November 12, 2009. The operators must obtain a license in order to comply with the terms of Ordinance No. 2296, which the Council adopted on January 5, 2010 and which regulates the operation of medical marijuana dispensaries in Steamboat Springs.

IV. LEGAL ISSUES.

This is an application for a Medical Marijuana Dispensary License pursuant to Steamboat Springs Revised Municipal Code Chapter 12, Article VI. You should carefully listen to all evidence

presented at the public hearing, which is legally the only evidence, which you may consider. Following the public hearing, you may approve or deny the license with appropriate findings, go into executive session to consider the evidence, or table the matter for no longer than 30 days. Proposed findings, which you may modify to fit the facts, are as follows:

PROPOSED FINDINGS

The City Council finds as follows:

1. The location of the premises for which the license is sought is 2750 Downhill Plaza #205.
2. The applicant is entitled to possession of the premises for which the proposed Medical Marijuana License application is being made under lease, rental agreement, or other arrangement for possession of the premises and has obtained the written consent of the owner to this application.
3. The operation of a medical marijuana dispensary on the premises is not a violation of zoning, building, health and fire laws or regulations.
4. The proposed place to be licensed does not appear to be within 500 feet from any public or parochial school or the principal campus of any college, university or seminary.
5. That the application is in conformity with law and that notice of the public hearing has been posted and published as required by law.
6. The applicant commenced operation of the applicant's dispensary before the City adopted Ordinance No. 2268, which imposed a moratorium on new medical marijuana land uses, and No. 2296, which adopted permanent regulations governing medical marijuana dispensary uses. Section 12-204(4) of the City of Steamboat Springs Revised Municipal Code grants this application priority over those submitted to the City Clerk by applicants who had not lawfully established their medical marijuana dispensary land uses prior to the adoption of Ordinance No. 2268. In addition, this application was the first in time filed with the office of the City Clerk.
7. There is no evidence indicating that the applicant, its officers, directors or shareholders are not of good moral character; therefore, it is concluded they are of good moral character.
8. All other requirements for the issuance of a license have been met.
9. The application acknowledges that the applicant and its owners, officers, and employees may be subject to prosecution under federal laws relating to the possession and distribution of controlled substances and that the City of Steamboat Springs accepts no legal liability in connection with the approval and subsequent operation of the medical marijuana dispensary pursuant to this license.

THEREFORE, MOTION TO APPROVE OR DENY. Alternatively, you may decide to table or to go into executive session to consider the evidence presented at the hearing.

V. FISCAL IMPACTS.

There are no direct fiscal impacts to City. However, monitoring the dispensary operations may require an increased use of Police Department resources.



APPLICATION FOR LICENSE TO OPERATE A MEDICAL MARIJUANA DISPENSARY

1. Provide a completed individual history record form for each individual applicant, all general partners of a partnership, and limited partners owning 10% or more of a partnership; all officers and directors of a corporation, and stockholders of a corporation owning 10% or more of the stock of such corporation; all limited liability company managing members, and officers or other limited liability company members with a 10% or more ownership interest in such company; and all directors and officers of a cooperative association, and members or stockholders of a cooperative association holding 10% or more of the outstanding or issued capital stock.
2. Provide the name and street address or addresses of medical marijuana dispensary location(s). Rocky Mountain Remedies
2450 DOWNHILL PLAZA #205
SS. CO 80487
3. Is the applicant the owner of the proposed location? No If not, a notarized statement from the owner of such property authorizing the submission of the application must be attached to this application.
4. Does the applicant intend to operate as a cooperative association? No. If so, articles of organizations or other documents establishing applicant's status as a cooperative association must be attached to this application.
5. The applicant must provide the Steamboat Springs Police Department with a complete set of each individual applicants' fingerprints and those of each individual completing an individual history record form per Section 1 of this application.

ON FILE @ SSPD

6. The applicant or officer signing this application acknowledges that the applicant and its owners; officers, and employees may be subject to prosecution under federal laws relating to the possession and distribution of controlled substances; that the City of Steamboat Springs accepts no legal liability in connection with the approval and subsequent operation of the medical marijuana dispensary; and that the application and documents submitted for other approvals relating to the medical marijuana dispensary operation are subject to disclosure in accordance with the Colorado Open Records Act.
7. The applicant or officer signing this application certifies that the information presented in this application is true and correct. The applicant acknowledges that the misrepresentation of any material fact in this application will be grounds for its denial.
8. This application must be accompanied by the application fee of \$400. The application will not be accepted if not accompanied by payment of the fee.
9. If the applicant is a partnership, corporation, or cooperative association, the officer executing this application represents that the officer is authorized to execute and submit this application.

KEVIN FISHER

Name

OWNER

Title

11/5/19

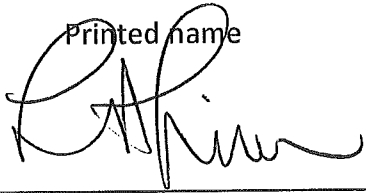
Date

Nov 10, 2009

I, Les Liman, as owner of 2750 Downhill Plaza Unit 205, hereby allow the submission of the "application for license to operate a medical marijuana dispensary," by the tenants of the said address, Kevin and Ryan Fisher.

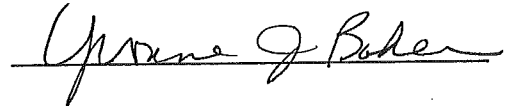
Les A. Liman

Printed name



Signature

Signature has been subscribed and affirmed before me in the county of Route, State of Colorado, this 12th day of NOV, 2009.



Notary signature

09-02-2013

Commission exp. date

AGENDA ITEM # 11

CITY COUNCIL COMMUNICATION FORM

FROM: Dan Foote, Staff Attorney (Ext. 223)
THROUGH: Jon Roberts, City Manager (Ext. 228)
DATE: February 2, 2010
ITEM: Medical Marijuana Dispensary License Application:
Natural Choice Co-Op
NEXT STEP: Approve or deny the application.

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

I. REQUEST OR ISSUE:

Application for a license to operate a medical marijuana dispensary.

II. RECOMMENDED ACTION:

N/A.

III. BACKGROUND INFORMATION:

Natural Choice Co-Op is a cooperative association formed pursuant to C.R.S. 7-55-101, et. seq. for the purpose of operating a medical marijuana dispensary. The operators have applied for this license in order to comply with the terms of Ordinance No. 2296, which the Council adopted on January 5, 2010 and which regulates the operation of medical marijuana dispensaries in Steamboat Springs.

Ordinance No. 2296 limits the number of medical marijuana dispensary licenses to three, one of which must be organized as a cooperative association. Natural Choice Co-Op filed its application with the City Clerk on December 8, 2009. To date, the Clerk's office has not received any other application for the license reserved for cooperative associations.

IV. LEGAL ISSUES.

This is an application for a Medical Marijuana Dispensary License pursuant to Steamboat Springs Revised Municipal Code Chapter 12, Article VI. You should carefully listen to all evidence presented at the public hearing, which is legally the only evidence, which you may consider. Following the public hearing, you may approve or deny the license with appropriate findings, go into executive session to consider the evidence, or table the matter for no longer than 30 days. Proposed findings, which you may modify to fit the facts, are as follows:

PROPOSED FINDINGS

The City Council finds as follows:

1. The location of the premises for which the license is sought is 1169 Hilltop Parkway, #104C.
2. The applicant is entitled to possession of the premises for which the proposed Medical Marijuana License application is being made under lease, rental agreement, or other arrangement for possession of the premises and has obtained the written consent of the owner to this application.
3. The operation of a medical marijuana dispensary on the premises is not a violation of zoning, building, health and fire laws or regulations.
4. The proposed place to be licensed does not appear to be within 500 feet from any public or parochial school or the principal campus of any college, university or seminary.
5. That the application is in conformity with law and that notice of the public hearing has been posted and published as required by law.
6. The applicant is organized as a cooperative association pursuant to C.R.S. 7-55-101, et. seq. and is eligible to be licensed as such. No party other than the applicant has submitted an application for the operation of a medical marijuana dispensary as a cooperative association. The application has priority per the terms of Ordinance No. 2289, which was in effect on December 8, 2009, the date applicant submitted the application.
7. There is no evidence indicating that the applicant, its officers, directors or shareholders are not of good moral character; therefore, it is concluded they are of good moral character.
8. All other requirements for the issuance of a license have been met.
9. The application acknowledges that the applicant and its owners, officers, and employees may be subject to prosecution under federal laws relating to the possession and distribution of controlled substances and that the City of Steamboat Springs accepts no legal liability in connection with the approval and subsequent operation of the medical marijuana dispensary pursuant to this license.

THEREFORE, MOTION TO APPROVE OR DENY. Alternatively, you may decide to table or to go into executive session to consider the evidence presented at the hearing.

V. FISCAL IMPACTS.

There are no direct fiscal impacts to City. However, monitoring the dispensary operations may require an increased use of Police and Finance Department resources.



