

CITY OF STEAMBOAT SPRINGS

AGENDA

REGULAR MEETING NO. 2011-18 TUESDAY, OCTOBER 18, 2011

5:30 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, or on our website at http://steamboatsprings.net/city_council/council_meetings. The e-packet is typically available by 1pm on the Friday before the meeting.

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.**

LLA MEETING 5:00PM

SSRA MEETING 5:10PM

A. ROLL CALL (5:30PM)

B. PROCLAMATIONS:

- 1. PROCLAMATION:** A proclamation recognizing October 2011 as Domestic Violence Awareness Month in Steamboat Springs, Colorado. (Moore)
-

C. COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:

- 2. Review of Noise Ordinance.** (Gibbs/Rae)
-

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

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. RESOLUTION:** A resolution approving the 2012 Operating Plan and budget of the Downtown Steamboat Springs Business Improvement District and reappointing two members of the Board of Directors.
 - 4. FIRST READING OF ORDINANCE:** An ordinance amending Section 25-223 of the City of Steamboat Springs Revised Municipal Code by updating income limit standards relating to water and wastewater charge discounts for elderly and disabled persons and revising accounting procedures for wastewater discounts; providing an effective date; and setting a hearing date. (Foote)
 - 5. FIRST READING OF ORDINANCE:** An ordinance adopting the budget and setting appropriations for the City of Steamboat Springs, Colorado, for and during the period beginning the first day of January, 2012, and ending the thirty-first day of December, 2012, creating a Rodeo Fund, renaming the Iron Horse Fund, eliminating the Municipal Surcharge Fund and forgiving the Main Street Steamboat Springs BID creation debt. (Weber)
-

E. 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.

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

F. 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.**

G. PLANNING COMMISSION REPORT

6. Planning Commission written report. (Levy)
-

H. 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.**

7. PROJECT: Betterview Business Park Lots 4&5 (Clearwater Studios)

PETITION: Final development plan to construct three industrial buildings in three phases; and an extended vesting of 5 years.

LOCATION: Betterview Business Park Lots 4 & 5; 1725 & 1825 13th Street.

APPLICANT: Gerencser, LLC C/O Ben Spiegel, P.O. Box 775654, Steamboat Springs, CO 80477.

PLANNING COMMISSION VOTE: Approved 4-1 on September 22, 2011.

- 8. FIRST READING OF ORDINANCE:** An ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code by amending Table 26-92, Table of Permitted Principal Uses, Section 26-139, Parking and Loading Standards and Section 26-402, Definitions and Use Criteria to permit outdoor storage as a Use with Criteria in the Industrial zone district and amend use criteria for Warehouse with Outdoor Storage; providing for severability; providing an effective date; repealing all conflicting ordinances; and setting a hearing date. (Peasley)
-

I. 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.**

9. PROJECT: Original Town of Steamboat Springs Block 8, Lots 11 & 12 (Tread of Pioneers Museum)

PETITION: Pre-application for Building Addition.

LOCATION: 219 8th Street.

APPLICANT: Tread of Pioneers Museum, Candice Lombardo Bannister, PO Box 772372, Steamboat Springs, CO 80477.

PLANNING COMMISSION VOTE: Heard September 22, 2011; no vote required.

10. PROJECT: Ptarmigan Inn Condos

PETITION: Conceptual development plan for a 71 unit 256,097 square-foot multi-family building and associated improvements.

LOCATION: 2304 Après Ski Way.

APPLICANT: Bruce Shugart, The Porches, c/o Eric Smith, Eric Smith Associates, 1919 7th Street, Boulder, CO 80302, (303) 442-5458.

PLANNING COMMISSION VOTE: Approved 5-1 on September 22, 2011.

J. REPORTS

11. Economic Development Update.

12. City Council

- a. Council Member Magill's request to re-open the community funding discussion and request an additional \$7,500 for the Rodeo Board and to take this money from the Bike Town USA group.

13. Reports

- a. Agenda Review (Franklin):
 - 1.) City Council agenda for November 8, 2011.
 - 2.) SSRA agenda for November 8, 2011.
 - 3.) City Council agenda for November 15, 2011.

14. Staff Reports

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

K. ADJOURNMENT

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

Agenda Item # 1

CITY COUNCIL COMMUNICATION FORM

FROM: Advocates Building Peaceful Communities, Diane Moore,
DATE: October 18, 2011
ITEM: A proclamation recognizing October, 2011 as Domestic Violence Awareness Month in Steamboat Springs, Colorado.
NEXT STEP: To support the proclamation recognizing October, 2011 as Domestic Violence Awareness Month in Steamboat Springs, Colorado.

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 PROCLAMATION

I. **REQUEST OR ISSUE:**

A proclamation recognizing October, 2011 as Domestic Violence Awareness Month in Steamboat Springs, Colorado.

II. **BACKGROUND INFORMATION:**

Diane Moore, Executive Director, of Advocates Building Peaceful Communities will be present to accept the proclamation.

III. **SUMMARY AND ALTERNATIVES:**

Staff recommends City Council support the above noted proclamation.

***A PROCLAMATION RECOGNIZING OCTOBER 2011 AS DOMESTIC VIOLENCE AWARENESS MONTH
IN STEAMBOAT SPRINGS, COLORADO***

WHEREAS, Advocates Building Peaceful Communities provided services to 310 new women, children and men in 2010; and

WHEREAS, Domestic Violence has led to the injury or death of far too many women; and

WHEREAS, the impact of Domestic Violence is wide ranging, directly effecting women and children and society as a whole; and

WHEREAS, Domestic Violence is not confined to any specific group of people, but affects people of all races, socio economics, education levels, family structures, genders, sexual identities, religions and ages; and

WHEREAS, the crime of Domestic Violence violates an individual's privacy, dignity, security and humanity and comes in the form of physical, emotional, sexual, psychological and economic abuse; and

WHEREAS, Advocates Building Peaceful Communities and the community will devote the month of October to public education awareness of this tragic epidemic which is the number one health problem in this country (according to the American Medical Association);

NOW, THEREFORE, BE IT PROCLAIMED, by the City Council of the City of Steamboat Springs, Colorado, that October 2011 is hereby declared "DOMESTIC VIOLENCE AWARENESS MONTH" in Steamboat Springs, Colorado.

ADOPTED THIS 18th day of October, 2011.

Attest:

Julie Franklin, CMC
City Clerk

Cari Hermacinski
Steamboat Springs City Council President

AGENDA ITEM # 2

Review of Noise Ordinance

This will be a verbal update only.

Agenda Item # 3

**Grimshaw
& Harring**

Wells Fargo Center
1700 Lincoln Street, Suite 3800
Denver, Colorado 80203-4538
303.839.3800 | 303.839.3838 (FAX)

 **MERITAS**
LAW FIRMS WORLDWIDE

Larry W. Berkowitz
303-839-3991

lwberk@grimshawharring.com

September 26, 2011

Julie Franklin, City Clerk
City of Steamboat Springs
PO Box 775088
Steamboat Springs, CO 80477

via mail and e-mail: jfranklin@steamboatsprings.net

Re: Downtown Steamboat Springs Business Improvement District

Dear Ms. Franklin:

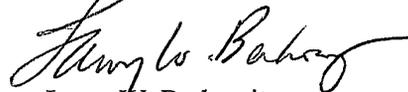
Enclosed for formal filing with the City of Steamboat Springs, as provided in Section 31-25-1211, C.R.S. is the proposed 2012 Operating Plan and Budget for the Downtown Steamboat Springs Business Improvement District.

We would appreciate being advised of when the City will be considering this Plan for approval. Also attached is a proposed resolution approving the 2012 Operating Plan and Budget (which resolution will also effect the reappointment of the Director whose term is set to expire 12/31/2011) for your and the City Attorney's review.

Thank you. If you have any questions, please give me a call.

Sincerely,

GRIMSHAW & HARRING, P.C.


Larry W. Berkowitz

Enclosure

Cc: William M. Moser, Jr. (w/encl via e-mail: bmoser2@earthlink.net)
Tracy Barnett (w/encl via e-mail: tracy@mainstreetsteamboat.com)

Attorneys at Law
www.grimshawharring.com

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. _____

A RESOLUTION APPROVING THE 2012 OPERATING PLAN AND BUDGET OF THE DOWNTOWN STEAMBOAT SPRINGS BUSINESS IMPROVEMENT DISTRICT AND REAPPOINTING TWO MEMBERS OF THE BOARD OF DIRECTORS OF THE DISTRICT.

WHEREAS, the City of Steamboat Springs, by Ordinance No. 2112, effective June 29, 2007, approved the organization of the Downtown Steamboat Springs Business Improvement District (the "District"); and

WHEREAS, the District filed its proposed 2012 Operating Plan and Budget (the "2012 Operating Plan") with the City of Steamboat Springs on or before September 30, 2011, as required by Section 31-25-1211, C.R.S.; and

WHEREAS, the City of Steamboat Springs has reviewed the 2012 Operating Plan; and

WHEREAS, the City of Steamboat Springs has found and does hereby find that the 2012 Operating Plan should be approved in the form submitted; and

WHEREAS, the term of one member of the Board of Directors of the District will expire on December 31, 2011 and Council desires to reappoint said member to a term expiring December 31, 2014 as requested by the Board of Directors of the District.

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

Section 1. Operating Plan Approval. The City of Steamboat Springs hereby approves the 2012 Operating Plan, a copy of which is attached hereto as Exhibit A and incorporated herein by reference.

Section 2. Appointment of Directors. William Hamil, a current member of the Board of Directors whose term expires December 31, 2011 is hereby reappointed to the Board to serve a term ending December 31, 2014.

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this Resolution is promulgated under the general police power of the City of Steamboat Springs, that it is promulgated for the health, safety, and welfare of the public and that this Resolution is necessary for the

preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Resolution bears a rational relation to the proper legislative object sought to be attained.

Section 4. Severability. If any clause, sentence, paragraph or part of this Resolution or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. This Resolution shall become effective immediately.

PASSED, ADOPTED, AND APPROVED this _____ day of _____, 2011.

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

ATTEST:

**Julie Franklin, CMC
City Clerk**

2012
OPERATING PLAN
AND
BUDGET

DOWNTOWN STEAMBOAT SPRINGS BUSINESS IMPROVEMENT DISTRICT

Submitted
September 30, 2011

2012
OPERATING PLAN AND BUDGET FOR THE
DOWNTOWN STEAMBOAT SPRINGS BUSINESS IMPROVEMENT DISTRICT

INTRODUCTION:

The Downtown Steamboat Springs Business Improvement District (the "District") was organized by City of Steamboat Springs Ordinance Number 2112 on June 29, 2007 ("Organizational Ordinance").

By state statute, specifically Section 31-25-1211, C.R.S., by September 30 of each year, the District is required to submit an operating plan and budget to the City for review and approval.

The Board held a series of Board meetings to discuss the future of the District, the possibility of a TABOR election, and inclusion of additional property in the District; however, the District has not undertaken substantive activity in the last year and is in the process of considering its future plans and options. The District would like to remain in a holding pattern until its plans become more clear.

OPERATING PLAN CONTENTS:

Pursuant to the provisions of the Business Improvement District Act, Section 31-25-1201, et seq., Colorado Revised Statutes, as amended, the Operating Plan is to specifically identify:

- (1) the composition of the Board of Directors,
- (2) the services and improvements to be provided by the District,
- (3) the taxes, fees, and assessments to be imposed by the District,
- (4) the estimated principal amount of the bonds to be issued by the District, and
- (5) such other information as the City may require.

Each of these five items is described below.

COMPOSITION OF THE BOARD OF DIRECTORS:

Under the Organizational Ordinance, the Board of Directors of the District was appointed by the City Council. All Board members must, by law, be electors of the District. The current members of the Board of Directors are:

1. William M. Moser, Jr., President
2. Jennifer R. Wilson, Vice President/Assistant Secretary
3. Gregory W. Koehler, Vice President/Assistant Secretary
4. William Hamil, Vice President/Assistant Secretary

There are three vacancies on the Board at this time. The Director Sheet attached as Exhibit C provides more detailed information.

Future appointments shall be made by the City in accordance with the Organizational Ordinance. The City is advised that the term of Director Hamil will expire on December 31, 2011. The District requests that Director Hamil be re-appointed to serve a term expiring December 31, 2014 in accordance with the provisions of the Organizational Ordinance.

DESCRIPTION OF IMPROVEMENTS AND SERVICES; TAXES, FEES, AND ASSESSMENTS; PRINCIPAL AMOUNT OF BONDS:

Given the current situation, the 2012 Operating Plan and Budget descriptions of (a) improvements and services, (b) taxes, fees, and assessments, (c) principal amount of bonds, and (d) other features of the District will be the same as set forth in the 2008 Operating Plan and Budget as approved by the City.

No District taxes have been collected to date, nor will be collected in 2012.

The District Board is considering its options to determine the role of the District in financing operational activities of the District, as well as the potential to finance and operate public improvements within the boundaries of the District. In this regard, the District may form one or more enterprises to provide business services and/or marketing program. If needed, based on these plans, the District will develop an amendment to the Operating Plan and Budget and present it to the City for review and approval.