APPLICATION FOR LICENSE TO OPERATE A MEDICAL MARIJUANA DISPENSARY

1. Provide a completed individual history record form for each individual applicant, all general partners of a partnership, and limited partners owning 10% or more of a partnership; all officers and directors of a corporation, and stockholders of a corporation owning 10% or more of the stock of such corporation; all limited liability company managing members, and officers or other limited liability company members with a 10% or more ownership interest in such company; and all directors and officers of a cooperative association, and members or stockholders of a cooperative association holding 10% or more of the outstanding or issued capital stock.

2. Provide the name and street address or addresses of medical marijuana dispensary location(s).

NATURAL CHOICE CO-OP-1169 HILLTOP PRKWAY 104C
STEAMBOAT SPRINGS, CO 80481


3. Is the applicant the owner of the proposed location? NO If not, a notarized statement from the owner of such property authorizing the submission of the application must be attached to this application. ✓ SEE ATTACHMENT **[B]**

4. Does the applicant intend to operate as a cooperative association? YES. If so, articles of organizations or other documents establishing applicant's status as a cooperative association must be attached to this application. ✓ SEE ATTACHMENT **[C]**

5. The applicant must provide the Steamboat Springs Police Department with a complete set of each individual applicants' fingerprints and those of each individual completing an individual history record form per Section 1 of this application.

COMPLETED ON 11/10/09 AT STEAMBOAT CITY
POLICE STATION.

6. The applicant or officer signing this application acknowledges that the applicant and its owners, officers, and employees may be subject to prosecution under federal laws relating to the possession and distribution of controlled substances; that the City of Steamboat Springs accepts no legal liability in connection with the approval and subsequent operation of the medical marijuana dispensary; and that the application and documents submitted for other approvals relating to the medical marijuana dispensary operation are subject to disclosure in accordance with the Colorado Open Records Act.
7. The applicant or officer signing this application certifies that the information presented in this application is true and correct. The applicant acknowledges that the misrepresentation of any material fact in this application will be grounds for its denial.
8. This application must be accompanied by the application fee of \$400. The application will not be accepted if not accompanied by payment of the fee.
9. If the applicant is a partnership, corporation, or cooperative association, the officer executing this application represents that the officer is authorized to execute and submit this application.

J.J. SCOTTARD 
Name

OWNER 11/16/09
Title Date

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that such document is such individual's act and deed, or that such individual in good faith believes such document is the act and deed of the person on whose behalf such individual is causing such document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S. and, if applicable, the constituent documents and the organic statutes, and that such individual in good faith believes the facts stated in such document are true and such document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is identified in this document as one who has caused it to be delivered.

6. The true name and mailing address of the individual causing this document to be delivered for filing are

Southard	John	James	
<small>(Last)</small>	<small>(First)</small>	<small>(Middle)</small>	<small>(Suffix)</small>
1432 Morgan Ct.			
<small>(Street number and name or Post Office Box information)</small>			
<hr/>			
Steamboat Springs	CO	80487	
<small>(City)</small>	<small>(State)</small>	<small>(ZIP/Postal Code)</small>	
<small>(Province - if applicable)</small>	United States		
	<small>(Country)</small>		

(If applicable, adopt the following statement by marking the box and include an attachment.)

This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

Disclaimer:

This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet. Questions should be addressed to the user's legal, business or tax advisor(s).

AGENDA ITEM # 12

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: February 2, 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 is requesting a vesting period of ten years.

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

February 2, 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

February 2, 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.
3. At time of first final plat, the applicant shall:

CITY COUNCIL COMMUNICATION FORM

Ski Times Square #DP-09-03

February 2, 2010

- 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.

CITY COUNCIL COMMUNICATION FORM

Ski Times Square #DP-09-03

February 2, 2010

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.

CITY COUNCIL COMMUNICATION FORM

Ski Times Square #DP-09-03

February 2, 2010

- 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.
- 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

CITY COUNCIL COMMUNICATION FORM

Ski Times Square #DP-09-03

February 2, 2010

- 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 inspections shall not be construed by Applicant as representations by the City of Steamboat Springs or the Routt County Regional Building Department regarding

CITY COUNCIL COMMUNICATION FORM

Ski Times Square #DP-09-03

February 2, 2010

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

CITY COUNCIL COMMUNICATION FORM

Ski Times Square #DP-09-03

February 2, 2010

5. List of Attachments

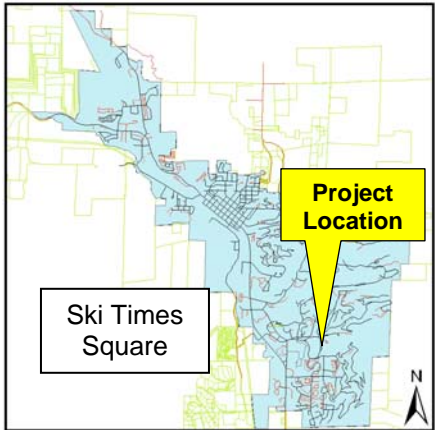
Attachment 1- September 24, 2009 Planning Commission Report

Attachment 2- September 24, 2009 Planning Commission Minutes

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



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		
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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

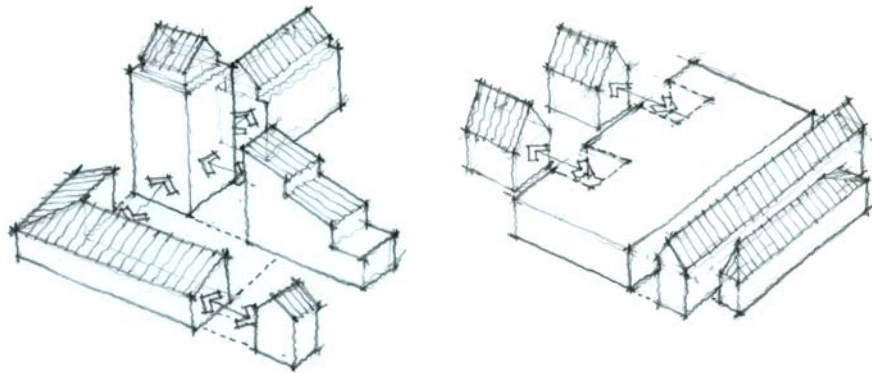
Staff Analysis: **Consistent;** The alignment of the buildings provides a well defined urban edge along Ski Times Square Drive and an enhanced pedestrian experience between Buildings C and D

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 setbacks 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

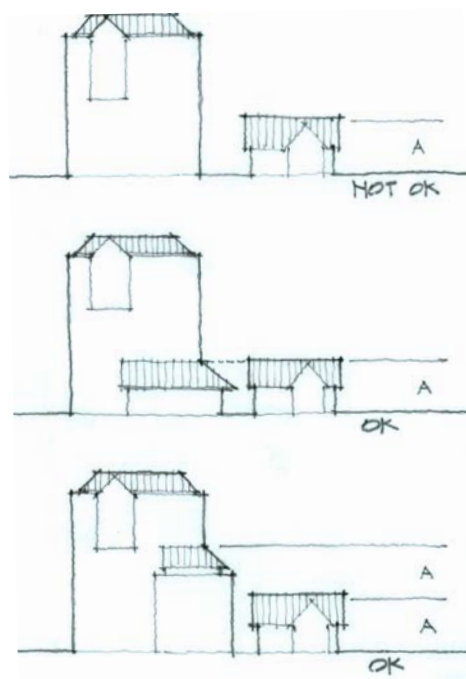
- (a) All building facades shall be designed with a similar level of design detail. Blank walls shall not be permitted.
- (b) Exceptions from the above standard may be granted for those areas of the building envelope that the applicant can demonstrate are not visible from adjacent development and public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

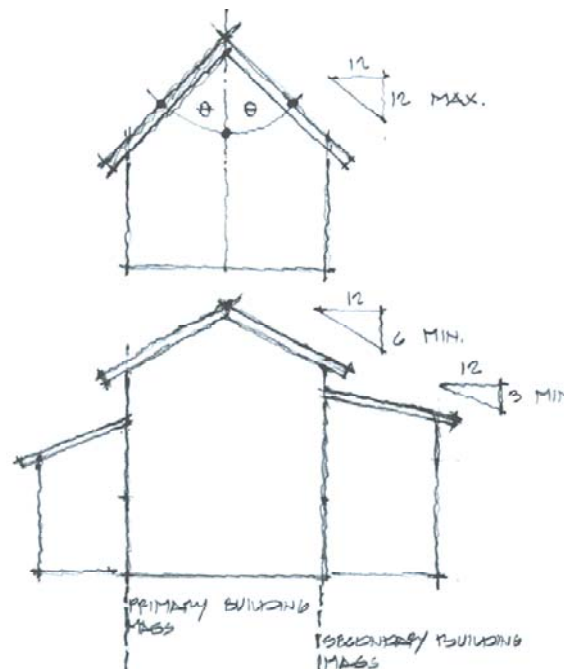
its equivalent.

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

AGENDA ITEM # 13

City Council Updates

A report will be provided at the meeting.