ADDITIONAL INFORMATION -- CITY OVERSIGHT OF DISTRICT ACTIVITIES:

The following is the brief report of District activities required for the past year:

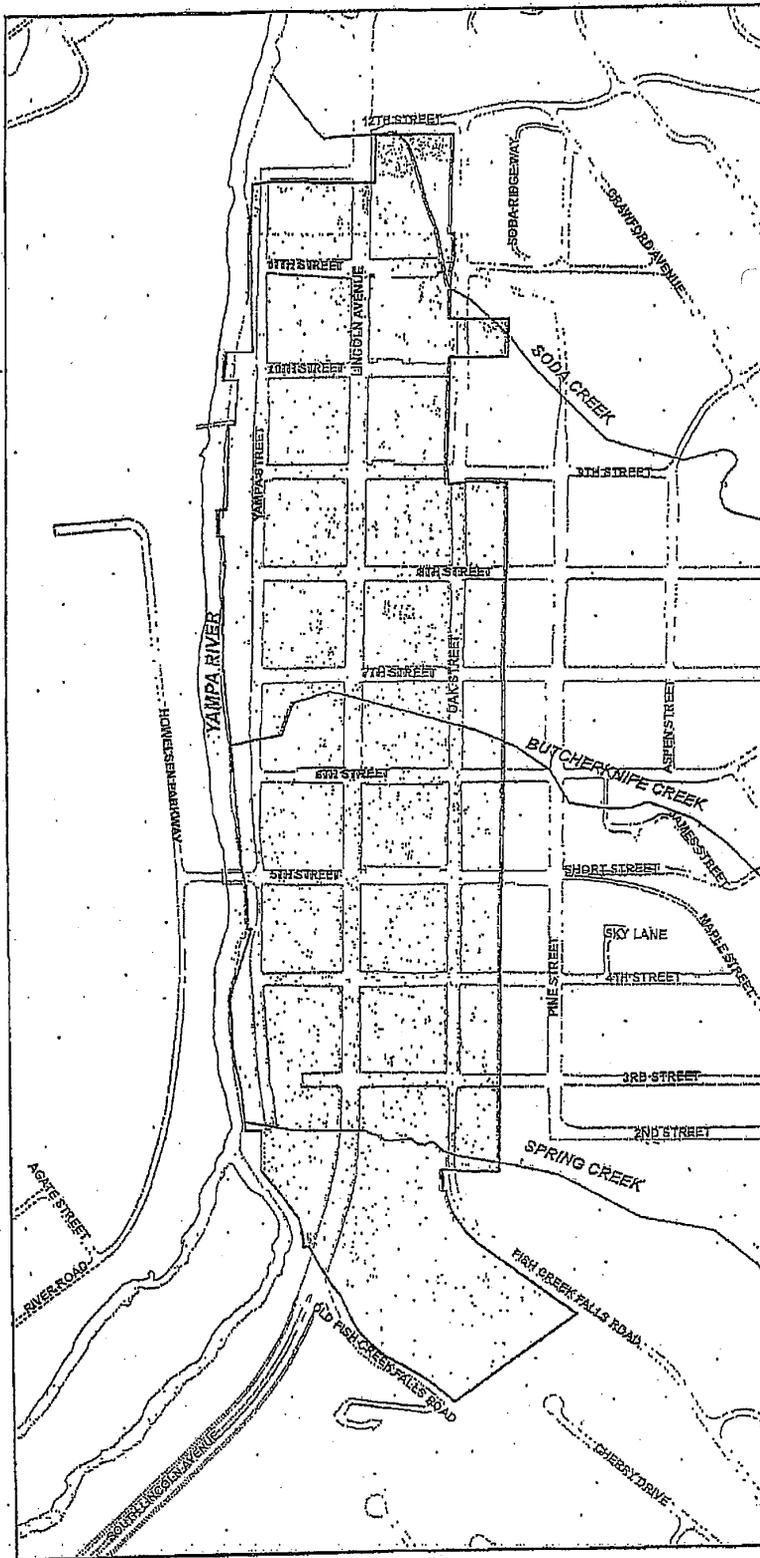
1. District Name: Downtown Steamboat Springs Business Improvement District.
2. District Contact Person, address, telephone number, fax number: Larry W. Berkowitz, attorney for the District, Grimshaw and Harring, P.C., 1700 Lincoln Street, Suite 3800, Denver, Colorado 80203. Telephone (direct): 303-839-3991, fax number: 303-839-3838.
3. Board of Director names, addresses, telephone numbers, fax numbers where applicable: See attached Exhibit C.
4. District Map: Please see Exhibit A. The current boundaries of the District do not include the YVEA parcels excluded in the Organizational Ordinance and identified with particularity therein.

5. Current Budget: Please see Exhibit B.
6. Most Recent Audit or Audit Exemption Application: None completed because there have been no funds received or spent by the District.
7. Copy of any filing required by or for the State Securities Commissioner: No bonds have been issued, therefore none has been required.
8. A list of all intergovernmental agreements of the District: None.
9. Any alteration or revision to the debt service schedules provided in the operating plan: N/A - the District did not contemplate the issuance of any debt in its 2008 Operating Plan. The imposition of an operating mill levy and/or debt authorization has not yet been approved by eligible electors of the District
10. A list of all lease-purchase agreements and a summary of their terms; None.
11. A description of activities performed in the last budget year: Organization of the District was by ordinance on June 29, 2007. The Board's organizational meeting, following all required notices, was held on July 10, 2007 at which time various administrative tasks were performed. Activity in the District essentially stopped after the November 2007 election when the authority to levy a tax was not passed by the electors of the District. The attorney for the District (Larry W. Berkowitz of Grimshaw & Haring, P.C.) has been working with the Board on maintaining the District. The only activity in the last year has been to hold meetings concerning the District, and the development of this Operating Plan and Budget and to request City approval thereof.
12. A description of activities to be performed in the next budget year: The District does not currently anticipate any significant activities in 2012.

CONCLUSION:

Under Section 31-25-1211, C.R.S., the City is to approve or disapprove this Operating Plan and Budget within 30 days of the receipt of required documentation. The Board respectfully requests the adoption of a resolution of approval.

EXHIBIT A



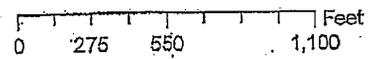
DOWNTOWN STEAMBOAT SPRINGS
BUSINESS IMPROVEMENT DISTRICT
(BID)

Note: Taxable personal property is not included in the proposed BID. It is the intent of the petitioners that ad valorem property taxes of the BID will be levied against commercial real property only.

Legend

-  CREEKS
-  YAMPA RIVER
-  BID

Prepared By:
City of
Steamboat Springs
GIS Services



T:\GIS\work\20070701\05_BID_01.mxd

EXHIBIT B

DOWNTOWN STEAMBOAT SPRINGS BUSINESS IMPROVEMENT DISTRICT
BUDGET - 2012

	2010	2010	2011	2012
	Actual	Budget	YTD and Projected	Budget
<u>Revenues</u>				
Property taxes	0	0	0	0
S.O. Taxes	0	0	0	0
Landowner Advances	0	0	0	0
Fees and charges	0	0	0	0
Bond proceeds	0	0	0	0
Other	0	0	0	0
Total	0	0	0	0
<u>Expenditures</u>				
Accounting	0	0	0	0
Auditing	0	0	0	0
Legal	0	0	0	0
Engineering	0	0	0	0
Management	0	0	0	0
Landowner reimbursement	0	0	0	0
Capital projects	0	0	0	0
Debt service	0	0	0	0
Other	0	0	0	0
Held in Reserve	0	0	0	0
Total	0	0	0	0

Notes to Budget:

1. A mill levy of "zero" will be certified on or before December 15, 2011.
2. A few expenses incurred on behalf of the District have been paid by Main Street Steamboat Springs. No provision for repayment of these costs has been made or is currently contemplated.

EXHIBIT C

DOWNTOWN STEAMBOAT SPRINGS BUSINESS IMPROVEMENT DISTRICT

Routt County, Colorado

9/26/11
Minutes – No

Date Formed:	Ord. No. 2112, Effective June 29, 2007
G&H File No.:	14832 (organized under 14764)
Employer Identification No.:	32-0211958
Sales Tax Identification No.:	(applied for)
PDPA Identification No.	062200005101 (interest bearing)
	062200000101 (non-interest bearing)
Term Limits Eliminated:	Not applicable (Board Appointed)
De-Tabored:	No

REGULAR MEETINGS: None. Special meetings called as needed.

DESIGNATED POSTING PLACE: The offices of Mainstreet Steamboat Springs, 751 Yampa, Steamboat Springs, CO

BOARD OF DIRECTORS:

William M. Moser, Jr., President	(w) 970-879-2839
Moser and Associates	(f) 970-879-5501
PO Box 773186	(h) 970-879-6396
Steamboat Springs, CO 80477	(c) 970-846-2839
	bmoser2@earthlink.net

Term: Appt 2010-12/31/2013

Jennifer R. Wilson, Vice Pres/Asst Secy	(w) 970-879-1400
Moose Mountain Trading Company	(f) 970-871-9009
PO Box 774901	(h) 970-846-9400
Steamboat Springs, CO 80477	(c) 970-846-9400
	jenniemoose@yahoo.com

Term: Appt 2010-12/31/2013

Gregory W. Koehler, Vice Pres/Asst Secy	(w) 970-879-1150
Rabbit Ears Motel	(f) 970-870-0483
PO Box 770573	(h) 970-879-7609
Steamboat Springs, CO 80477	(c) 970-846-2250
	greg@rabbitearsmotel.com

Term: Appt 2009 – 12/31/2012

William Hamil, Vice Pres/Asst Secy	(w) 970-879-3504
Steamboat Meat and Seafood Company	(f) 970-879-4617
PO Box 880580	(h) 970-879-1995
Steamboat Springs, CO 80477	(c) 970-846-2017
	bill@steamboatseafood.com

Term: Appt 2007 – 12/31/2011

Board Vacancy
Board Vacancy
Board Vacancy

DISTRICT MANAGER:

Tracy Barnett
Main Street Steamboat Springs
PO Box 774611
Steamboat Springs, CO 80477

(c) 970-819-1800
tracy@mainstreetsteamboat.com

ACCOUNTANT:

AUDITOR:

PUBLICATION:

Steamboat Pilot & Today
Attn: Beth
1901 Curve Plaza
Steamboat Springs, CO 80477

970-879-1502
(f) 970-879-2888
legals@steamboatpilot.com

LEGALS PUBLISHED ON SUNDAYS ONLY; DEADLINE IS PREVIOUS FRIDAY BY NOON OR THURSDAY BY 2:00 P.M. IF IT IS A PDF. Submit by email with Word attachment.

Agenda Item # 4

CITY COUNCIL COMMUNICATION FORM

FROM: Dan Foote, Staff Attorney (Ext. 223)

THROUGH: Jon Roberts City Manager (Ext. 228)

DATE: October 18, 2011

ITEM: **ORDINANCE: AN ORDINANCE AMENDING SECTION 25-223 OF THE CITY OF STEAMBOAT SPRINGS REVISED MUNICIPAL CODE BY UPDATING INCOME LIMIT STANDARDS RELATING TO WATER AND WASTEWATER CHARGE DISCOUNTS FOR ELDERLY AND DISABLE PERSONS AND REVISING ACCOUNTING PROCEDURES FOR WASTEWATER DISCOUNTS; PROVIDING AN EFFECTIVE DATE; AND SETTING A HEARING DATE (Foote)**

NEXT STEP: Introduce the ordinance on first reading

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

I. REQUEST OR ISSUE:

Introduce an ordinance amending the City's procedures relating to water and wastewater discounts.

II. RECOMMENDED ACTION:

Introduce the ordinance on first reading.

III. BACKGROUND INFORMATION:

The City offers a 50% discount to water and wastewater customers who are either elderly or receive certain disability or indigency payments and whose household incomes meet

criteria established by the Farmers Home Administration/HUD (“FHA”) and the U.S. Community Services Administration (“USCSA”). The water discount is applied to monthly customer bills. The ordinance requires the wastewater discount to be applied as a rebate from the general fund. The wastewater discount is accounted for as a rebate in order to avoid impairing wastewater fund revenues that are used for debt service on wastewater utility debt.

Staff proposed to revise the ordinance in three ways. First, the FHA and USCSA and eligibility criteria no longer are published by those agencies. Staff proposed to replace those criteria with the Low Income Limits from the HUD Individual Income Limit Table, which the City has been using in place of the obsolete standards referred to in the existing ordinance. Because the proposed ordinance will revise the code to conform to existing practice, there will not be a fiscal impact to the City.

Second, staff proposes to account for the wastewater discount as a discount from monthly charges instead of as a rebate from the general fund. This change will allow the City to account for both the water and wastewater discount in the same way. This modification will not impair the ability of the wastewater fund to service wastewater utility debt because the wastewater discounts are de minimis and are not expected to have any substantial effect on the wastewater fund.

Finally, staff has had some difficulty in determining how to apply the elderly discount to individual residents of single metered senior living facilities due to diversity in resident incomes. Staff’s current practice has been to allow the discount for all residents in these situations. The proposed ordinance would formalize this practice by extending the elderly discount to all residents of senior living facilities owned and operated by the Routt County Foundation for Senior Citizens.

IV. LEGAL ISSUES.

None.

V. CONFLICTS OR PROBLEMS.

None.

VI. FISCAL IMPACTS.

There will be no net impact. However, the revisions to wastewater discount accounting will result in a small decrease in wastewater fund revenues and an offsetting decrease in general fund expenses.

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 25-223 OF THE CITY OF STEAMBOAT SPRINGS REVISED MUNICIPAL CODE BY UPDATING INCOME LIMIT STANDARDS RELATING TO WATER AND WASTEWATER CHARGE DISCOUNTS FOR ELDERLY AND DISABLED PERSONS AND REVISING ACCOUNTING PROCEDURES FOR WASTEWATER DISCOUNTS; PROVIDING AN EFFECTIVE DATE; AND SETTING A HEARING DATE.

WHEREAS, Section 25-223 of the City of Steamboat Springs Revised Municipal Code creates a fifty percent discount rate for consumers who are either elderly or disabled and whose household income does not exceed certain income limits established by the Farmers Home Administration/HUD ("FHA") and the U.S. Community Services Administration ("USCSA"); and

WHEREAS, FHA and USCSA either have been re-organized into new agencies or have had their responsibilities for publishing income standards transferred to other federal agencies; and

WHEREAS, income limit standard applicable to disabled consumers, which is set at 130% of the USCSA poverty guidelines, sets a lower income limit than the income limit standard applicable to elderly consumers, which is set at 80% of the median family income as determined by the FHA; and

WHEREAS, Section 25-223 does not provide guidance as to how to apply its discount language in the case of single metered living facilities designed for the elderly where some but not all residents meet the eligibility criteria; and

WHEREAS, Section 25-223(f) authorizes a discount for wastewater service to be paid as a rebate from the general fund on the basis of the water service discount eligibility criteria; and

WHEREAS, the wastewater discount was structured as a rebate in order to avoid impairing wastewater fund revenues used to pay wastewater utility debts; and

WHEREAS, wastewater discount rebates constitute such a small portion of wastewater fund revenues that current wastewater charges are adequate to defray wastewater utility debt payments from the wastewater fund as adjusted for wastewater discounts; and

WHEREAS, the City Council of the City of Steamboat Springs finds it necessary and desirable to amend Section 25-223 to use the Department of Housing and Urban Development Low Income Individual Income Limits, which are set at 80% of the median family income, as the discount income limit for both disabled and elderly consumers, to account for the wastewater discount as a discount from monthly charges instead of as a general fund rebate, and to apply the discount to all residents of senior living facilities owned or operated by the Routt County Foundation for Senior Citizens.

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

Section 1. Section 25-223 of the Steamboat Springs Revised Municipal Code is hereby amended to read as follows:

"(a) Water and wastewater charge discounts. The monthly charges for water and wastewater service to a private dwelling, apartment, condominium unit or any other single-family dwelling unit occupied by a family meeting the eligibility criteria established below shall be discounted to one-half (1/2) of the charge, as set out in section 25-216. The rate charged for turning water on to these same units shall be discounted to one-half (1/2) of the regular rate, as set out in section 25-217. ~~Nothing stated herein shall be construed as allowing a discount for wastewater service charges. The wastewater rate shall be as set forth in section 25-218, with no rate discounts.~~ For purposes of this section, the terms "dwelling unit" and "family" shall be defined as set forth in section 26-402

(b) Application for discount; duration. Discount rates will take effect in the month following initial application to the city. The discount rate for families eligible under the elderly or non-elderly criteria as set forth in subsections 25-223(c) and (d) will remain in effect for one year; provided, that no discount rate will remain in effect after discontinuation of service, a change in the name of the billing, or any change in the status of the family or dwelling, and specifically for families eligible under the non-elderly criteria, the discontinuation of income support payments and changes in family income, which affects eligibility for the discount. Families eligible under criteria as set forth in subsections (c) and (d) may reapply yearly for continuation of the discount, and reapply to keep the discount rate in effect. Members of families receiving discount rates shall notify the city upon any change in status of the family or dwelling, which might affect eligibility for the discount.

(c) Elderly eligibility criteria. A family is eligible for the discount rate under elderly criteria if the member named on the billing is sixty-two (62) years of age or older, the head of household, occupies the service address as his/her principal or primary place of residence, receives from all sources as a household an annual income equal to or less than the ~~Low Income Adjusted Income Limit as published~~

~~annually by the Farmer's Home Administration/HUD Low Income Limits set forth in the latest Department of Housing and Urban Development Individual Income Limits table for Routt County, and makes application to the city pursuant to subsection 25-223(b).~~

(d) *Non-elderly eligibility criteria.* A family is eligible for a discount rate under non-elderly criteria if it meets both of the following requirements:

(1) The member named on the billing is receiving and will indefinitely continue to receive regular monetary income support payments from a private or public source for blindness, long term disability or indigency. Such payments include but are not limited to: social security, supplemental security income, aid to families with dependent children, disabled veterans payments, state social services general income support payments and private disability pensions. Such payments do not include nondisability retirement pensions, workmen's compensation, unemployment compensation or other forms of in-kind services, cost reimbursements, nonmonetary support, or any other form of assistance which is directed toward a specific need other than general income support.

(2) Total family income from all sources for the last twelve (12) months is the same or less than ~~one hundred thirty (130) percent of the current poverty levels established by the U.S. Community Services Administration for non farm families and in effect at the time of application or reapplication~~the Low Income Limits set forth in the latest Department of Housing and Urban Development Individual Income Limits table for Routt County, and makes application to the city pursuant to subsection 25-223(b).

(e) *Reserved Senior living facilities.* Consumers occupying dwelling units in living facilities owned or operated by the Routt County Foundation for Senior Citizens shall be eligible for the discount rate without providing evidence of eligibility as set forth in subsection 25-223(c).

~~(f) *Reimbursement of sewer charges for dwelling units.* One half of the charges, as set out in section 25-218, for a private dwelling, apartment, condominium unit or any other single family dwelling unit meeting the eligibility requirements as outlined in subsections (b), (c) and (d) shall be reimbursed on a monthly basis to the customers eligible for the discount. Such rebate shall be made from the general fund of the city. Under no circumstances will any rebate be allocated from the wastewater fund. Nothing in this section shall be construed as allowing for a discount rate for wastewater service."~~

Section 2. 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 3. 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.

Section 4. A public hearing on this ordinance shall be held on _____, 2011, at 5:15 P.M. in the Citizens Hall meeting room, Centennial Hall, Steamboat Springs, Colorado.

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 _____, 2011.

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

ATTEST:

**Julie Franklin, CMC
City Clerk**

FINALLY READ, PASSED AND APPROVED this _____ day of _____, 2011.

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

**Julie Franklin, CMC
City Clerk**

Agenda Item # 5

CITY COUNCIL COMMUNICATION FORM

FROM: Kim Weber, Manager of Budget and Tax (Ext. 250)

THROUGH: Jon Roberts, City Manager (Ext. 228) and Deb Hinsvark, Deputy City Manager (Ext. 240)

DATE: October 18, 2011

ITEM: AN ORDINANCE ADOPTING THE BUDGET AND SETTING APPROPRIATIONS FOR THE CITY OF STEAMBOAT SPRINGS, COLORADO, FOR AND DURING THE PERIOD BEGINNING THE FIRST DAY OF JANUARY, 2012, AND ENDING THE THIRTY-FIRST DAY OF DECEMBER, 2012 , CREATING A RODEO FUND, RENAMING THE IRON HORSE FUND, ELIMINATING THE MUNICIPAL SURCHARGE FUND AND FORGIVING THE MAIN STREET STEAMBOAT SPRINGS BID CREATION DEBT.

NEXT STEP: Approve at second reading

ORDINANCE
 INFORMATION

I. REQUEST OR ISSUE:

This communication form is to detail out the changes of the proposed 2012 budget from the budget that was approved by City Council on October 4, 2011.

II. RECOMMENDED ACTION:

Adoption at second reading on 11/8/11.

III. FISCAL IMPACTS:

Total budgeted revenues, all funds:	\$ 41,042,731
Total budgeted expenditures, all funds:	\$ 51,552,088

IV. BACKGROUND INFORMATION:

This ordinance reflects the City's 2012 Budget as presented to Council on October 4, 2011 and the proposed changes that have occurred since the budget was presented. The following are the changes from the original budget book that was presented:

- The budget was adjusted to reflect grant revenue of \$1,500,000 with the understanding that if this grant revenue is not received the expenditure budget will not be used.
- The transfer from the Capital Projects Fund to the Howelsen Hill Ski Area Fund (Conservation Trust Fund) was eliminated, in turn decreasing the capital expenditures in the Howelsen Ski Area Fund by the same amount.
- The \$50,000 expenditure for the fenced dog park was removed from the 2012 Capital Projects Fund budget.
- The expenditures and corresponding revenues were added to the General Fund budget for the Transit Yellow Line. This includes the contribution from CMC.
- City Council's wages were reduced by 10% per the vote at the budget hearing.
- Reduce Police Department FTE's due to reorganization.
- Community support for the coalitions was restored to 2011 levels.
- Airport expenditures were reduced by \$20,027 to reflect a more accurate insurance premium projection.
- Fleet Services Fund expenditures were increased by \$30,000 to reflect additional costs of an Airport Fuel Truck.

This ordinance will also do the following:

- Forgive the outstanding loan amount for Main Street Steamboat
- Create a new Enterprise Fund for the Rodeo Grounds
- Change the name of the Employee Housing Fund to the Iron Horse Fund
- Eliminate Municipal Surcharge Fund and track revenue and expenses in the General Fund

V. LEGAL ISSUES:

Annual budget for the City required by section 9.4 of the Home Rule Charter.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None noted.

VII. SUMMARY AND ALTERNATIVES:

Appropriations may be revised, deleted or approved.

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE BUDGET AND SETTING APPROPRIATIONS FOR THE CITY OF STEAMBOAT SPRINGS, COLORADO, FOR AND DURING THE PERIOD BEGINNING THE FIRST DAY OF JANUARY, 2012, AND ENDING THE THIRTY-FIRST DAY OF DECEMBER, 2012, CREATING A RODEO FUND, RENAMING THE IRON HORSE FUND, ELIMINATING THE MUNICIPAL SURCHARGE FUND AND FORGIVING THE MAIN STREET STEAMBOAT SPRINGS BID CREATION DEBT.

WHEREAS, in accordance with Section 9.4 of the Home Rule Charter of the City of Steamboat Springs, the City Manager has presented the City Council with a complete financial plan of all City funds and activities, and which covers all proposed expenditures of the City for the fiscal year beginning January 1, 2012, and ending December 31, 2012; and

WHEREAS, said budget shows as definitively as possible each of the various funds for which appropriations are made in the budget, and the estimated amount of money carried in the budget for each such fund; and

WHEREAS, said budget has been filed with the City Clerk and is available for public inspection; and

WHEREAS, said budget serves a valid public purpose in that it sets a financial plan for the 2012 fiscal year; and

WHEREAS, City Council has directed staff to create an Enterprise Fund for the Rodeo separate from the Howelsen Hill Ski Area; and

WHEREAS, City Council has directed staff to rename the Employee Housing Fund to the Iron Horse Fund; and

WHEREAS, City Council wishes to accept the payments that have been received from Main Street Steamboat Springs as full payment for the \$50,000 loan issued on January 29, 2007; and

WHEREAS, the Municipal Surcharge Fund can be eliminated and the related revenues and expenditures will be tracked in separate accounts within the General Fund; and

WHEREAS, notice of the public hearing on the proposed annual budget, stating the date, time, place and subject matter of said public hearing was given as required by Section 9.5 of the Home Rule Charter of the City of Steamboat Springs.

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

Section 1. **APPROPRIATION:** That out of current and probable revenues of the City of Steamboat Springs, Colorado, for and during the year beginning the first day of January 2012, there is hereby appropriated the following sums of money or that portion necessary for the purposes herein named:

General Fund	\$24,715,069
Capital Projects Fund	5,330,749
Fleet Services Fund	930,448
Water Fund	7,912,739
Utility Fund	4,475,849
Airport Fund	2,119,260
Howelsen Ski Area	2,345,618
Rodeo	162,030
Howelsen Ice Arena Fund	737,248
Tennis Center Fund	181,337
Golf Fund	1,765,025
Rehder Building Fund	15,440
Community Housing Fund	80,000
Iron Horse Fund	<u>781,276</u>
Total Appropriations	<u>\$51,552,088</u>

Section 2. The Director of Financial Services shall account for the following funds and revenues as follows:

Rodeo revenues and expenditures shall be accounted for separately as an enterprise fund separate and independent from the Howelsen Ski Area Fund;

The Employee Housing Fund shall henceforth be referred to as the Iron Horse Fund; and

Revenues and expenditures previously accounted for in the Municipal Surcharge Fund shall be accounted for in separate accounts in the General Fund.

Section 3. The City Council accepts payments received to date from Main Street Steamboat Springs in full satisfaction of the \$50,000 loan made to Main Street Steamboat Springs on January 29, 2007.

Section 4. The budget herein summarized above, for the year stated, is approved and adopted as the budget of the City of Steamboat Springs, Colorado.

Section 5. The budget herein approved and adopted shall be signed by the City Council President and attested to by the City Clerk and made a part of the public records of the City.

Section 6. 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 7. 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 8. The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety, and that it serves a valid public purpose.

Section 9. 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 _____, 2011.

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

ATTEST:

**Julie Franklin, CMC
City Clerk**

FINALLY READ, PASSED AND APPROVED this _____ day of _____, 2011.