AGENDA ITEM # 14a1

*****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/
Citizens' Committee for Affordable Housing Measurability.**
2. **Tax Structure.**

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.

- 3. MOTION:** Haymaker Food and Beverage Food Service agreement. (Vanderbloemen)
 - 4. RESOLUTION:** Ratification of Planning Commission appointments (appointed 11/2009). (Franklin)
 - 5. FIRST READING OF ORDINANCE:** Chamber Special Events Funding.
-

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.

At this time, there are no items scheduled for this portion of the agenda.

- 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.**

- 6. FIRST READING OF ORDINANCE:** 875 S. Lincoln zoning map amendment. (Peasley)
- 7. FIRST READING OF ORDINANCE:** 2750 Honeysuckle Lane zoning map amendment. (Peasley)

*******TENTATIVE AGENDA FOR TUESDAY, FEBRUARY 16, 2010*******

This agenda is tentative and the information is subject to change until the agenda is finalized.

- 8. FIRST READING OF ORDINANCE:** Text amendment sign code revisions. (Spence)

 - 9. PROJECT: Copper Ridge Business Park Filing 4, Lot 2**
PETITION: Development plan
LOCATION:
APPLICANT:
PLANNING COMMISSION VOTE: January 14, 2010.
-

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: Captain Jack Subdivision**
PETITION: Preliminary Plat
LOCATION:
APPLICANT:
PLANNING COMMISSION VOTE: To be heard 1/14/2010.

- 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, December 15, 2009 and the January 19, 2010 City Council meetings.

H. REPORTS

12. City Council

13. Reports

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

*******TENTATIVE AGENDA FOR TUESDAY, FEBRUARY 16, 2010*******

This agenda is tentative and the information is subject to change until the agenda is finalized.

14. Staff Reports

- a. Atmos Energy franchise agreement negotiations update. (DuBord)
- b. City Attorney's Update/Report. (Lettunich)
- c. Manager's Report: Ongoing Projects. (Roberts)
- d. Fire alarm false alarms. (Lindroth/Hays)

I. ADJOURNMENT

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

AGENDA ITEM # 14a2

*** Tentative Agenda ***

STEAMBOAT SPRINGS REDEVELOPMENT AUTHORITY **AGENDA**

MEETING NO. SSRA-2010-01
TUESDAY, FEBRUARY 16, 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: Request Construction Proposals for Promenade & Daylighting Burgess Creek.** (Kracum)
 4. **Financing discussion.** (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 # 14a3

*****TENTATIVE AGENDA FOR TUESDAY, MARCH 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. 2010-05

TUESDAY, MARCH 2, 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 REPORTS/CITY COUNCIL DISCUSSION TOPIC:

1.

*******TENTATIVE AGENDA FOR TUESDAY, MARCH 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. RESOLUTION:

3. FIRST READING OF ORDINANCE: First reading of an ordinance approving the franchise agreement between the City of Steamboat Springs and Atmos Energy. (DuBord)

4. FIRST READING OF ORDINANCE: Ordinance to approve a lease agreement with Steamboat Art Museum (SAM). (DuBord)

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:

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

6. FIRST READING OF ORDINANCE:

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.**

*******TENTATIVE AGENDA FOR TUESDAY, MARCH 2, 2010*******

This agenda is tentative and the information is subject to change until the agenda is finalized.

- **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. SECOND READING OF ORDINANCE:** 875 S. Lincoln zoning map amendment. (Peasley)
 - 8. SEOND READING OF ORDINANCE:** 2750 Honeysuckle Lane zoning map amendment. (Peasley)
 - 9. SECOND READING OF ORDINANCE:** Text amendment sign code revision. (Spence)
 - 10. PROJECT:**
PETITION:
LOCATION:
APPLICANT:
PLANNING COMMISSION VOTE:

I. REPORTS

11. City Council

12. Reports

- a. Agenda Review (Franklin):
 - 1.) City Council agenda for March 16, 2010.
 - 2.) City Council agenda for April 6, 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 2010-03, February 2, 2010.
- b. Regular Meeting 2010-04, February 16, 2010.

K. ADJOURNMENT

BY: JULIE FRANKLIN, CMC
CITY CLERK

AGENDA ITEM # 15a

City Attorney's Report

A report will be provided at the meeting.

AGENDA ITEM # 15b

City Manager's Report

A report will be provided at the meeting.

AGENDA ITEM # 16a

CITY OF STEAMBOAT SPRINGS

REGULAR MEETING NO. 2010-01

TUESDAY, JANUARY 5, 2010

MINUTES

Ms. Cari Hermacinski, City Council President, called Regular Meeting No. 2010-01 of the Steamboat Springs City Council to order at 5:01pm, Tuesday, January 5, 2010, in Centennial Hall, Steamboat Springs, Colorado.

City Council Members present: Cari Hermacinski, Meg Bentley, Jim Engelken, Walter Magill, Scott Myller, Kenny Reisman and Jon Quinn.

Staff Members present: Jon B. Roberts, City Manager; Anthony B. Lettunich, City Attorney; Julie Franklin, City Clerk; Bob Litzau, Assistant Director of Financial Services; Debra Hinsvark, Interim Director of Financial Services; Philo Shelton, Director of Public Works; Ben Beall, City Engineer; Mike Schmidt, Computer Services; Vince O'Connor, Computer Services; Laureen Shaffer, Historic Preservation; Dan Foote, Staff Attorney; Joel Rae, Police Captain; John Snyder, City Engineer; Ron Lindroth, Fire Chief; Chris Wilson, Director of Parks, Recreation and Open Space; Tom Leeson, Director of Planning Services; Jason Peasley, City Planner; JD Hays, Director of Public Safety; and Wendy DuBord, Deputy City Manager.

NOTE: All documents distributed at the City Council meeting are on file in the Office of the City Clerk.

COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:

1. Pio Utu presentation to community members in appreciation of fundraiser for Samoa.

Mr. Pio Utu thanked the City for the opportunity to give this presentation about the local fundraiser for tsunami relief for Samoa. \$30,000 was raised and delivered to Western and American Samoa. He thanked Mr. Mike Sherrill, Mr. Kevin Kaminski and Mr. Kurt Weiss (not present) who traveled with him to deliver the money and work on the recovery effort. Mr. Kaminski read a letter of thanks on behalf of the people of Samoa. He presented a gift from Samoa to the people who assisted in the fundraising.

Mr. Utu concluded with a slideshow presentation of the trip.

**STEAMBOAT SPRINGS CITY COUNCIL MINUTES
REGULAR MEETING 2010-01
January 5, 2010**

2. Yampatika semi-annual update.

Ms. Sonja Macys provided an update on what Yampatika has been doing at the Environmental Learning Center at the Legacy Ranch. The vision of the project is education and the site serves as a demonstration project site where they offer skill based youth camps, service learning days for middle and high school students, and adult education programs. They also involve the Boys and Girls Club and have a Blues Break camp. She spoke to community cultivation; the water harvesting demonstration project; and the future historic interpretation of the site. She thanked Mr. Craig Robinson and Ms. Lauren Shaffer for their assistance.

She also provided a slideshow presentation of various activities at the Ranch and thanked the City for the opportunity to operate on this City property.

Discussion commenced on their plans to market their programs to out of town people.

Council stated that they are very happy with Yampatika's use on this site.

3. Livability Index.

Mr. Grant Fenton and Mr. Roger Good were present. Mr. Fenton stated that this document is a two year index that compares Routt County with ten other Counties in the areas of civic, social, economic and environment.

Discussion commenced on: the weighting for each category that will stay the same for five years; and comparing the data with other sources like Yampa Valley Partners.

City Council President Hermacinski questioned the public safety rating. Good stated that this is based on reported crime and they used the standards that are in place for reporting crimes.

Council Member Reisman questioned if the education weighting adequately covers what and who we are producing.

City Council President Pro-Tem Quinn voiced concern with the cost of printing the report and whether so many needed to be printed. He questioned whether people really absorb all that information.

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Council Member Bentley stated that after people get to know the tool better, the awareness will spread to others and it will become more useful and more understandable.

Mr. Fenton asked that the City use this document because it is relevant to decisions that Council makes.

4. HPC Update.

Ms. Cami Bunn provided the highlights of their annual report noting the following: there were 30 projects or nominations in 2009, and 12 listings on the historic register (ten of these were City owned property); and in collaboration with Mainstreet had two architects speak to downtown property owners about creating a historic district. The homeowners say that incentives are what will get a district going.

Ms. Bunn concluded that the HPC's single goal is to meet with Council as soon as possible to discuss incentives.

**CONSENT CALENDAR: MOTIONS, RESOLUTIONS AND ORDINANCES
FIRST READINGS**

5. MOTION: Motion to accept Funding Allocation Committee's recommendation.

City Council President Hermacinski read the motion into the record.

Council Member Bentley questioned where Yampa Valley Partners and Search and Rescue belong and wants to ensure that the \$5,000 that was pulled goes to Yampa Valley Partners.

Mr. Litzau stated that the \$5,000 for Yampa Valley Partners will show as a separate line item and Search and Rescue is a separate line item as well.