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

ATTEST:

**Julie Franklin, CMC
City Clerk**

Agenda Item # 6

Planning Commission Sept 12 Policy Session Report to City Council.

Staff and Planning Commission has undertaken an effort to reduce red tape and unnecessary costs in our permit processes. Currently we are working to move uses from "Use with criteria (CR)" and "conditional use(C)" into the "use by right category(R)". For C & CR if the applicant meets the criteria or conditions then the city has no real discretion in denying a permit. Why make the applicant go through a public hearing and additional cost?

We are looking at those uses with the least impacts.

There will be another worksession and public hearing before a recommendation is forwarded to City Council

See attached 9-12-11 worksession packet (Attachment 1).

Sincerely

Richard Levy, SSPC



**PLANNING COMMISSION WORK SESSION
ROOMS' # 113 & 114, CENTENNIAL HALL, 124 10TH STREET
STEAMBOAT SPRINGS, CO 80487
MONDAY, SEPTEMBER 12, 2011
12:00 NOON**

12:00-1:15

I. Use Chart Review (Continued)

II. New Policy Work Schedule (Attached)

1:15 – 1:30

III. Director's Report

- A.) Planning Commissioner Updates
- B.) City Council Project Updates
 - a. Discussion Updates (9/06/11)
 - i. Ski Hill Subdivision, Parcel B (T-Bar) #DP-11-04
 - ii. *APPEAL* Betterview Business Park Lots 4 & 5 #PP-09-06
 - iii. Text Amendment to CDC: Goat Ordinance #TXT-11-12 2nd Reading
 - iv. Airport Meadows Filing 2 (Metes & Bounds) #ZMA-09-03 2nd Reading
 - v. Casey's Pond (Senior Center) #DPF-10-04
- C.) City Council Future Meeting Review
 - a. Pre City Council Discussion (9/13/11) No Meeting
 - b. Pre City Council Discussion (9/20/11)
 - i. No Items at this Time
 - c. Pre City Council Discussion (9/27/11) No Meeting
 - d. Pre City Council Discussion (10/18/11)
 - i. Text Amendment to CDC – Outdoor Storage #TXT-11-04 1st Reading
 - ii. Ptarmigan Inn Condos Block 2 Lot 6 #DPF-08-05
 - iii. Betterview Business Park Lots 4 & 5 (Clearwater Studios) #FDP-09-03
 - iv. Original Town of Steamboat Springs, Block 8 Lots 11 & 12 (Tread of Pioneers Museum) #PRE-11-02
 - e. Pre City Council Discussion (10/25/11) No Meeting

1:30

IV. Adjourn

NOTE:

PLANNING COMMISSION REPRESENTATIVES TO THE FOLLOWING CITY COUNCIL MEETINGS:

October 4, 2011	Rich Levy
November 1, 2011	Kathi Meyer
December 6, 2011	Jennifer Robbins
January 3, 2012	Troy Brookshire

POST: 9/09/11

**DEPARTMENT OF PLANNING &
COMMUNITY DEVELOPMENT
MEMORANDUM**

FROM: Tyler B. Gibbs, AIA, Director of Planning & Community
Development (Ext. 244)

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

TO: City Council Members
Planning Commission Members

DATE: September 8, 2011

RE: Notice of Decision for Administrative Review Permits &
Historic Register Applications

The Director of Planning & Community Development has provided this memorandum for informational purposes only to notify of a pending decision. Also included in the summary are decisions made by the Historic Preservation Commission on Historic Register Applications. The purpose of transmitting a Notice of Decision is to ensure that all entities are aware of decisions being made by the Director as authorized in the Community Development Code.

Please contact the project planner if you have any questions on a specific permit. All development files are available in the Department of Planning & Community Development for review and inspection. Note that any of the administrative review permits may be called up to a public hearing if so requested.

A summary of the administrative review permits is listed on the following page.

SUMMARY OF ADMINISTRATIVE REVIEW PERMITS – WEEK OF SEPTEMBER 6, 2011

PROJECT PLANNER	FILE NAME AND NUMBER	TYPE OF PERMIT	APPLICANT	PROJECT DESCRIPTION AND LOCATION	RECOMMENDED DECISION	DATE OF DECISION
Seth	LLA-11-02	Lot Line Adjustment	Santa Fe Trail, LLC	Slight lot line adjustment between lots 16 & 17 of Boulder Ridge Sub.	Approval	September 26, 2011

**City of Steamboat Springs
 Planning Commission
 Policy Work Session Schedule
 2010-2011**

August 16, 2010	TAC Process/ Amended DP
September 13, 2010	TDR
October 18, 2010	Sustainability Policy
November 15, 2010	Transit Densities
December 13, 2010	10% Rule
January 18, 2011	Inventory Analysis
February 14, 2011	Secondary Units/ Accessory Use
March 14, 2011	Mobile Home Parks- barriers to conversion
April 18, 2011	Mobile Home Parks- preservation ordinance
May 16, 2011	Front Porch Setbacks
June 13, 2011	Administrative Variance Process
July 18, 2011	Administrative Variance Process (Cont.)
August 15, 2011	Use Chart Review (Name change from Administrative Variance Process)
September 12, 2011	Use Chart Review
October 17, 2011	
November 14, 2011	
December 12, 2011	
Upcoming Policy Worksession Items:	Ground Floor Uses in G1, G2 & CO
	Waterbody, Wetlands and Floodplain Regulations

PROJECTS
PLANNING COMMISSION MEETING DATES
(Revised 9/08/11)

DATE	PROJECT	PERMIT #	PLANNER	CC
PC 9/08	No Meeting			
PC 9/22				
	Ptarmigan Inn Condos Block 2 Lot 6 (Conceptual Development Plan)	#DPF-08-05	Bob	10/18
	Original Town of Steamboat Springs, Block 8, Lots 11 & 12 (Tread of Pioneers Museum)	#PRE-11-02	Seth	10/18
	Betterview Business Park Lots 4 & 5 (Clearwater Studios)	#FDP-09-03	Seth	10/18
	Text Amendment to CDC - Outdoor Storage	#TXT-11-04	Jason	10/18 & 11/08
PC 10/13				
PC 10/27				
PC 11/10				
PC 11/24	NO MEETING – Thanksgiving Day			
PC 12/08				
PC 12/22	NO MEETING - ???			

**PROJECTS
CITY COUNCIL MEETING DATES**

(Revised 9/08/11)

ONLY 1 ITEM ON NON CONSENT when controversial

Excluding Vacation Ordinances

DATE	PROJECT	PERMIT #	PLANNER	PC DATE & VOTE
9/13	No Meeting			
9/20				
Consent:				
Non Consent:				
9/27	No Meeting			
10/04	BUDGET RETREAT - No planning Items			
10/11	No Meeting			
10/18				
Consent:				
	Text Amendment to CDC - Outdoor Storage 1 st Reading	#TXT-11-04	Jason	9/22
	Ptarmigan Inn Condos Block 2 Lot 6 (Conceptual Development Plan)	#DPF-08-05	Bob	9/22
	Betterview Business Park Lots 4 & 5 (Clearwater Studios)	#FDP-09-03	Seth	9/22
Non Consent:				
	Original Town of Steamboat Springs Block 8, Lots 11 & 12 (Tread of Pioneers Museum)	#PRE-11-02	Seth	9/22
10/25	No Meeting			
11/01	No Meeting – Election Day			
11/08				
Consent:				

Non Consent:				
	Text Amendment to CDC - Outdoor Storage 2nd Reading	#TXT-11-04	Jason	1ST Read 10/18
11/15 Consent:				
Non Consent:				
10/22	No Meeting			
10/29	No Meeting			
12/06 Consent:				
Non Consent:				
12/13	No Meeting			
12/20 Consent:				
Non Consent:				



DEPARTMENT OF
PLANNING AND COMMUNITY DEVELOPMENT
MEMORANDUM

DATE: September 12, 2011
TO: Planning Commission
FROM: Planning Staff
SUBJECT: CDC- Administrative Processes and Permitted Uses

Planning Staff and the Planning Commission have been discussing possible changes to the Administrative Review Processes and changes to the Permitted Use Table. At our work session this coming Monday we will focus primarily on staff suggested changes to the permitted use table and the work plan for accommodating the proposed changes.

Attached to this memo you will find the following for our discussion:

1. Permitted Use Table with highlighted areas for change.
2. Supporting Document that includes proposed changes to the Permitted Use Table.
3. Definitions and Use Criteria excerpt from the CDC that highlights permitted use proposed changes.
4. Scope of work or Work Plan for next steps.

Proposed Staff Changes to Permitted Use Table

To be cross referenced with proposed changes table.

R = Use by Right	CR = Use with Criteria	C = Conditional Use	Blank Cell = Prohibited
------------------	------------------------	---------------------	-------------------------

Proposed Change #	Use Classification and Specific Principal Uses*	Traditional Zoning Districts														TND Zoning (Transects)						
		O R	R E	R N	R O	R R	M H	M F	G-1	G-2	C O	C Y	C N	CC	CS	I	T2-NE	T3-NG1	T3-NG2	T4-NC	T5-TC	S D
RESIDENTIAL USES																						
	Dormitory																					
1	Duplex			C R	C R	C		C	C												CR	CR
	Employee unit	C				C R	CR	CR	C R	C R	C R	C R	C R	CR	CR	C R					CR	CR
	Group home		C R	C R	C R			CR													CR	CR
	Live/Work unit																					
	Long-term rental		R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
	Mobile home						R															
2	Multi-family dwelling			C	C	C R		R	C R	C R	C R	C R	C R	CR	C	C R						
	Tri-Plex/Fourplex																				R	R
	Bungalow court																				R	R
	Rowhouse																				R	R
	5--8 Units																				R	R
	9+ Units																				R	
	Dwelling, residential component of a mixed-use project																				R	R
	Secondary unit		C R	C R	C R	C		CR	C R												CR	CR
	Short-term rental		C R	C R	C R	C R	CR	CR	C R	C R	C R	C R	C R	CR	CR						CR	CR
3	Single-family dwelling unit		R	R	R	C	CR	C													R	R
COMMERCIAL USES																						
4	Amenity space/structure		C	C		R	R	R	R	R	C	C	C	C							R	R
5	Animal clinic																					
	Animal hospital																					
6	Animal kennel																					
	Automatic Teller Machine (ATM)																					
7	Automobile car wash																					
	Automobile filling station																					
8	Automobile major repair																					

Proposed Change #	Use Classification and Specific Principal Uses*	Traditional Zoning Districts														TND Zoning (Transects)									
		O R	R E	R N	R O	R R	M H	M F	G- 1	G- 2	C O	C Y	C N	CC	CS	I	T2- NE	T3- NG 1	T3- NG 2	T4- NC	T5- TC	S D			
9	Automobile minor repair													C	CR	C R					CR	CR	C R		
	Automobile service station													C		R	C						C		
10	Automobile rental								C	C					C	C	C							C	
11	Automobile sales															C	C						C		
12	Bank								C	C					CR	CR					CR	R			
	Bed and breakfast		C	C	C					C						C R	C R				CR	CR	CR		
13	Building supplies/lumber yard															CR	C R						CR	C R	
	Business support services								R	R	R	R	R	R	R	R						R	R		
	Campground	C																							
14	Commercial large									C					C	C	C					C	R		
	Commercial, medium								C	R	R	C	C	R	R							CR	CR		
	Commercial, outdoor															C	C								
	Grocery store								C	R	R	C	C	R	R							R	R		
	Commercial, over 12,000 square feet and under 40,000 square feet														PU D	PU D						R	R		
	Commercial, over 40,000 square feet																					PU D	PU D		
15	Commercial, small								C	R	R	R	R	R	R	R						R	R		
15.1	Construction trailer	C R	C R	C R	C R	C R	CR	CR	C R	C R	C R	C R	C R	C R	CR	CR	C R	CR	CR	CR	CR	CR	CR	C R	
16	Cottage industry															C R	C R	C R				CR	CR	C R	
	Farmers market								R	R	R	R	R									R	R		
	Funeral home														C	C						C	C		
	Garage sale	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R			
17	Health club								C	C	C				C	C							CR	R	
	Home occupation		C R	C R	C R	C R	CR	CR	C R	C R	C R	C R	C R	C R	CR	CR	C R	CR	CR	CR	CR	CR	CR		
18	Hostel				C	C			C	C	C	C	C									C	R		
19	Hotel					C			C	R	C				C	C						C	R		
20	Inn				C	C			C		R	R	R									R	R		
21	Lodge				C				C	C	R	R	C	C	C							R	R		
	Medical marijuana dispensary														C R	C R	C	CR	CR	C R					
	Mobile Vending	C R	C R	C R	C R	C R	CR	CR	C	C	C	C	C	C	C	C	C	CR	CR	CR	CR	CR	CR	C R	
	Movie theater									C R	C R												R	R	