Council Member Magill asked why The Boys and Girls Club got no funding. Ms. Nancy Kramer stated that this is a brand new organization and the Committee wants to ensure that all organizations head in the right direction with a sound foundation and new organizations sometimes are not sustainable.

PUBLIC COMMENT: No one appeared for public comment.

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MOTION: Council Member Bentley moved and City Council President Pro-Tem Quinn seconded to accept the Funding Allocation Committee's recommendation. The motion carried 6/1. Council Member Magill opposed.

- 6. RESOLUTION: A resolution approving an Intergovernmental Agreement by and between the City of Steamboat Springs, Routt County, and the Routt County Clerk and Recorder concerning the procedures for conducting the Municipal Referendum Election scheduled for March 9, 2010.**

City Council President Hermacinski read the resolution title into the record.

- 7. MOTION: Motion to approve the Mail Ballot Election Plan for the March 9, 2010 Special Municipal Election.**

City Council President Hermacinski read the motion into the record.

MOTION: City Council President Pro-Tem Quinn moved and Council Member Bentley seconded to approve items 6 and 7 of the Consent Calendar; a resolution approving an Intergovernmental Agreement by and between the City of Steamboat Springs, Routt County, and the Routt County Clerk and Recorder concerning the procedures for conducting the Municipal Referendum Election scheduled for March 9, 2010; a motion to approve the Mail Ballot Election Plan for the March 9, 2010 Special Municipal Election. The motion carried 7/0.

PUBLIC HEARING: ORDINANCE SECOND READINGS

- 8. SECOND READING OF ORDINANCE: An ordinance amending the Community Development Code by adding a Definition and Use Criteria for Medical Marijuana Dispensary uses; amending the use table to permit Medical Marijuana uses as a Conditional Use or Use with Criteria in Commercial and Industrial Zone Districts; amending Chapter 12 of the Revised Municipal Code by imposing licensing and operational requirements on Medical Marijuana Dispensaries; providing for severability; providing an effective date; and repealing all conflicting ordinances.**

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

City Council President Hermacinski read the ordinance title into the record.

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City Council President Pro-Tem Quinn questioned the surveillance system and requiring cameras in parking lots and the interior and exterior of buildings. Mr. Hays stated that the current operators are not opposed to the cameras, and it benefits the operator if there is an issue.

City Council President Hermacinski suggested requiring cameras only in the parking area immediately adjacent to the operator's space.

Mr. Roberts suggested adding the words "and were practical".

City Council President Pro-Tem Quinn believes that this ordinance is a good first step and would like to get something on the books and move forward.

Council Member Reisman stated that he is "hung up" on the number of permits allowed and would like to revisit raising the fee structure to ensure that the costs of enforcement are covered.

Council Member Bentley would like to try the suggested fee structure to see if it covers the costs.

City Council President Hermacinski stated that there are so many components of this ordinance that could be debated, however the City needs to get something on the books.

PUBLIC COMMENT:

Mr. Kevin Fisher, Rocky Mountain Remedies, noted that the State is considering "four figure" fees and stated that there is not the money out there at this point that people believe.

Mr. Charlie Magnusen supports the ordinance but noted that they are not making any money at this point.

Ms. Jennifer Robbins, representing perspective dispensary applicants and medical marijuana patients, believes that restricting the number of dispensaries restricts the patient's options and drives up costs which could lead to people using a dispensary outside of the City.

Mr. Daniel Osmond also disagrees with restricting the number of dispensaries and voiced concern with creating a monopoly. He supports having security cameras for the entryway and exit, but not the parking lot.

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Mr. Richard Friedman noted that the City is looking for commerce in town and this is not the time to be short sighted. He does not support limiting the number of dispensaries.

Mr. Darrell Levin, D and C, LLC, stated that there is no monopoly. It is their goal to help patients, and he believes that they do a fine job with the two dispensaries that exist.

Council Member Bentley would like to go ahead with the ordinance as written, with a one year sunset in order to review it.

Council Member Engelken stated that there was no "tried and true" method for coming up with the number and there will always be pressure to increase it. He supports moving forward with the ordinance as written, noting that it can be amended in the future.

Council Member Reisman suggested either limiting it to two, or open it up and increase the fees.

MOTION: City Council President Pro-Tem Quinn moved and Council Member Engelken seconded to approve the second reading of an ordinance amending the Community Development Code by adding a Definition and Use Criteria for Medical Marijuana Dispensary uses; amending the use table to permit Medical Marijuana uses as a Conditional Use or Use with Criteria in Commercial and Industrial Zone Districts; amending Chapter 12 of the Revised Municipal Code by imposing licensing and operational requirements on Medical Marijuana Dispensaries; providing for severability; providing an effective date; and repealing all conflicting ordinances; revisiting the ordinance January of 2011. The motion carried 6/1. Council Member Reisman opposed.

PLANNING COMMISSION REPORT

**PLANNING
PROJECTS**

Ms. Sarah Fox, Planning Commission representative, was present and reported that they are working on the sign code update and the real estate community has been very involved. The update allows temporary open house signs, centralized multi-family project signs, and construction signage with one renewal. There are changes to the illumination; they are recommending restrictions to pole signs throughout the City; and vehicle signage will be prohibited.

Council Member Myller questioned how to enforce vehicle sign restrictions. Ms. Fox noted that if the vehicle moves around signage is okay, however not if the vehicle is stationary.

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GENERAL PUBLIC COMMENT

Mr. Tom Williams, representing 82 Angry West Acres Residents, asked about the status of compensation for loss of their green belts. Mr. Lettunich stated that at the direction of Council, the City has decided to move ahead with litigation and there will be no offer at this time.

Mr. Williams asked how this happened. City Council President Hermacinski stated that there was an early offer that was not responded to, and the direction was to proceed with the litigation and see how the Courts rule. Mr. Williams stated that the initial offer of \$40,000 was insulting. Williams stated that they got the wrong impression that Council was empathetic to their situation. City Council President Hermacinski stated that the developer is another party in this situation and the City does not have the legal right to stop the construction of the road.

City Council President Pro-Tem Quinn stated that it is the Council's responsibility to be accountable to all taxpayers and landlords and property owners.

Mr. John DeWardt voiced concern with the traffic impacts of consolidating the Post Office locations due to the fact that there would be another 2,600 people that will need services at the 3rd Street location. City Council President Hermacinski stated that the City shares these concerns; however the Federal government preempts the local and state government.

Mr. Roberts stated that the latest information is that the Post Office will remain open at Sundance, but there will be no retail component.

CONSENT CALENDAR - PLANNING COMMISSION REFERRALS

- 9. RESOLUTION: A resolution amending the Community Area Plan Future Land Use Plan to change the land use designation from Resort Commercial to Resort Residential. SCE Subdivision, 2135 Burgess Creek Road.**

This item has been postponed from the November 17, and the December 1, 2009 City Council meetings.

City Council President Hermacinski read the resolution title into the record. She noted that item 9 will be heard in conjunction with agenda item 15.

- 10. FIRST 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**

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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.

City Council President Hermacinski read the ordinance title into the record.

- 11. FIRST 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.**

City Council President Hermacinski read the ordinance title into the record.

City Council President Pro-Tem Quinn stepped down.

MOTION: Council Member Myller moved and Council Member Magill seconded to approve the first reading of 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. The motion carried Vote 6/0. City Council President Pro-Tem Quinn stepped down.

City Council President Pro-Tem Quinn returned to the meeting.

- 12. FIRST 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.**

City Council President Hermacinski read the ordinance title into the record.

- 13. FIRST 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**

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three years, repealing all conflicting ordinances; providing for severability; and providing an effective date.

City Council President Hermacinski read the ordinance title into the record.

- 14. FIRST 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.**

City Council President Hermacinski read the ordinance title into the record.

MOTION: City Council President Pro-Tem Quinn moved and Council Member Bentley seconded to approve items 10, 12, 13 and 14 of the Planning Consent Calendar; 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; 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; 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; 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. The motion carried 7/0.

PUBLIC HEARING – PLANNING COMMISSION REFERRALS

- 15. SECOND READING OF ORDINANCE: An ordinance rezoning property located in SCE Subdivision, Lots 1 and 2; from RE-1 (Residential Estate One – Low Density) Zone District and G-1(Gondola One) Zone District to RR-2 (Resort Residential Two - High Density); repealing all conflicting ordinances; providing for severability; and providing an effective date.**

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City Council President Hermacinski read the ordinance title into the record.

Agenda items 9 and 15 were heard together, but voted on separately.

9. RESOLUTION: A resolution amending the Community Area Plan Future Land Use Plan to change the land use designation from Resort Commercial to Resort Residential. SCE Subdivision, 2135 Burgess Creek Road.

Council Member Reisman stepped down.

City Council President Pro-Tem Quinn stated that he stepped down on the first reading of the rezone ordinance, however this was a mistake. It was suggested there was a conflict, but Council did not conclude the debate. He feels this is a terrible precedent to set and artificially "stacks the jury"; the mere suggestion of conflict does not make it so. He stated that his company provides some technical support for Vertical Arts, who is a consultant to the applicant. He very infrequently performs work for them, in fact last year he performed 1 hour of work for Vertical Arts. He believes that his voting record shows that he is not conflicted and believes that Council should be the final arbiter of this.