Proposed Change #	Use Classification and Specific Principal Uses*	Traditional Zoning Districts														TND Zoning (Transects)													
		O R	R E	R N	R O	R R	M H	M F	G- 1	G- 2	C O	C Y	C N	CC	CS	I	T2 - NE	T3- NG 1	T3- NG 2	T4- NC	T5- TC	S D							
22	Neighborhood store			C R	C R	C			C			C R	C R							CR	CR								
23	Nightclub							C	C R	C R	C R	C R	CR	CR	C					CR	CR								
24	Nursery										C R	C R	CR	CR	C R					CR	CR								
25	Office							C	C R	C R	R	R	R	R						R	R								
26	Office - medical and dental							C	C	C	C	C	R	R						R	R								
	Office – temporary on-site real estate sales	C R	C R	C R	C R	C R	CR	CR	C R	C R	C R	C R	C R	CR	CR	C R	CR	CR	CR	CR	CR	C R							
27	Outdoor equipment sales and rental														C	C													
28	Outdoor recreational equipment rental	C							C	C R	C R	C R	C R	CR	CR						C								
	Outdoor display								C R	C R	C R	C R	C R	CR	CR	C R				CR	CR								
	Outdoor seating								C R	C R	C R	C R	C R	CR	CR	C R				CR	CR								
29	Outdoor sales	C							C	C	C	C	C	C	C					C	C								
30	Outdoor storage										C	C		C	C	C						C R							
	Parking lot/structure					C			C	C	C	C	C	C	C					C	C								
	Real estate sales trailer		C R	C R		C R	CR	CR	C R	C R		C	C	CR	CR	C R	CR	CR	CR	CR	CR	C R							
	Performing arts facility	C							R	R	R	R	R	R						R	R								
	Recreation center	C	C	C			C	C												R	R	R							
31	Recreation, indoor	C			C		C	C	C R	C R	C R	C R	CR	C						CR	CR	R							
	Recreation, outdoor	C							C	C		C	C	C	C	C						R							
	Recreation outdoor - low impact	R	R	R	R	R	R	R	R	R		R	R	C	C	C	R	R	R	R	R	R							
32	Restaurant								C	C R	C R	C R	C R	CR	CR	C					R	R							
33	Restaurant, drive-in													C	C						C								
	Self-service storage facility														C	C						C							
	Studio								R	R	R	R	R	R	R	R				R	R								
34	Tavern								C	C R	R	R	C	CR	C					CR	CR								
35	Taxidermy														CR	C R													
36	Telecommunication facility	C							C	C	C	C	C	C	C	C				C	C								
	Vacation home rental		C R	C R	C R	R		CR	R	R	C R	C R	C R	CR			CR	CR	CR										
37	Timeshare					R			R	R	C				C	C				R	R	R							
INDUSTRIAL USES																													
	Airport															C													

Proposed Change #	Use Classification and Specific Principal Uses*	Traditional Zoning Districts														TND Zoning (Transects)						
		O R	R E	R N	R O	R R	M H	M F	G-1	G-2	C O	C Y	C N	CC	CS	I	T2-NE	T3-NG 1	T3-NG 2	T4-NC	T5-TC	S D
	Automobile yard															C						
38	Batching plant - asphalt or concrete															C R						C
39	Crematorium															C R						
40	Industrial service															C R						C R
	Industrial, heavy															C						C
41	Industrial, light															C R				C	C	C R
42	Meat processing facility															C						C
43	Media production												C	C	C	R				C	C	C
	Mining															C						
	Personal storage facility, indoor															C R						C R
44	Printing and Publishing															C R				CR	CR	C R
45	Recycling facility															C					C	C
	School, industrial-related, technical school, training facility															R						R
	Sexually oriented bookstore and/or business															C						
	Transit service facility															R						R
	Warehouse															C R						R
	Warehouse with outdoor storage															C R						C R
	Waste collection facility															C						C
PUBLIC, INSTITUTIONAL AND CIVIC USES																						
	Cemetery	C	C																			
	Child care center, small	C	C	C R	C R	C R	CR	CR	C		C	C R	C R	CR	C		CR	CR	CR	R	R	R
46	Child care center, large	C	C	C	C	C		C	C	C	C	C	C	C	C			C	C	CR	CR	C R
	Community center	C			C	C				C	C	C	C	C	C			C	R	R	R	R
	Community service facility	C	C	C	C	C	C	C	C		C	C		C	C	C			C	C	C	C
	Day care home		R	R	R	C	R	C				R	R				R	R	R	R	R	
	Hospital													C	C					C	C	
	Institutional	C	C			C					C			C	C	C				C	C	C
	Library	C								C	C	C	C	C	C	C				R	R	
48	Museum	C				C			C	C	C	C	C	C						R	R	
49	Nursing home							C				C	C	C			C	C	C	C	C	C
	Religious institution		C	C	C	C	C	C			C	C	R	C	C			C	CR	CR	R	

Proposed Change #	Use Classification and Specific Principal Uses*	Traditional Zoning Districts														TND Zoning (Transects)							
		O R	R E	R N	R O	R R	M H	M F	G- 1	G- 2	C O	C Y	C N	CC	CS	I	T2- NE	T3- NG 1	T3- NG 2	T4- NC	T5- TC	S D	
	Residential care, small																C	C	R	R	R		
	School-private/public	R	C	C	C			C			C	C	C	C					C	C	C	C	
	Shelter house			C	C R			CR									C	C	C	C	C		
	Stadium	C							C					C	C	C							
	Transit station	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	Transit stop	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	
	Triage center					C			C	C										C	C		
	Utilities, underground	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	
	Utilities, above ground	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
AGRICULTURAL USES																							
50	Agriculture	C R	R														R						
	Animal, Chicken	R	R	R	R	C R	CR	CR						C R	CR	CR	C R	R	R	R	CR	CR	C R
	Animal, domestic	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
	Animal, farm	C R	C R																				
	Animal, Goats	C R	C R	C R	C R	C R		CR									CR	CR	CR	CR			
	Animal, Temporary Goats	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
OTHER USES																							
	Accessory structure	R	R	R	R	R	R	R	R	R	C	R	R	C	R	R	R	R	R	R	R	R	
	Accessory use	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	
	Temporary event	C R				C R			C R	C R	C R	C R	C R	CR	CR	C R				CR	CR	C R	
	Temporary structure/use	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
51	Uses with criteria that do not meet criteria	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
PARK AND OPEN SPACE USES																							
	Change of use for any park	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	Community garden	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	
	Community park	R	C	C	C	C	C	C	C	C	C	C	C	C	C	C	R	R	R	R		R	
	Special use park	C	C	C	C	C	C	C	C	C	C	C	C	C	C							R	
	Natural resource/preserve/open land	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	
	Neighborhood park	R	R	R	R	R	R	R	R		R	R	R	R	R	C	R	R	R			R	
	Neighborhood pocket park	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	
	Playground	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	
	Plaza, pocket plaza						R	R	R	R	R	R	R	R	R					R	R	R	
	Sports complex	C												C									

Proposed Staff Changes to Permitted Use Table

To be used to cross reference Permitted Use Table Mark-Up

R = Use by Right	CR = Use with Criteria	C = Conditional Use	Blank Cell = Prohibited
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Change #	Use Classification	Proposed Change
1	Duplex	Change all CRs to use by R and keep the same criteria.
2	Multi-Family Dwelling Unit	Change all CRs to use by R and keep the same criteria.
3	Single-family Dwelling Unit	Change all CRs to use by R and keep the same criteria.
4	Amenity Space/Structure	Change from C to R in all zone districts except for CO and CY.
5	Animal Clinic	Change from C in the CY zone to Prohibited and from CR in the CC and CN zones to R with same criteria.
6	Animal Kennel	Change all CRs to use by R and keep the same criteria.
7	Automobile Car Wash	Change from C to R in the CC and CS and create new criteria.
8	Automobile Major Repair	Change all CRs to R and keep the same criteria.
9	Automobile Minor Repair	Change all CRs to use by R and keep the same criteria.
10	Automobile Rental	Change from C to R in the CS zone and create new criteria.
11	Automobile Sales	Change from C to R in the CS zone and create new criteria.
12	Bank	Change all CRs to use by R and keep the same criteria.
13	Building Supplies/Lumber Yard	Change all CRs to use by R and keep the same criteria.
14	Commercial Large	Change C to R for the CC and CS zone districts.
15	Commercial Small	Change C to R for G-1
15.1	Construction Trailer	Change all CRs to use by R and keep the same criteria.
16	Cottage Industry	Change all CR to R and keep the same criteria.
17	Health Club	Change all Cs to Rs and add new criteria.
18	Hostel	Change from C to R in the CN, CY, RR, and G-1 zone districts and add new criteria.
19	Hotel	Change from C to R in the G1, CC, and CO zones and add new criteria.
20	Inn	Change from C to R for RR and G1 zones and add criteria if necessary.
21	Lodge	Change from C to R for CN and G1 zones and add criteria if necessary.
22	Neighborhood Store	Change all CRs to use by R and keep the same criteria.
23	Nightclub	Change all CRs to use by R and keep the same criteria.
24	Nursery	Change CRs to use by R for CC, CS, and I with same criteria but change from CR to C for CY and CN zones.
25	Office	Change all CRs to use by R and keep the same criteria.
26	Office – Medical and Dental	Change all Cs to Rs in CO, CY, and CN and add criteria if applicable.
27	Outdoor Equipment Sales and Rentals	Change all Cs to use by R and create new criteria.
28	Outdoor Recreational Equipment Rental	Change all CRs to use by R and keep the same criteria.
29	Outdoor Sales	Change from C to CR for the CY, CS, and G-2 zones. New criteria.
30	Outdoor Storage	Change from C to CR in the I and TND-SD zones. Create new criteria.
31	Recreation, Indoor	Change CR to R in all zones except CO. In the CO zone make include criteria that allows along basement or upstairs

		level.
32	Restaurant	Change all CRs to use by R and keep the same criteria.
33	Restaurant, Drive-Thru	Change all Cs to Rs with new design criteria that address impacts.
34	Tavern	Change all CRs to use by R and keep the same criteria. Change C in CS zone to R and add criteria.
35	Taxidermy	Change all CRs to use by R and keep the same criteria.
36	Telecommunication Facility	Change all Cs to Rs except for OR zone and add new criteria. If criteria cannot be met review through conditional use. Still require review of appearance through MEM process.
37	Timeshare	Allow as use by R in all zones.
38	Batching Plant Asphalt or Concrete	Change CR to R with same criteria.
39	Crematorium	Change CR to R with same criteria.
40	Industrial Service	Change CR to R with same criteria.
41	Industrial, Light	Change CR to R with same criteria.
42	Meat Processing Facility	Change C to R with new criteria.
43	Media Production	Change C to R with new criteria in CC and CS zones.
44	Printing and Publishing	Change CR to R with same criteria.
45	Recycling Facility	Change from C to R but add new criteria if applicable.
46	Child Care Center Large	Change from C to R in the CC and CS zone districts and add criteria if applicable. Coordinate definitions with state.
48	Museum	Allow by R in all zones.
49	Nursing Home	Allow by R in the CS and CC zone districts and prohibit in the CY and CN zones.
50	Agriculture	Change CR to R with same criteria.
51	Uses with Criteria the do not meet Criteria	Update so that uses by R that do not meet criteria can be processed as C use.

Definitions for Proposed Use Classification Changes are highlighted below

Sec. 26-402. Definitions and use criteria.

(a) *Meanings.* For the purposes of this CDC, the following words shall have the following meanings:

AH zone. As defined by the Federal Emergency Management Agency.

AO zone. As defined by the Federal Emergency Management Agency.

Accessory structure. A structure that is:

- (1) Detached from a principal structure by a minimum of six (6) feet; and
- (2) Constructed concurrently or subsequent to principal structure; and
- (3) Ancillary or subordinate to the principal structure in terms of height; and
- (4) Located on the same lot, or within the same development as the principal structure; and
- (5) Is used for a supporting purpose of the principal structure; and
- (6) For commercial, industrial, multi-family or mixed-use developments, the accessory structure shall be less than twenty-five (25) percent of the gross floor area of the principal structure; or
- (7) For single-family and duplex developments, the accessory structure shall be no greater than forty-five (45) percent of the gross floor area of the principal structure. In the residential Old Town (RO) zone district, the maximum size of the accessory structure shall be the maximum as provided under the accessory structure floor area ratio maximum; and
- (8) New accessory structures, or any portion of accessory structures, utilized as secondary units must meet the principal structure setback requirements in the RE-1/S, RE-2/S, RN-1, RN-2, RN-3, CN, or CY zone districts.
- (9) Structures not detached a minimum of six (6) feet must meet all principal structure dimensional standards.
- (10) Structures not meeting item (3) may request relief through the section 26-69, Minor adjustment or section 26-70, Variance.

Accessory use.

- (1) The use of land or a structure that is ancillary or subordinate to the principal use.
- (2) A use that is located on the same lot or within the same development as the principal use.
- (3) A use that is less than twenty-five (25) percent of the floor area of a structure (if located within a principal structure), or less than twenty-five (25) percent of the lot (if located outside a principal structure), or less than twenty-five (25) percent of a development, with the exception of those properties in the I zone district where fifty (50) percent is allowed.
- (4) Where there is more than one accessory use on a property, those uses cumulatively shall occupy less than thirty (30) percent of the land or structure, as applicable, with the exception of those properties in the I zone district where fifty (50) percent is allowed.
- (5) Accessory uses may be commercial uses provided they are not in conflict with any provisions of the home occupation as provided in this article.
- (6) Private garages (detached or attached), storage areas, recreation amenities (hot tubs, pools, play structures, etc.) and other incidental uses associated with single-family and duplex residential uses shall not be considered accessory uses and shall not be included in any calculation for accessory use square footage.
- (7) A single-family dwelling unit shall not be an accessory use in the I zone district.