Council Member Engelken believes that the decision is City Council President Pro-Tem Quinn's, not Council's, however he is concerned with setting a precedent having a Council member step down on first reading and not stepping down on second reading.

City Council President Pro-Tem Quinn clarified that he did not step down because he felt like that he had a conflict.

Council Member Bentley stated that she didn't think City Council President Pro-Tem Quinn had a conflict; however since he stepped down once he should do it again.

City Council President Hermacinski does not believe there is conflict. She stated that he stepped down once, but did not step down the four previous times this applicant was before the Council. She voiced concern that City Council President Pro-Tem Quinn was "badgered" into stepping down when it should have been a Council decision.

Council Member Magill also does not believe that there is a conflict, however Council should continue with who voted the first time.

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Mr. Lettunich noted that any motion regarding City Council President Pro-Tem Quinn stepping down should state that Council believes that City Council President Pro-Tem Quinn has a conflict of interest.

MOTION: Council Member Magill moved and Council Member Myller seconded to state that City Council President Pro-Tem Quinn has no conflict of interest. The motion carried 5/0. Council Member Reisman stepped down. City Council President Pro-Tem Quinn did not participate in this vote.

Council Member Magill stated that he has worked with the applicant as a sub-consultant, but does not believe he has a conflict.

Mr. Bavosi, representing the applicant, was present and stated that there is no presentation or changes since the last hearing.

Mr. Peasley stated that there was an error in the staff report and clarified that the first reading was approved 3-2.

PUBLIC COMMENT:

Mr. Ron Smith, representing The Bronze Tree and The Ranch, who both oppose the rezone. They believe that the applicant has not carried the burden of proof for all five conditions. The rezone request is not compatible with surrounding development, is not consistent with the neighborhood or the conservation easement and open space and there is no transition into the residential area. The disadvantages outweigh the advantages and the development would create too much traffic and a safety risk. They are opposed to the negative environmental effects on Burgess Creek and the lot is four lots away from the slopes and not physically connected.

Mr. John DeWardt encouraged Council to make this decision carefully. If the lot is up-zoned it will create a high density block without any transition.

Mr. Bill Moser voiced concern with high density and traffic problems on a narrow, winding, steep road. He also noted that the intersection at Mt. Werner Road will deteriorate and there is only one access to the area.

Ms. Patty Rackstein opposes the upzoning and agrees with Mr. Smith. Burgess Creek Road is dangerous and adding more traffic to it is concerning.

Staff provided a 3D fly through presentation.

Council Member Magill asked for a definition of "principally" adjacent.

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Mr. Kevin Kelly, representing the applicant, stated that they agree with staff's interpretation of the code and that as a general rule, RR2 is to be located adjacent to the slopes. The word "principally" is used so that exceptions can be granted when appropriate. They believe that this is a case to make an exception.

Mr. Jeremy MacGray, applicant, stated that they do have ski-in access, which makes the lot more "slopeside" than other properties.

Council Member Bentley stated that a rezone should be compatible and shall enhance the existing neighborhoods and developments. She believes that the Future Land Use Map (FLUM) is in error in this case and that the lot is a part of the Burgess Creek neighborhood, rather than the base area. She does not support the rezone request.

City Council President Pro-Tem Quinn stated that community planning emphasizes the importance of density at the base. He does not believe that the lot is appropriate for commercial and clarified that Council is looking at a rezone, not a building application. During the application process concerns regarding Burgess Creek Road will have to be addressed. He believes that this is a reasonable compromise.

Council Member Engelken believes that RR2 is too intense for this site and that this is not good planning. Additionally, the road is not safe and there are site constraints and there is no transition. This rezone is out of character with the surrounding area, therefore he opposes both the rezone and the FLUM amendment.

Council Member Myller believes that the FLUM is correct and still supports the rezone request.

Council Member Magill stated that he disagrees with the staff report and there is no access from the base area besides Burgess Creek Road. He does not support the rezone.

City Council President Hermacinski agrees with Council Member Myller and supports the request.

MOTION: City Council President Pro-Tem Quinn moved and Council Member Myller seconded to table indefinitely a resolution amending the Community Area Plan Future Land Use Plan to change the land use designation from Resort Commercial to Resort Residential. SCE Subdivision, 2135 Burgess Creek Road. The motion carried 6/0. Council Member Reisman stepped down.

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MOTION: Council Member Bentley moved and Council Member Magill seconded to deny the second reading of an ordinance rezoning property located in SCE Subdivision, Lots 1 and 2; from RE-1 (Residential Estate One – Low Density) Zone District and G-1(Gondola One) Zone District to RR-2 (Resort Residential Two -High Density); repealing all conflicting ordinances; providing for severability; and providing an effective date. The motion failed 3/3. Council Member Reisman stepped down.

MOTION: City Council President Pro-Tem Quinn moved and Council Member Myller seconded to approve the second reading of an ordinance rezoning property located in SCE Subdivision, Lots 1 and 2; from RE-1 (Residential Estate One – Low Density) Zone District and G-1(Gondola One) Zone District to RR-2 (Resort Residential Two -High Density); repealing all conflicting ordinances; providing for severability; and providing an effective date. The motion failed 3/3. Council Member Reisman stepped down.

MOTION: Council Member Engelken moved and City Council President Pro-Tem Quinn seconded to direct staff to allow the applicant to submit a new application sooner than a year. The motion carried 6/0. Council Member Reisman stepped down.

Direction to the applicant:

Council Member Engelken would like to see a residential project that has less impact on the road and the hillside and is more in keeping with the character of the neighborhood.

City Council President Pro-Tem Quinn voiced concern that Council approved the FLUM which gave direction to a landowner, and now Council has changed that direction. He would like to see RR1 on both lots.

Council Member Magill supports RR1.

Council Member Bentley would like to see nothing done on Lot 2 and RR1 on Lot 1; however that is not what it is zoned. If both lots are developed she would like to see a less dense development. She supports RR1, but in two buildings so the mass is broken up.

Mr. MacGray stated that they were approved for G1 zoning and then their development wasn't approved. They were approved for RR2 twice and again denied. He asked how developers are supposed to know what to do.

Council Member Reisman returned to the meeting.

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16. APPEAL: Captain Jack Subdivision, PP-09-05, appeal of administrative decision.

Mr. Mike Kortas voiced concern that City staff has misrepresented the facts in his appeal. He reviewed his perceived inaccuracies in the packet information.

He noted that he is appealing staff's requirement that he install a water main because it is unreasonable and illogical and would result in a development that would be less desirable to the City. He believes that the Community Development Code provisions were applied incorrectly.

Discussion commenced on whether to consider this as a large lot subdivision; and looping requirements.

City Council President Hermacinski asked whether the landowner should pay for the looping, or the rest of the community? Mr. Shelton stated that at some point, there will need to be a loop to serve the lots and customarily the applicant would pay for that. However Mr. Kortas believes that the City wants it looped in order to fix the situation at the Animal Shelter.

City Council President Pro-Tem Quinn believes that it is Mr. Kortas' obligation to put in the loop and it is necessary to have orderly development.

Mr. Kortas stated that he needs a final plat in order to sell his property and asked if there is a way to have a dedicated easement providing the space of the loop as a compromise.

Mr. Snyder, City Engineer, stated that requiring many owners to build a single structure is a concern because working together with 30 different owners is a tough task.

Council Member Magill asked if it is possible to require a large plat note.

Mr. Roberts suggested requiring a surety.

PUBLIC COMMENT:

Mr. Scott Eggelsten, real estate broker, believes that when a subsequent owner submits an application this can be addressed and believes that Council should let the market drive the end result and not force a capital improvement at this point.

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MOTION: City Council President Pro-Tem Quinn moved and Council Member Engelken seconded to deny the appeal. The motion carried 6/1. Council Member Magill opposed.

Discussion during the motion:

Council Member Myller supports the motion because the person who develops a subdivision should supply the water. However, he would like to work toward a different solution and suggested eliminating the lot lines in Block 10.

Council Member Magill believes that there should be a way for staff to suggest a plat note or surety. He does not support the motion.

REPORTS

17. City Council

Council Member Reisman:

1. Would like to attend the Water Congress meeting. **UNANIMOUS CONSENT:** Council Member Reisman to attend this meeting and Council Member Magill to attend CAST.
2. Noted that the Excellence Project will be having John Underwood speak in Steamboat Springs and are looking for additional funding.
3. Noted that he did not have a conflict of interest on the SCE agenda item. He stepped down due to the proximity of a condo that he owns. He would like to have a Council discussion on the concept of proximity to projects.
4. Noted that Andy Wirth will be giving Council passes to the Music Fest.

Council Member Magill:

1. Spoke to the progress of heavy equipment registration.

Council Member Bentley:

1. Asked for an update on the Torian Plum trash enclosure. Council Member Myller stated that it is as small as it can be for the equipment to be able to get in. **DIRECTION:** Mr. Kracum to provide further details.
2. Asked when the Steamboat 700 Attainability Plan will be heard. Mr. Leeson stated that the plan is required prior to Steamboat 700's first final plat, and that is when they plan to present it. It was noted that more discussion can take place when Council discusses the Community Housing Plan on January 19, 2010.

18. Reports

a. Agenda Review:

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- 1.) LLA agenda for January 12, 2010.**
- 2.) City Council agenda for January 19, 2010.**
- 3.) LLA agenda for January 19, 2010.**

Council reviewed the above agendas.

19. Staff Reports

a. City Attorney's Update/ Report.

Mr. Lettunich had no report.

b. Manager's Report: Ongoing Projects.

Mr. Roberts reported on the following:

1. Stated that the City has heard from local business owners that there would be a benefit to the community if the City can accelerate the release of the monthly sales tax reporting. He introduced Ms. Debra Hinsvark the Interim Director of Financial Services. Ms. Hinsvark stated that the sales tax reports are extremely accurate because the City waits to release them, however there are lags. Staff assessed how many reports come in late and how much that would skew the report and concluded that a preliminary report should be approximately 97% accurate. A final report would follow. **UNANIMOUS CONSENT:** Staff to proceed with releasing preliminary reports.

OLD BUSINESS

20. Minutes

- a. Regular Meeting 2009-29, November 10, 2009.**
- b. Regular Meeting 2009-30, November 17, 2009.**
- c. Regular Meeting 2009-31, December 1, 2009.**
- d. Regular Meeting 2009-22, December 8, 2009.**
- e. Regular Meeting 2009-33, December 15, 2009.**

MOTION: City Council President Pro-Tem Quinn moved and Council Member Bentley seconded to approve the above minutes. The motion carried 7/0.

ADJOURNMENT

MOTION: City Council President Pro-Tem Quinn moved and Council Member Reisman seconded to adjourn Regular Meeting 2010-01 at approximately 10:25pm. The motion carried 7/0.

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MINUTES PREPARED, REVIEWED AND RESPECTFULLY SUBMITTED BY:

Julie Franklin, CMC
City Clerk

APPROVED THIS _____ DAY OF _____, 2010.

AGENDA ITEM # 16b

CITY OF STEAMBOAT SPRINGS

REGULAR MEETING NO. 2010-02

TUESDAY, JANUARY 19, 2010

MINUTES

Mr. Jon Quinn, City Council President Pro-Tem, called Regular Meeting No. 2010-02 of the Steamboat Springs City Council to order at 5:07pm, Tuesday, January 19, 2010, in Centennial Hall, Steamboat Springs, Colorado.

City Council Members present: Meg Bentley, Jim Engelken, Walter Magill, Scott Myller, Kenny Reisman and Jon Quinn. Cari Hermacinski was absent.

Staff Members present: Jon B. Roberts, City Manager; Anthony B. Lettunich, City Attorney; Julie Franklin, City Clerk; Debra Hinsvark, Interim Director of Financial Services; Philo Shelton, Director of Public Works; Ron Lindroth, Fire Chief; Chris Wilson, Director of Parks, Recreation and Open Space; Tom Leeson, Director of Planning Services; Jonathan Spence, City Planner; Litzau, Assistant Director of Financial Services; Bob Robichaud, Facilities Maintenance; Anja Tribble, City Clerk Staff Assistant; Sabrina James, Records Clerk; and JD Hays, Director of Public Safety; Wendy DuBord, Deputy City Manager.

NOTE: All documents distributed at the City Council meeting are on file in the Office of the City Clerk.

COMMUNITY RESPORTS/CITY COUNCIL DISCUSSION TOPIC:

1. Affordable Housing Measurability.

Mr. Roger Good provided a background of the group. Mark Anderson, Scott Ford, Steve Hoffman, Doug Labor, Rich Lowe, and Chuck Williamson were present. Mark Scully was not present.

Mr. Good provided a PowerPoint presentation highlighting the following: committee members; process; key observations; and recommendations.

Discussion commenced on: the housing program in Breckenridge; the difficulty in measuring due to the changes in the variables; and the definition of means.

Mr. Leeson spoke to the City's Inclusionary Zoning (IZ) ordinance and the since repealed linkage program. Previous to these things, the City had talked affordable housing for about for 20 years and never did anything. The need to

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target 80-120 Average Median Income (AMI) was identified; linkage targeted a lower AMI rentals and ownership was targeted by the IZ program. He stated that it was clear who the intended beneficiary was.

Council Member Engelken believes that the City needs to reinstate linkage and strengthen the IZ program.

Mr. Good clarified that this group was directed to look at revenue generation and measurability.

City Council President Pro-Tem Quinn added that they were charged with finding a mechanism for evaluating the City's efforts. He asked if the City should be more specific and define the group which we are targeting funds for? And is the Yampa Valley Housing Authority (YVHA) really the agency that should be the standard bearer.

Mr. Hoffman stated that both are connected and the resources in the community are finite. The question is how do you have a comprehensive approach? By focusing on the intended beneficiary the demands identify themselves. The group concluded that the community needs a different foundation to build affordable housing, which can be measured and focused around the intended beneficiary.

Mr. Lowe stated that Breckenridge could not answer the question "When will you be done and how will you know?". Additionally, they are a different community than us.

Council Member Bentley agrees that attempting to define the beneficiaries and reassessing that in a year is a good start. She likes the survey of wages and housing prices and supports going regional.

Mr. Hoffman stated that over time the fee levels can vary. The demand may increase significantly and the fees should reflect that.

Council Member Engelken stated that the City has a housing needs assessment and asked if these studies answer many of the questions that are being asked?

Mr. Lowe stated that these studies are worthwhile, however by the time you get the study the circumstances may have changed and the data is not helpful anymore.

Council Member Engelken noted the need to look at AMI and wages.

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Mr. Ford stated that it is difficult to measure small businesses and business owner wages and questioned how much of the information is skewed by wealthy people moving in.

Council Member Magill asked if it is cost effective to have the City and the YVHA; is there duplication of services?

Mr. Leeson stated that there is no duplication; rather the two complimented each other. He stated that this is a regulatory program and the City has to be involved; the Housing Authority is there to facilitate the program. Long term the City may not need a Housing Coordinator, however until YVHA has a funding source they can't take on much more staff.

Ms. Mary Alice Page Allen, YVHA, stated that for the last year there has been a good relationship between the two. They figured out where each entity fit. It is in the YVHA strategic plan to be the service provider and the manager of the database; however there needs to be resources in order to do that. She concluded by saying that she believes there is a growing role for YVHA in the community.

Mr. Hoffman stated that if there is going to be a different approach in housing, then the bureaucratic model is kind of irrelevant. He believes that those models are the wrong foundation and not necessarily the best use of limited resources. He suggested that overtime there could be a trust fund mechanism and those monies could be allocated through an application process.

Ms. Page Allen stated that YVHA is implementing a down payment assistance program, and today's report meshes with where they are and where they are going. They need to create a client-base service model and the database.

City Council President Pro-Tem Quinn noted for the audience that the Ski Time Square agenda item that is later on the agenda will most likely be postponed.

Council Member Reisman supports this report if it does not involve "bricks and mortar".

Council Member Myller does not think the regionalism topic is that simple. There are people who commute from Oak Creek and spend significant money on gas. He believes that the goal is for people to live within the City. There could be a few extenuating circumstances where the City could be more flexible with the boundary.

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Council Member Bentley stated that some people want to live in the outlying areas, and they need help also. With respect to having two different entities, she believes that too much money is spent on administration than is necessary. She thinks there has to be a creative way to empower YVHA and to have funds flow through them while still having governmental accountability.

Council Member Engelken stated that the City is giving money to YVHA, and the City should continue to do that. The YVHA can't replace the role of the City because the current ordinance requires that the City monitor the funds. The YVHA can apply to the City for funds as a developer.

Council Member Bentley asked if that is really the best way. Council Member Engelken believes it is the best and only way.

Mr. Anderson stated that the Education Fund Board administers money alone, through the City.

Mr. Lettunich stated that there is flexibility in the IZ ordinance and the language can be expanded to re-grant to YVHA, or to re-grant to any applicant.

PUBLIC COMMENT:

Ms. Catherine Carson stated that the most important point in the study is the difference between AMI and wages and the price of housing. The needs assessment stated that wages would have had to increase by \$65,000 in order to keep up with the price of housing. Even with decline in real estate, we are not keeping up with housing needs. She stated that she spoke with several housing experts, specifically Summit County who has identified who they were trying to serve and it is families. They realized that by only doing down payment assistance they can not keep up. Now they have a 1/8 percent sales tax for affordable housing. They make sure that they target the right population and what they need and they have an "interested list" of what people are looking for, the YVHA can do this with its database. She believes that measurement is a good idea, but we also need to focus on the assessments that we already have.