Adjacent. Sharing all or part of one common lot line with another lot or parcel of land, or would share all or part of one common lot line if not for the separation caused by a street, alley, sidewalk, railroad right-of-way, utility line, trail, or irrigation ditch.

Adjoining. Touching or bounding at one point or more with another lot or parcel of land.

Affordable housing. A residential dwelling unit for which an individual or family with an income equal to one hundred twenty (120) percent of the median income for the county pays no more than thirty (30) percent of their monthly income as a rental or mortgage payment.

Aggrieved party. (1) The owner of any parcel of land located within three hundred (300) feet of the parcel that is the subject of the application, and (2) in the case of any application for which a public hearing is not required, any other individual or organization that submitted written comments regarding the proposed application to the

planning department prior to the decision on the project, and (3) in the case of any application for which a public hearing is required, any other individual or organization that submitted written or oral comments regarding the proposed application at one or more public hearings on the project, provided that the individual or organization specifies in the appeal the specific regulation, criteria, or standard of this CDC that was incorrectly applied by the decision maker.

Agriculture. The non-intensive use of lands and structures for the production of crops, animal husbandry not to exceed two (2) farm animals per acre or other similar uses normally associated with farming and ranching.

- (1) *Use criteria.*
 - a. Review shall be prior to development or building permit, as applicable.
 - b. Where farm animals are present, all criteria listed under animals, farm must be met.
 - c. Machinery required in connection with agricultural uses may only be utilized between the hours of 7:00 a.m. and 7:00 p.m.
 - d. Dust, noise and smells resulting from agricultural uses shall be mitigated to the maximum extent practical.

Airport. An area improved for the landing and takeoff of aircraft, and may include hangars, facilities for refueling and repair and various accommodations for passengers such as baggage claim, waiting areas, food service and automobile rental services.

Alley. A public or private roadway, abutting a lot, used primarily as a means of access to the rear of a lot, and in some cases providing a secondary means of access to the property abutting its length.

Amenity space/structure. Any floor area that provides common facilities for the benefit of at least three (3) dwelling units, or five (5) lodging units and is located within six hundred sixty (660) feet of the units that it is designed to serve. Amenity structures must comply with the principal structure setback requirements. Amenity space may include service and recreational uses including but not limited to meeting room(s), office space for management of the development, laundry facilities, exercise room(s), swimming pools, storage areas, sports equipment storage, spas, and other similar types of uses. A maximum of fifty (50) percent of the required amenity space may be an accessory use.

Animal control facility. A facility that is operated, controlled or contracted with the city for the confinement, safe keeping, control and/or the destruction of animals that become the custody of the city.

Animal clinic. An establishment used by a veterinarian where animals are treated.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. Animals shall be treated and housed entirely within an enclosed structure.
- c. Animals kept overnight shall be limited to those that are currently ill, waiting to be treated, or recovering from treatment and need veterinarian care.
- d. Animal clinics located within the CN zone district shall only be located on the south side of Oak Street.
- e. Shall not be located immediately adjacent to property zoned OR, RE, RN, RO, MF, and MH. (City-owned OR lands and open space that has been designated in a commercial or industrial subdivision shall not be included in this classification and for the purposes of this definition, a public right-of-way shall not separate property. Example: If a property proposing this use is located across a street from a RE zoned property, this criteria would be applicable.)

Animals, chickens. Chicken hens numbering five (5) or fewer per lot.

- a. No roosters shall be allowed.
- b. Chickens shall be kept in a secure coop at all times except when under direct supervision.
- c. Coops shall be located so that they meet minimum principle structure setback requirements.
- d. Coops must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis to prevent the attraction of pests and offensive odors.
- e. Feed must be stored in a bear proof container if located outdoors.
- f. Shall not be used for commercial purposes.
- g. A use with criteria review may be used to vary the number of hens allowed.

(1) *Use criteria.*

- a. In multifamily, industrial, commercial, and mobile home zone districts the applicant must provide a letter of approval from their neighborhood association if such association exists.
- b. Chicken hens may be allowed if the director finds that the applicant has sufficiently demonstrated the chickens will not result in any adverse impacts.
- c. Additional chicken hens may be allowed if the director finds that the applicant has sufficiently demonstrated the need for additional chickens and that the additional chickens will not result in any adverse impacts.

Animals, domestic. Animals that are normally considered household pets, including but not limited to dogs, cats, birds, fish, and nonvenomous reptiles, provided that they are not bred and raised for commercial purposes on the property.

Animals, farm. Animals not normally considered household pets, or kept wholly or partially outside of a residential structure, including but not limited to horses, mules, burros, llamas, bison, elk, deer, cattle, swine, sheep, poultry (with the exception of chicken hens), ostrich and goats.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. A minimum lot area of one-half (1/2) acre is required per large farm animal.
- c. A maximum number of small farm animals is five (5) per one-half (1/2) acre.
- d. Pens and corrals used for confinement of animals shall be located at least thirty (30) feet from all property boundaries.

Animal hospital. An establishment where a veterinarian treats animals of any size and where there may be functions and facilities that are not completely enclosed within a structure.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. Shall not be located immediately adjacent to property zoned OR, RE, RN, RO, MF, and MH. (City-owned OR lands and open space that has been designated in a commercial or industrial subdivision shall not be included in this classification and for the purposes of this definition, a public right-of-way shall not separate property. Example: If a property proposing this use is located across a street from a RE zoned property, this criteria would be applicable.)

Animal kennel. A commercial establishment with indoor and/or outdoor facilities for the keeping, breeding, boarding or training of animals; or a noncommercial operation with six (6) or more adult animals.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. All outdoor areas where animals are kept are to be effectively screened from the public right-of-way and any pedestrian pathways.
- c. Outdoor kennel areas shall utilize noise buffering techniques in compliance with section 26-146, performance standards.
- d. Outdoor kennel areas shall limit animal holding hours to between 7:00 a.m. and 7:00 p.m. to minimize conflicts with adjacent uses.
- e. Shall not be located immediately adjacent to property zoned OR, RE, RN, RO, MF, and MH. (City-owned OR lands and open space that has been designated in a commercial or industrial subdivision shall not be included in this classification and for the purposes of this definition, a public right-of-way shall not separate property. Example: If a property proposing this use is located across a street from a RE zoned property, this criteria would be applicable.)

Antenna. Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennas shall include devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

Antenna, building mounted. Any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building, tank, tower, building mounted mast less than ten (10) feet tall and six (6) inches in diameter, or structure other than a telecommunication tower.

Antenna, ground mounted. Any antenna with its base placed directly on the ground or a mast less than ten (10) feet tall and six (6) inches in diameter.

Antenna, vertical. A vertical type antenna without horizontal cross sections greater than one-half (1/2) inch in diameter.

Appeal. A review of a final decision by a higher authority.

Area of shallow flooding. As defined by the Federal Emergency Management Agency.

Area of special flood hazard. As defined by the Federal Emergency Management Agency.

ATM. An automated teller machine (computerized, self-service machine used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel), located outdoors at a bank, or in another location. Does not include drive-up ATMs.

Attached sign. Includes any sign painted, incorporated into or fixed to the building wall, and any sign consisting of cutout letters or devices affixed to the building wall with no background design on the building wall and extending no more than twelve (12) inches away from the wall.

Attic. See "Crawl space."

Automobile. A motorized device used for carrying or conveying of persons or objects and includes motorcycles, passenger cars and passenger trucks.

Automobile car wash. A structure containing facilities for automated or self service washing of automobiles.

Automobile filling station. Where petroleum products are dispensed for retail sales to automobiles and may include a canopy, and/or accessory retail.

Automobile major repair shop. General service, repair, replacement, and rebuilding of vehicles, including body shops, conducted completely within a structure.

(1) *Use criteria.*

a. Review shall be prior to development or building permit, as

applicable.

- b. Shall not be located immediately adjacent to property zoned OR, RE, RN, RO, MF, and MH. (City-owned OR lands and open space that has been designated in a commercial or industrial subdivision shall not be included in this classification and for the purposes of this definition, a public right-of-way shall not separate property. Example: If a property proposing this use is located across a street from a RE zoned property, this criteria would be applicable.)
- c. Shall be conducted entirely within a structure.
- d. Shall not store inoperable or unlicensed vehicles outdoors for more than two (2) business days.
- e. Vehicle access entrances to the service bays shall not be visible from the public right-of-way.

Automobile minor repair shop. An establishment where the principal use is the service and replacement of parts for passenger vehicles and light trucks. This does not include body shops.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. Shall not be located immediately adjacent to property zoned OR, RE, RN, RO, MF, and MH. (City-owned OR lands and open space that has been designated in a commercial or industrial subdivision shall not be included in this classification and for the purposes of this definition, a public right-of-way shall not separate property. Example: If a property proposing this use is located across a street from a RE zoned property, this criteria would be applicable.)
- c. Shall be conducted entirely within a structure.
- d. Shall not store inoperable or unlicensed vehicles outdoors for more than two (2) business days.
- e. Vehicle access entrances to the service bays shall not be visible from the public right-of-way.

Automobile rental. Any parcel of land or building where automobiles are kept for lease, and where automobiles may be dropped off or picked up.

Automobile sales. Any parcel of land or building where automobiles are stored or displayed to be sold or leased.

Automobile service station. An automobile filling station combined with minor repair.

Automobile yard. Any parcel of land or building for which the principal or accessory use is the collection, demolition, dismantling, keeping, storage, bailment, salvage or sale of used discarded, worn out or scrapped machinery, automobile, automobile parts, or scrap metal.

Average elevation (for purposes of determining permitted sign height.) The average elevation between two (2) points located twenty (20) feet on either side of the centerline of the sign parallel to the sign face.

GRAPHIC UNAVAILABLE: [Click here](#)

Average slope. The average slope of a lot, tract or parcel of land shall be calculated by subtracting the lowest elevation of the property (natural grade) from the highest elevation on the property and dividing that number by the distance between the front lot line and the back lot line, or the distance between side lot lines, whichever is greater.

GRAPHIC UNAVAILABLE: [Click here](#)

Awning. A sheet of canvas, plastic, or similar material stretched over a frame, which projects from a wall of a building for the purpose of shielding a doorway or a window from the elements.

Awning sign. A sign painted, stamped, perforated, stitched or otherwise applied on the valance of an awning.

Bank. An institution where money is deposited, kept, lent or exchanged, including automatic teller machines (ATM's). Pawn shops with money lending facilities are not considered banks.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. In the G-1, G-2 and CO zone districts, a banking facility shall be no greater than three thousand (3,000) square feet.
- c. Except in the CC and CS zone district, a banking facility shall not have any drive-up facilities.

Base flood. The flood having a one percent chance of being equaled or exceeded in any given year; the term is synonymous with the term "100-year flood."

Basement. As defined by the Uniform Building Code.

Batching plant, asphalt or concrete. An industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, used in building or construction, and including facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment, but not including the retail sale of finished asphalt or concrete products.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. Shall not be located immediately adjacent to property zoned OR, RE, RN, RO, MF, and MH. (City-owned OR lands and open space that has been designated in a commercial or industrial subdivision shall not be included in this classification and for the purposes of this definition, a public right-of-way shall not separate property. Example: If a property proposing this use is located across a street from a RE zoned property, this criteria would be applicable.)
- c. Shall be not be located within five hundred (500) feet of any residentially zoned property, or any property that is designated primarily for residential uses in the community plan future land use map.
- d. Shall screen all outside storage and materials from view by adjacent properties and public rights-of-way through the use of an opaque fence between six (6) and eight (8) feet in height (chain link fences with slats, and wood slat fences are not acceptable). If such a fence does not effectively screen the storage area, this criteria is not considered satisfied, and other screening techniques shall be utilized.
- e. Shall be designed and operated in compliance with all applicable local, state, and federal regulations with regard to air and water quality, noise, glare, and vibrations.

Bed and breakfast. The use of a detached dwelling that includes the business of renting not more than four (4) guest rooms in the dwelling for the temporary lodging of paying guests, together with the use of the dwelling as the primary residence of the operator of the business. Review shall be prior to building permit application.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. The use shall be conducted within an existing single-family structure. External modifications to the structure shall not alter the single-family character of the structure.
- c. In the RO zone district, bed and breakfasts shall have no more than fifteen (15) percent greater gross floor area than any single-family structure within three hundred (300) feet at the time of application for the bed and breakfast. In all other zone districts, bed and breakfasts shall have no more than thirty (30) percent greater gross floor area than any single-family structure within three hundred (300) feet at the time of application for the bed and breakfast.
- d. No long-term rental of rooms shall be permitted. The maximum stay for any one guest shall not exceed fourteen (14) days.
- e. No meals shall be served to members of the public other than persons renting rooms for nightly occupancy and the operator of the business. Receptions, private parties, or similar activities for compensation shall not be permitted.
- f. No cooking facilities shall be allowed in any guestrooms.
- g. The owner of the bed and breakfast, or an on-site manager employed by the owner, shall reside on the premises at all times when the bed and breakfast is in operation.
- h. The bed and breakfast shall not contain more than four (4) separate accommodation units that are rented to guests.
- i. The bed and breakfast shall comply this CDC, as well as with all applicable local and state health, fire, and building codes.