Mr. Steve Lewis stated that he has been involved in this topic through four City Councils and that we may need to adjust the current program, but do not need to start from scratch. He asked why the City would move away from "bricks and mortar" and cautioned that the ownership ratio can be misleading. He believes that making commutes permanent for people who live in the outlying areas is not a sustainable investment.

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Mr. Carson noted that Summit County is finalizing a report which will say what funds they collected, how they were spent and who was served.

Mr. Mike Forney believes that there are two issues: what is done and how do you do it, which is a bifurcation of responsibilities. He stated that successful projects happen when there is a common interest and supports giving all the funds to one entity.

Mr. John Spezia stated that having less government and less restrictions has failed for 17 years, as well as relying on the free market. He encouraged Council to look at the 13 recommendations included in the original Community Area Plan and to not think so short term.

Ms. Noreen Moore clarified that other communities have a transfer tax and the City does not; and communities have other taxes that help with affordable housing. The voters in the City have denied both of these taxes for affordable housing; we are different and we need to accept that. She stated that the 120-180 AMI range is a group that could bring jobs with them and noted the need to look at this in a whole new fresh way.

Mr. Towny Anderson stated that the City's affordable housing program was fairly short lived and this is a philosophical question of whether or not to support affordable housing. He voiced concern with holding affordable housing to a higher standard than the free market and noted that funds will come in as the economy rebounds. He stated that getting measurements in place makes sense but it all comes down to AMI and we have to translate measurements back to AMI if we want to leverage funds. Also, there needs to be an intergovernmental agreement (IGA) with the YVHA that holds them accountable. If there is to be a regional organization, it needs to be regionally funded. If there is only City money then the City has the right to say how those monies should be spent.

Mr. Tony Connell stated that all affordable housing expenses now, and in the future, will be under a microscope need to be accounted for and measured. However he believes that when the community is given good policies and measurements then it will fund a tax for affordable housing.

Mr. Shemp Olin spoke to the concept of intended beneficiaries, noting that they are like customers and if you don't know who the customer is you can't provide services to them. Additionally, what gets measured becomes better managed, there just needs to be an agreement on what is the best measurement and how to apply it.

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Mr. Lowe clarified that what they are proposing does not preclude bricks and mortar. They just want to identify the customer and how they qualify.

Council Member Myller supports figuring out who wants help, and putting the focus there instead of putting the burden on developers.

City Council President Pro-Tem Quinn would like to schedule a worksession with YVHA to look at measurable.

Council Member Engelken stated that Regional Affordable Living Foundation (RALF) had an extensive "interested" list for West End Village, but since then that data has not been kept up. He encouraged YVHA to start in-taking this information and contacting employers.

Ms. Page Allen stated that she will do her best to get her information compiled before the February 16 joint meeting with Council and the YVHA.

City Council President Pro-Tem Quinn would also like to look at changes to language and changes to the IGA.

Council Member Bentley supports empowering the YVHA. Affordable housing is a crucial economic policy and if we measure it and can say who we are serving, then the community will get behind it.

GENERAL PUBLIC COMMENT

Ms. Clara Bradley, Western Security, spoke to a recent situation where they were audited and owed \$69,000 (this fine was subsequently decreased to zero). She voiced concern with the process and noted some things that she thinks should be changed. She stated that the City Manager and Finance Director can change the tax code without going through Council, and these changes do not have to be recorded. She stated that the tax code needs to be accessible to the public and changes to it recorded so there is accountability. She also voiced concern with the fact that a appeal goes to the person who made the original decision so that there is a one person judge and jury. She believes that the City is going after the small businesses and after smaller amounts that people may not fight. She stated that this was a horrifying experience that cost her \$1,000 to make changes to her billing process and was handled poorly.

City Manager to report back on a future agenda with a response and explanation. **UNANIMOUS CONSENT.**

At this time Council heard Agenda Item 10.

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2. Iron Horse Redevelopment.

Ms. DuBord noted that Dean Vogelaar, Mike Forney and Wade Gebhardt were on the Committee that reviewed this topic. They recommend that redevelopment not be revisited until demand increases, and to review this annually. They also recommend using the \$1 million available for debt service payments.

Mr. Vogelaar stated that this project does come with some controversy and that the original intent of the purchase was for workforce housing. He noted the need to put a practical plan in place, remember what it was intended for and revisit it at the appropriate time.

Mr. Forney stated that there is real potential that the Iron Horse will meet the original intent, but they do not recommend putting any money in it in the short term; but to reassess it in the future.

Council Member Engelken believes that the Iron Horse has potential for a great redevelopment. If there was a qualified, creative developer that has great ideas, how much time would it take to go through the process, and is it in the City's best interest to postpone that process? Redevelopment won't happen until there is a demand for it; if we do not use the \$1million, will we ever see it again?

Mr. Forney stated that they believe that redevelopment is not feasible at this time, there is no demand and the property value has dropped. They believe that the window for redevelopment is about 2-3 years out, in the meantime the \$1 million would be "sitting there foul".

Council Member Engelken asked about using the money as leverage for grant funds for redevelopment.

Mr. Forney stated that they looked at that; however the market for granting now is dried up.

Council Member Bentley suggested that the Committee reconvene in a year to reassess the redevelopment potential.

Ms. Hinsvark stated that the \$1 million are "remainder funds" and the financing documents dictate what can be done with them.

PUBLIC COMMENT:

Mr. Bill Moser stated that this property has strategic value, possibly for a route from River Road to Highway 40.

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MOTION: Council Member Bentley moved and Council Member Myller seconded to accept the recommendation of the Committee with direction to the City Manager of "status quo" for 1 year. The motion carried 6/0. City Council President Hermacinski was absent.

3. Steamboat 700 Draft Attainability Plan.

Mr. Bob Weiss, representing Steamboat 700, was present and noted that land and money are needed for affordable housing, which allow flexibility to design a program. The Steamboat 700 program is divided into two components: 20 percent is land and money dedicated to the City, and they also committed to 30 percent of free market units being committed to providing attainable housing. He stated that this agreement was accepted and approved as a part of the annexation agreement and they committed to the prices for 12 months. If not, the development can't proceed. The attainable units are not deed restricted and the affordable units are.

The final details of the plan are things like publicity and what the target owners will be. He stated that flexibility will allow 700 to fulfill the goals of the West Steamboat Springs Area Plan (WSSAP) by providing housing for 30 years into the future.

Council Member Bentley asked at what point does the 12 month offering price start? Mr. Weiss stated when they offer it; once they offer to sell a house for a certain price the house remains subject to that price for 12 months. There will be some presale and some after built units; the presale units are determined by the lending market, and they need flexibility for that.

Council Member Engelken stated that Council was expecting to see the attainable housing plan prior to the election. Mr. Leeson stated that the attainability program is a stipulation in the annexation agreement that is required prior to the first final plat. Staff hoped that it could be presented prior to the election so that the electorate could have those details. However, the first plat could be three years from now and a lot can change in that time. The basis or "skeleton" of the program is included in the annexation agreement.

Council Member Engelken questioned the definition of the attainable units priced for 120-200 percent of AMI at the time. Could it go up between now and then and are we committed to these numbers?

City Council President Pro-Tem Quinn stated that the segment represented by under 120 percent AMI is covered by the affordable units and the attainable units are meant to be for locals to afford. Council will have to agree to the specifics of the attainability program before it happens.

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Council Member Bentley asked about the “anti-flipping” clause. Mr. Weiss stated that there is an anti-speculation section that has a penalty for premature sales and all houses are subject to this.

PUBLIC COMMENT:

Ms. Mary Alice Page Allen, YVHA, spoke to attainable housing at 120 percent and that the YVHA is limited by the IGA to working with housing only 120 percent and below and workforce housing. She is pleased to see something that deals with above 120 percent because there are many people who do not qualify for 120 percent and below, and fills a “nitch” that is needed.

Mr. Towny Anderson cautions of unintended consequences of houses going up to 200 percent of AMI and the fact that the anti-speculation clause is only for three years.

Mr. John Spezia spoke to the impact of deed restricted houses on residential development, and that 400 units are needed to provide services to Steamboat 700 development (400 units is equivalent to that impact). He voiced concern that there are local restrictions so the units are open to everyone and that the units are not attainable for locals.

Mr. Bud Romberg spoke to the earlier discussion about what the City does not have with respect to housing, and that this agreement puts into place measurable parameters.

Mr. Steve Lewis suggested that the City revisit the housing issue after second plat to assess if the developer delivered workforce housing.

Ms. Catherine Carson noted that the attainability clause was added at the last minute; the parameters were set, but the final details will be hashed out later. However, the Citizens need to see the details before they vote and the annexation agreement does not say what will happen if the developer does not hit the 20 percent of affordable housing. She believes that it is the developers due diligence to have the attainability plan prior to the election.

Mr. Weiss stated that the attainability plan will be specific and there are still a number of unknowns.

Council Member Myller is satisfied that the agreement does cover average target ranges and a variety of housing will be produced.

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Council Member Engelken does not want to take action on this because it is not detailed enough.

City Council President Pro-Tem Quinn stated that there are so many questions in an agreement of this scope and the attainability language was added at the 11th hour. He does not believe that real estate speculation is a factor these days and the second home market is dead.

**CONSENT CALENDAR: MOTIONS, RESOLUTIONS AND ORDINANCES
FIRST READINGS**

- 4. RESOLUTION: A resolution acknowledging appointments to the Golf Management Committee.**

City Council President Pro-Tem Quinn read the resolution title into the record.

- 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.**

City Council President Pro-Tem Quinn read the ordinance title into the record.

Mr. Shelton spoke to a change that was made so that when a developer asks for an inspection, staff is allowed to do the inspection with the engineer.

- 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.**

City Council President Pro-Tem Quinn read the ordinance title into the record.

Mr. Lettunich stated that the signature block will have the City Manager's signature, however it can be changed easily if the City Manager is not available.

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: Council Member Magill moved and Council Member Reisman seconded to approve items 5 and 6 of the Consent Calendar; an ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code, commonly referred to as the Steamboat Springs Community Development Code,

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to revise Sections 26-68 Final Plat, 26-141 Phasing, and Article VIII Agreements; 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. The motion carried 6/0. City Council President Hermacinski was absent.

- 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.**

City Council President Pro-Tem Quinn read the ordinance title into the record.

- 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.**

City Council President Pro-Tem Quinn read the ordinance title into the record.

MOTION: Council Member Engelken moved and Council Member Myller seconded to approve 4, 7 and 8 of the Consent Calendar; A resolution acknowledging appointments to the Golf Management Committee; 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; 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. The motion carried 6/0. City Council President Hermacinski was absent.

PUBLIC HEARING: ORDINANCE SECOND READINGS

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

City Council President Pro-Tem Quinn read the resolution title into the record.

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

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Mr. Wilson stated that Mr. Brent Romick and Mr. Ward Van Scoyk are here to answer any questions as well.

Council Member Magill asked about long range funding ideas, steps and prioritization. Wilson stated that there is no funding for the Rodeo Master Plan in the five year Capital Improvements Projects (CIP). They are looking into grants and private funding options; and the next step is design development.

Further discussion commenced on chariot races, and the concrete seating area.

MOTION: Council Member Engelken moved and Council Member Bentley seconded to approve a resolution adopting the Howelsen Hill Rodeo Master Plan. The motion carried 6/0. City Council President Hermacinski was absent.

CONSENT CALENDAR - PLANNING COMMISSION REFERRALS

PLANNING
PROJECTS

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

PUBLIC HEARING – PLANNING COMMISSION REFERRALS

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.

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

This item was heard earlier in the meeting.

City Council President Pro-Tem Quinn read this item into the record and stepped down. He noted that the applicant has requested that this item be postponed to the February 2 agenda.

Council Member Bentley chaired the meeting.

Mr. Mark Mathews requested that this item be postponed due to the lack of Council representation at tonight's meeting.

PUBLIC COMMENT: There was no public comment.

MOTION: Council Member Magill moved and Council Member Myller seconded to postpone this item to the February 2, 2010. The motion carried 4/1. Council Member Engelken opposed. City Council President Hermacinski was absent.

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City Council President Pro-Tem Quinn returned to the 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.

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.

City Council President Pro-Tem Quinn read the ordinance title into the record.

Mr. Leeson reviewed the changes regarding quality standards, the elimination of incentives, and attainability exemptions (which is not yet included).

Council Member Bentley stated that she was surprised by the .2 percent number. Mr. Leeson stated that staff worked closely with the development community. They looked at a 30 year time horizon and found that the .2 percent fee would equate to Payment In Lieu (PIL).

Council Member Bentley asked if the developer is only paying 50 percent and the rest is on the backs of the buyers, then what does the developer care if number is .2, .5 or 1? She voiced concern that there will not enough money going toward the affordable housing program.

Council Member Myller and Council Member Engelken support increasing the number to .5 percent.

Mr. Lettunich stated that staff was directed to work with the committee and this number was a collaborative finding. It would be a surprise to this group to see the number changed. He noted that they found that the number was going to generate a return equal to the other 50 percent PIL after ten years and provide a cushion in case of a legal challenge.

Mr. Roberts stated that the first Real Estate Transfer Fee (RETR) occurs at the first sale, the second occurs at year five, and third at year ten. At that time, it would be the same net present value as the current PIL.

Council Member Reisman does not support raising the number for the sake of raising it since we do not know where affordable housing is heading.

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Council Member Bentley supports increasing it now and decreasing it later if necessary.

City Council President Pro-Tem Quinn believes that the higher we make the RETF, the bigger "target we paint on it". The compromise was to acknowledge that the fees do get passed along to homeowners and the balance was to get the same production without putting the burden on one sector of the community and passing the fee along.

Council Member Engelken believes that all these changes have come at the request of the developers and they only benefit the developers. He stated that a developer will charge whatever the market will bear.

PUBLIC COMMENT:

Mr. Ed MacArthur spoke to an option that includes shared responsibility and generated money; 1 percent at sale and .5 RETF.

Ms. Catherine Carson does not support the .2 percent and would like to increase to .5 percent.

MOTION: Council Member Magill moved and Council Member Reisman seconded to postpone this item to the February 16, 2010 agenda. The motion carried 6/0. City Council President Hermacinski was absent.

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.

City Council President Pro-Tem Quinn read the ordinance title into the record.

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: Council Member Myller moved and Council Member Bentley seconded to approve the second reading of 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;

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repealing all conflicting ordinances; and setting a hearing date. The motion carried 6/0. City Council President Hermacinski was absent.

- 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.**

City Council President Pro-Tem Quinn read the ordinance title into the record.

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: Council Member Bentley moved and Council Member Myller seconded to approve the second reading of 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. The motion carried 6/0. City Council President Hermacinski was absent.

- 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.**

City Council President Pro-Tem Quinn read the ordinance title into the record.

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: Council Member Reisman moved and Council Member Magill seconded to approve the second reading of 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. The motion carried 6/0. City Council President Hermacinski was absent.

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- 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.**

City Council President Pro-Tem Quinn read the ordinance title into the record.

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: Council Member Magill moved and Council Member Engelken seconded to approve the second reading of 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. The motion carried 6/0. City Council President Hermacinski was absent.

- 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.**

City Council President Pro-Tem Quinn read the ordinance title into the record.

Council Member Magill asked that staff assure that this is graded correctly for long term site stabilization. Mr. Leeson stated that there is an active Construction Site Management Plan in place so staff will look into it.

PUBLIC COMMENT: No one appeared for public hearing.

MOTION: Council Member Magill moved and Council Member Reisman seconded to approve the second reading of 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. The motion carried 6/0. City Council President Hermacinski was absent.

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REPORTS

17. City Council

Council Member Magill:

1. Needs someone to attend the January 28 Northwest Colorado Council of Government (NWCCOG) meeting. **DIRECTION:** Staff to attend.
2. Noted the increase in attendance at the Boys and Girls Club and the value of that program.
3. Attended the Music Fest/Ski Jam.
4. Attended a Mainstreet meeting and discussed the Highway 40 construction schedule. He asked if staff can request that CDOT let staff know by May 30 if they will make the June 30 date. Mr. Shelton spoke to the opportunity to pay an acceleration fee and noted that the contractor will consider this request.
5. Attended a meeting with Ski Corp. and discussed hosting the NCAA championships at Howelsen Hill.

Council Member Reisman:

1. Attended a Grand Futures meeting and noted that he was impressed that three Steamboat Springs High School and two Soroco students attended this meeting.

City Council President Pro-Tem Quinn:

1. Attended the Mainstreet annual meeting and discussed the challenges ahead for the community.

18. Reports

a. Agenda Review:

- 1.) City Council agenda for February 2, 2010.**
- 2.) SSRA agenda for February 2, 2010.**
- 3.) City Council agenda for February 16, 2010.**

The above agendas were reviewed.

19. Staff Reports

a. City Attorney's Update/Report.

Mr. Lettunich reported on the following:

1. Spoke to the engagement letter and fee agreement with Porzak regarding a fee increase. He noted that Council can either accommodate further discussion or approve the letter and deal with the budget issues it may raise. **DIRECTION:** Staff to provide more information on what the City has paid in the past.

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b. Manager's Report: Ongoing Projects.

Mr. Roberts reported on the following:

1. Noted that he has met with the businesses that are noted in the packet.
2. Noted that he will be providing a monthly update on the status of Council's goals.
3. Spoke to the preliminary stages of relocating Smartwool.
4. Will meet with Mainstreet to look at a marketing program regarding Highway 40 construction in hopes to lessen the impact.

ADJOURNMENT

MOTION: Council Member Myller moved and Council Member Bentley seconded to adjourn Regular Meeting 2010-02 at approximately 9:45pm. The motion carried 6/0. City Council President Hermacinski was absent.

MINUTES PREPARED, REVIEWED AND RESPECTFULLY SUBMITTED BY:

Julie Franklin, CMC
City Clerk

APPROVED THIS _____ DAY OF _____, 2010.