Bench sign. A sign painted, located on, or attached to any part of the surface of a bench, seat, or chair placed on or adjacent to a public place or roadway.

Billboard sign. Any off-premises sign on a permanent structure on which the copy may be periodically changed and which is not located on the premises to which such advertising copy pertains.

Breezeway. A passageway that may be covered or fully enclosed or heated.

Block. A unit of land bounded by streets or by a combination of streets and public

lands, railroad right-of-way, waterways or any other barrier to the contiguity of development.

Block face. A segment of a block as measured from the intersection of the corner lot with its bounding street and/or parks and open space.

Building. Any structure having a roof supported by columns or walls, built for support, shelter and enclosure of persons, animals, goods or moveable property of any kind.

Building code, or U.B.C. The Uniform Building Code as adopted and amended by the city from time to time.

Building front. The facade of a building that faces the public street providing pedestrian access, or if there are two (2) or more such facades, than the one that includes the primary public access.

Building frontage. The projected length of a building front parallel to the street, or parking lot, or alley.

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Building permit. As defined in the Uniform Building Code.

Building supplies and lumber yard. An establishment in which building or construction and home improvement materials are offered or kept for retail sale, which may also include the fabrication of certain materials related to home improvement, and the outdoor storage of such materials designated for retail sale.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. Shall not be located immediately adjacent to property zoned OR, RE, RN, RO, MF, and MH. (City-owned OR lands and open space that has been designated in a commercial or industrial subdivision shall not be included in this classification and for the purposes of this definition, a public right-of-way shall not separate property. Example: If a property proposing this use is located across a street from a RE zoned property, this criteria would be applicable.)
- c. Shall effectively screen the outdoor storage of materials from the public right-of-way or any pedestrian path with an opaque fence, dense landscaping, or berms.

- d. All single-tenant businesses in this use category larger than twelve thousand (12,000) square feet net floor area shall be subject to review through the PUD process.

Build-to line (BTL). A regulatory line along which a building façade must be placed.

Building type. A categorization of a structure based on its function, its disposition on a lot, and its configuration (including frontage and height).

Bungalow court (also courtyard house, patio house). A grouping of single-family dwellings (or a single-family dwelling within such a group), which surround a central shared court that provides pedestrian access to all of the units.

Business support service. An establishment within a building that provides services to other businesses. Examples of these services include: Computer-related services (rental, repair), copying, quick printing, and blueprinting services, film processing and photo finishing (retail), mailing and mailbox services.

Bus stop sign. Any sign painted, located on or attached to any part of a wall or roof of a bus stop shelter.

Caliper. The American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground.

Call up. The process of an aggrieved party or a city council member requesting an administrative review application be reviewed in a public hearing.

Campground. An area of land utilized for temporary occupation by travelers in recreational vehicles, campers, tents, and camping cabins not exceeding three hundred seventy-five (375) square feet. A campground does not include a mobile home park.

Camping space. An area of a campground designed, improved, and intended for one recreational vehicle, camper or tent.

Canopy. A roof construction or cantilevered roof, free of enclosing walls, over an entrance to a building, or window in a building.

Canopy, gas pump. A permanent unenclosed roof structure erected for the purpose of sheltering motor vehicle fuel pumps and dispenser islands from the weather.

Cellar. See "Basement."

Cemetery. Property used for the interment of the dead or in which human or animal bodies have been buried.

Certificate of occupancy. Written permission from the chief building official to use and occupy a building or structure.

Chairman. The chairman of the planning commission, architectural review commission, board of adjustment, or historic preservation advisory commission of the city.

Change of use. Any use that substantially differs from the previous use of a building or land and which may affect such things as parking drainage, circulation, landscaping, building configuration, noise and lighting. A change of ownership, which does not include any of the factors listed above, shall not be considered a change of use. An example of a change of use is changing from an office use to a retail use.

Chief building official. The director of the county regional building department, or his or her designee.

Child care center, large. A facility that provides less than twenty-four-hour care for thirteen (13) or more children and is operated in accordance with the rules and regulations of the state department of social services.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. Fencing or other approved enclosure as determined by the director shall enclose outdoor play areas to protect children and adjacent uses and properties.
- c. Pedestrian connections shall be required from all parking areas, loading areas, and access streets to all public entrances to the child care center. Pedestrian facilities shall be designed and located to ensure safety of all users of the facility.
- d. Loading and unloading areas shall be located to prevent conflicts with traffic as determined the director.
- e. Snow storage space shall be provided in accordance with section 26-144.
- f. The child care center shall comply with all applicable local and state health, fire, and building codes and licensing regulations, if any.

Child care center, small. A facility that provides less than twenty-four-hour care for a minimum of seven (7) and a maximum of twelve (12) children and is operated in

accordance with the rules and regulations of the state department of human services.

- (1) *Use criteria.*
 - a. Review shall be prior to development or building permit, as applicable.
 - b. Fencing shall enclose outdoor play areas to protect children and adjacent uses and properties.
 - c. Pedestrian connections shall be required from all parking areas, loading areas, and access streets to all public entrances to the child care center. Pedestrian facilities shall be designed and located to ensure safety of all users of the facility.
 - d. Loading and unloading areas shall be located to prevent conflicts with traffic as determined the director. Loading and unloading areas shall not be located within the public right-of-way.
 - e. Snow storage space shall be provided in accordance with section 26-144.
 - f. The hours of operation shall be limited to 6:30 a.m. to 8:00 p.m.
 - g. The child care center shall comply with all applicable local and state health, fire, and building codes and licensing regulations, if any.

City. The City of Steamboat Springs, Colorado.

City attorney. The primary legal counsel for the city or designee thereof.

Clubhouse. A building that is accessory to an outdoor recreation use and may include restaurant, personal service, entertainment, retail and/or assembly uses. A clubhouse may be located internally to a project and may be for the public and/or the users of the project.

Commercial. The use of land, building or structure for the purpose of buying and selling commodities and supplying of services.

Commercial, large. A single establishment/tenant space with a minimum of eight thousand one (8,001) square feet and a maximum of twelve thousand (12,000) square feet of net floor area that is devoted to the indoor sale or rental of goods and merchandise to the general public for personal or household consumption, or to services incidental to the sale or rental of such goods or merchandise. This does not include sexually-oriented bookstores and businesses.

Commercial, medium. A single establishment/tenant space with a minimum of three thousand one (3,001) square feet and a maximum of eight thousand (8,000) square feet of net floor area that is devoted to the indoor sale or rental of goods and merchandise to the general public for personal or household consumption, or to services incidental to the sale or rental of such goods or merchandise. This does not include sexually oriented bookstores and businesses.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. Loading and unloading areas shall be located to prevent conflicts with traffic as determined by the director.

Commercial, outdoor. The display of products and services for sale or rent primarily outside of a building or structure including but not limited to vehicles, boats, aircraft, snowmobiles, construction equipment, farm equipment, recreational vehicles, and manufactured homes.

Commercial, over 12,000 square feet and under 40,000 square feet. A single establishment/tenant space with a minimum of twelve thousand one (12,001) square feet of net floor area that is devoted to the indoor sale or rental of goods and merchandise to the general public for personal or household consumption, or to services incidental to the sale or rental of such goods or merchandise. This does not include sexually oriented bookstores and businesses. All commercial development in this category shall be subject to review through the PUD process.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. Loading and unloading areas shall be located to prevent conflicts with vehicular and pedestrian traffic as determined by the director.
- c. Pedestrian connections shall be required between parking areas and public entrances to the commercial use.

Commercial, over 40,000 square feet. A single establishment/tenant space with a minimum of forty thousand one (40,001) square feet of net floor area that is devoted to the indoor sale or rental of goods and merchandise to the general public for personal or household consumption, or to services incidental to the sale or rental of such goods or merchandise. This does not include sexually oriented bookstores and businesses. This use is only allowed in a use overlay - large format retail district designated on a regulating

plan.

Commercial, small. A single establishment/tenant space with a maximum of three thousand (3,000) square feet or less of net floor area that is devoted to the indoor sale or rental of goods and merchandise to the general public for personal or household consumption or to services incidental to the sale or rental of such goods or merchandise. This does not include sexually-oriented bookstores or businesses.

Common wall. A vertical wall separating two (2) dwelling units between the top of the footings to the underside of the roof deck, and shall be mutually common to both dwelling units for at least twelve (12) feet in length.

Community center. A facility provided by the city or any other nonprofit group or organization for community activities.

Community development code. Chapter 26 of the Steamboat Springs Revised Municipal Code, as amended. Also referenced as the "Development Code," or the "CDC."

Community garden. A site used for growing plants for food, fiber, herbs, flowers, and others which is shared and maintained by community residents.

Community park. Designed to meet community based recreational needs, as well as preserving unique landscapes and open spaces. Should serve two (2) or more neighborhoods.

Community plan. The Steamboat Springs area community plan, and its elements, as amended. Also known as the "comprehensive plan," "comp plan," or the "master plan."

Community service facility. A facility, not six thousand (6,000) square feet, designed and intended to service the public safety, health and welfare, including but not limited to a police or fire station. The public safety providers of the city shall have determined that the facility is necessary to maintain city standards for emergency and safety services. Such determination shall be public information.

Compatible. Having harmony in design, appearance, use and/or function of the characteristics of a building or structure, a neighborhood, or an area. Design characteristics may include, but are not limited to, height, mass, scale, land use, architecture, color and materials.

Construct. To erect, reconstruct, alter or repair. Does not include ordinary maintenance.

Construction, new. Buildings and structures for which the "start of construction" commenced on or after the effective date of this CDC, including any subsequent improvements to such structures.

Construction sign. A sign identifying or advertising new construction, remodeling, rebuilding or development of any structure of land area. The sign could include but not be limited to the following information: architect, engineer, owner/developer, contractor, tenant, sale agent, financing, opening dates/date of completion, business operational status, hours of operation, price, project name, directions, or rendering.

Construction, start of. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction footings, the installation of piles, the construction of column, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Construction trailer. A temporary structure used for office space, meeting space, and storage of construction tools and materials.

(1) *Use criteria.*

- a. Review shall be concurrent with development or building permit application, as applicable.
- b. No construction trailer may be located on any lot unless there is a valid building permit for that lot. This shall not apply to industrial and commercial zoned properties that have a valid development approval for the storage of construction trailers.
- c. The structure may include kitchen and bathroom facilities, if connected to water and sewer. No construction trailer shall be used for overnight accommodations.
- d. The number, location, and site layout of construction trailers shall be reviewed as part of the construction site management plan for the development that the construction trailer will serve. The number of construction trailers shall be limited to one per development or subdivision, plus one per 15,000 square feet of building to be constructed.

e. In no case shall construction trailers encroach into public right-of-ways or on adjacent properties without the express, written consent of the adjacent property owner or a valid revocable permit is obtained from the city.

f. Construction trailers shall meet all applicable setbacks of the zone district in which it is located. The director may modify or waive the setback requirements so long as the trailers are not located within a site triangle or do not cause detriment to the public health, safety and welfare.

Context. The relationships of the building to its surroundings in terms of size, form, character, and site development.

Copy. Any words, letters, figures, designs, symbols, fixtures, or colors, motion illumination, or projected images.

Cottage industry. A business where products are fabricated and assembled. Such businesses may include, but are not limited to production of bicycles, clothing and other specialty products.

(1) *Use criteria.*

a. Review shall be prior to development or building permit, as applicable.

b. Shall be conducted entirely within an enclosed structure.

c. Shall not have a floor area exceeding three thousand (3,000) square feet for the entire business and all associated uses.

d. Must comply with section 26-146, Performance, operational and environmental standards.

e. Sales or display of the fabricated or assembled product must be provided for on-site. This criteria shall not be interpreted to mean that sales or display of fabricated or assembled products cannot occur offsite.

Crawl space. The portion of a building with a height between ceiling and floor of less than six (6) feet that does not have an interior finish, and is not utilized as living space.

Crematorium. A building fitted with the proper appliances for the purposes of the cremation of human or animal remains and activities incidental or ancillary to that

activity.

(1) *Use criteria.*

- a. Review shall be concurrent with development or building permit application, as applicable.
- b. Shall not be located immediately adjacent to property zoned OR, RE, RN, RO, MF, and MH. (City-owned OR lands and open space that has been designated in a commercial or industrial subdivision shall not be included in this classification and for the purposes of this definition, a public right-of-way shall not separate property. Example: If a property proposing this use is located across a street from a RE zoned property, this criteria would be applicable.)
- c. Shall not emit any noise, odor or vibration outside of the property boundaries.
- d. Shall be conducted entirely within an enclosed structure.

Critical improvements. Any public or private improvements that the council so designates because of their importance to public health, safety and welfare pursuant to subsection 26-141(d).

Cul de sac. A local street that terminates at a circular turn-around.

Day care home. A type of family care home in which children are received for less than twenty-four-hour care. The number of children permitted shall be in accordance with state regulations for day care homes, but less than a small child care center.

Deck. A floored outdoor area, typically elevated above grade and adjoining a structure. Decks below thirty (30) inches in height, as measured from finished grade to the top of the deck floor surface from any point five (5) feet out from deck may encroach into a setback without having to obtain a minor adjustment or variance. In no case shall a deck of any height encroach onto adjacent property. Decks, covered porches and other similar appurtenances may encroach onto adjacent common elements (as defined in C.R.S. § 38-33.3-101) established in a townhome or condominium subdivision with the consent of (i) the owners association organized to govern such subdivision, if authorized under the subdivision's governing documents or (ii) the owner(s) of the common elements.

Demolition permit. As defined in the Uniform Building Code.

Density. A measure of the intensity of residential land use, measured gross floor area ratio. Densities shall be calculated based upon the simple acreage of a lot, except that, where the lot extends into a floodway, only the acreage that is outside the floodway

shall be used as a basis for density calculations.

Density, gross. The number of dwelling units per acre within a specified quantity of land inclusive of road right-of-way, parks, alleys, paseos etc.

Density, net. The number of dwelling units per acre within a specified quantity of land exclusive of road right-of-way, parks, alleys, paseos, etc.

Department. The department of planning services.

Depth, ground-floor commercial space. The depth of the ground-floor space available to a commercial tenant.

Detached sign. Any sign that is structurally separate from the building that houses the use to which the sign pertains, and permanently attached to the ground. May include monument signs, statuary signs and pole signs.

Development.

- (1) For the purposes of article VI, Flood damage prevention, development shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
- (2) For all other purposes, development shall mean:
 - a. The construction, improvements, alterations, installation, erection, restoration, change of color or building materials, or expansion of any building, structure or other improvement including utility facilities;
 - b. The demolition or destruction by voluntary action of any building, structure, or other improvement;
 - c. The grading, excavation, filling or similar disturbance to the ground level, change of drainage without limitation, change of grade, change of ground level, change of drainage pattern, or change of stream bed;
 - d. Landscaping, planting, clearing, or removing of natural vegetation or revegetation including trees, shrubs, grass, or plants; or
 - e. Any change in use that may alter the character, use, or appearance of a parcel of land.

Development permit. A permit required for any development application type listed in section 26-41(a).

Directional sign. Any onsite sign that directs the necessary movement of pedestrians or vehicular traffic without reference to the name of the business, products sold or services offered. Directional signs also include signs locating public facilities such as telephones and restrooms.

Director. The director of planning services or designee thereof.

Directory sign. Means any sign that lists the names or uses of the tenants within the development.

Dormitory. A housing structure that is designed specifically for several unrelated roomers and has shared bathroom and kitchen facilities.

Duplex. A single building containing only two (2) separate single-family residential dwelling units, with the two (2) units either side-by side or in an over-under configuration, where the two (2) units are connected by a common wall a minimum of twelve (12) feet in length, regardless of whether the wall is shared by all floors of the units. The shared walls in common shall not be the walls of a breezeway, or similar accessory structure, but may include garage walls, foundation stem walls, floors or ceilings.

(1) *Use criteria.*

- a. Review shall be concurrent with the building permit application.
- b. The building shall architecturally represent a single-family structure and the dwelling units shall not mirror each other. Each half of the duplex shall have an architecturally distinct facade with uniform materials and colors.
- c. Duplexes on corner lots must have one garage facing each street, unless determined inappropriate by the public works department or unless garages are accessed off of an alley.
- d. Duplex garages must be set back five (5) feet from the principal structure.
- e. Each front entrance must include a porch or covered entry. A walkway must connect each entrance to the street or driveway. A door that leads into a garage does not qualify as a front entrance.
- f. Design criteria shall apply to all sides of the duplex (the back side of any duplex cannot mirror each other).

g. Each side of the duplex must differ in at least two (2) of the six (6) following design elements:

1. Silhouette of the rooflines;

2. Massing or building projections;

3. Entry;

4. Size and placement of windows;

5. Front setback; or

6. Unit sizes must differ by a minimum of twenty (20) percent.

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Dwelling, residential component of a mixed-use project. The dwelling(s) located within a mixed-use building.

Dwelling unit. A residential use in one or more rooms with a single kitchen and at least one bathroom, designed and occupied or intended for occupancy as separate quarters, for the exclusive use of a single-family for living, sleeping, kitchen, and sanitary purposes.

Employee. Any person who is paid directly or indirectly by the licensee for services performed on the premises whether such person would otherwise as a matter of law be classified as an employee, agent, manager, entertainer or independent contractor.

Eave. The projecting lower edges of a roof that overhang the wall of a building.

Electric sign. Any sign containing electrical wiring, but not including signs illuminated by an exterior light source.

Employed/self-employed. Engaged in work in compensation is intended to be given for no less than forty (40) hours per week or no less than one thousand eight

hundred (1,800) hours per year, whichever is less.

Employee. An individual either employed or self-employed and whose place of employment is situated in the county. This includes an individual who has ceased active employment but who was employed or self-employed within the boundaries of the county for five (5) of the six (6) years prior to ceasing employment.

Employee unit. A dwelling unit that is restricted on the deed of the property, for continuous occupation only by an employee employed in the county, or qualified resident as defined in this CDC, in perpetuity.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. Shall not be permitted in the RE, RN or RO zoning districts. Permitted in the OR zoning district as a conditional use only.
- c. No more than thirty-five (35) percent of the gross floor area of a principal structure can be employee units.
- d. Fifty (50) percent of the gross floor area of employee units shall not be considered when determining the floor area ratio.
- e. No employee unit shall be larger than one thousand (1,000) square feet.
- f. Employee units that are within an accessory structure shall meet the setbacks for principal structures.
- g. Employee units shall not be located on the pedestrian frontage in the CO, CN, G-1, G-2 or RO zoning districts, with the exception of along an alley way or to the rear of the development
- h. The required off-street parking for the employee units shall be specifically designated for the employee units. The employee unit parking spaces shall be conveniently located to the employee units; however, shall not impede the required off-street parking for other uses on the site.
- i. Vacation home rentals are prohibited in employee units.
- j. If the employee units are located within the industrial (I) zone district, the following additional criteria shall apply:

1. The gross floor area of the employee unit(s) shall not exceed twenty-five (25) percent of the total gross floor area of the development on the subject property. The gross floor area of the employee unit(s) may be permitted to exceed twenty-five (25) percent of the total gross floor area of the development on the subject property through the procedures used to approve conditional uses, section 26-65, development plan.
 2. There shall be recorded in the real property records of the county an instrument signed by the director identifying the location and square footage of the employee unit(s) and the location and square footage of the business premises associated with such employee unit(s).
- k. At the time of application for a building permit, the deed restriction for the employee unit is required to be submitted to the city by the applicant for the city's review and approval. After approval of the deed restriction by the city, the deed restriction shall be recorded with the county clerk and recorder at the cost of the applicant. The deed restriction shall be recorded prior to issuance of a building permit for the employee unit.

Encroachment. Any building or frontage element, such as a balcony, porch, stoop, gallery, loading dock, bay window, fence, garden wall, etc., that extends across a setback, build-to-line, or property line. Allowable encroachments in the TND zone district include those depicted in the allowable frontage types in addition to bay windows and other similar architectural features.

Entrance, development. Any access point to a multi-family, commercial, or industrial development where access is shared by more than one building, unit or tenant.

Entrance, subdivision. The access point for a single-family, duplex, or mobile home subdivision that may be shared by all lots within the subdivision.

Extraterritorial subdivision plat means a subdivision plat applying to property located outside the territorial boundaries of the City of Steamboat Springs, within three miles of said boundaries, within the Urban Growth Boundary, and subject to a major street plan adopted and recorded in accordance with the provisions of C.R.S. 31-23-213.

FAA. Federal Aviation Administration, which is the federal agency responsible for aviation oversight.

Face or display surface. The surface of a sign upon, against or through which the copy is displayed or illuminated; and that portion of the display surface that is used to display copy, symbols, logos, trademarks, characters and artwork.

FCC. Federal Communication Commission, which is the federal agency responsible for administering the Federal Telecommunication Act.

Family. One of the following:

- (1) An individual; or
- (2) Two (2) or more persons related by blood, marriage, or adoption; or
- (3) A group of not more than three (3) persons, excluding domestic servants and caretakers, who need not be related by blood, marriage, or adoption or living together.
- (4) A group of not more than five (5) persons, excluding domestic servants, who need not be related by blood, marriage or adoption, living together in a multiple family dwelling unit.

Farmers' market. The temporary use of a site for the outdoor sales of food, farm produce, and arts and crafts items.

Fast track approval process (for purposes of affordable housing concessions). If there is a waiting list for the processing of development permit applications, an application incorporating affordable housing concessions shall be placed at the top of the list so that it is the first application to be assigned to a planner.

Fill. Deposit of materials of any kind placed by artificial means.

Financial penalty. The calculated amount in subsidy in which an affordable housing project has been provided at the time of the initial sale, which needs to be paid back if the affordable housing unit is resold prior to five (5) years.

Flag. A flag or pennant of a noncommercial nature.

Flex space. A space within a building that is designed to accommodate either retail or residential uses. The uses within a flex space may change over time in response to current market conditions.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

Flood insurance rate map. The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. May also be referred to as a FIRM map.

Flood insurance study. The official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

Floodplain. The 100-year floodplain as outlined by the Federal Emergency Management Agency flood insurance rate maps.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor area, gross. The area of all floor space within a building measured from exterior side to exterior side of exterior walls, or from the center of common walls to the exterior side of exterior walls. (Measurements from the center of common walls to the exterior side of exterior walls shall apply only when calculating the gross floor area of individual duplex or townhome units.) Gross floor area shall include carports and fully enclosed vehicular parking areas at grade. Gross floor area shall not include any portions of structures that are located underground. (For the purposes of this definition, underground shall mean that the story is no more than three (3) feet above existing grade for at least sixty (60) percent of the perimeter of the story.) The process to determine if a structure is underground is as follows:

- (1) Provide scaled elevations, for all sides of the story, that clearly show existing grade;
- (2) Calculate and indicate on the scaled elevations the portion of the story that are below existing grade;
- (3) Calculate the entire linear footage of the perimeter of the story; and
- (4) Calculate the percentage of the story that does not protrude more than three (3) feet above the existing grade.

The above information must be submitted by the applicant to the department for verification in conjunction with an application. If that story(s) of the structure is deemed to be underground, none of the square footage in that story (s) will be included in the floor area ratio calculation, and if that underground square footage is utilized for vehicle parking, the height exemptions listed for specific zone districts in subsection 26-132(b) may be utilized.) Gross floor area shall not include balconies, decks, trash enclosures and one-half (1/2) of the square footage of employee units.

Floor area, net. The area of all floor space within a building measured from interior side of exterior walls to the interior side of exterior walls, or from the center of common walls to the interior side of exterior walls. (Measurements from the center of common walls to the interior of exterior walls shall apply only when calculating the net

floor area of individual duplex or townhome units.) Net floor area shall not include:

- (1) Uninhabitable cellars or attics at or less than six (6) feet six (6) inches in height;
- (2) Common stairwell areas for all floors except one;
- (3) Atrium areas for all floors except one;
- (4) Vent shaft areas;
- (5) Areas primarily for maintenance and maintenance access such as mechanical rooms;
- (6) Elevators as measured from exterior wall of shaft to exterior wall of shaft;
- (7) Hallways as measured from exterior of wall to exterior of wall;
- (8) Vehicular parking areas; and
- (9) Areas with an unobstructed opening to the outside such as unenclosed balconies, decks and porches.

For residential and lodging developments only, the following areas, if provided, shall be excluded from the net floor area calculation:

- (10) Floor area devoted to common amenities such as a lobby, conference room, copy room, restrooms, supply storage areas, and all active and passive amenity areas including but not limited to recreational equipment storage, swimming pools, hot tubs, reading rooms and lounges.

Floor area ratio. The gross floor area of all buildings on a lot divided by the lot area. For example, if there are two (2) buildings, each with a gross floor area of 1,800 square feet, on a lot that is 9,500 square feet, the floor area ratio is 3,600 divided by 9,500, or 0.4.

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Frontage. The property line dividing a lot from a street or a vehicular access. On a corner lot, the two (2) streets shall be considered the front lot lines for the purposes a front setback.

Formally disposed. Composed or designed so as to create an orderly, regular, and symmetrical effect. Used especially of landscaping. See also: "Naturally disposed".

Frontage. The area between a facade and the curb of the vehicular lanes inclusive

of it's built and planted components. This area may be within the public right-of-way and/or a private setback.

Frontage type. The manner in which a structure is oriented toward its frontage.

Funeral home. A building designed for the purpose of furnishing funeral services and supplies to the public and includes facilities intended for the preparation of the deceased for interment and cremation but does not include a crematorium.

Gallery. A roofed promenade extending along the facade of a building and supported by columns on the outer side. See Figure 26-402-1.

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Figure 402-1 Gallery

Garage. A building or structure used for the storage of motor vehicles and/or household equipment incidental to the residential occupancy and in which there are no facilities for repairing or servicing of such vehicles for remuneration or commercial properties.

Garage, attached. A garage attached to a dwelling unit and connected by common wall a minimum of twelve (12) in length. A garage separated from a principal structure by less than six (6) feet must meet the attached garage setback requirement.

Garage sale. The periodic sale of personal property that is conducted on a premises within a residential district upon which a dwelling unit is located. Garage sales are temporary in nature and may not be conducted before dawn or after dark on not more than three (3) consecutive days, and not more than seven (7) days in one calendar year. The garage sale must not encroach into the public right-of-way unless specifically permitted by the director after determining that such encroachment will not obstruct public passage on the right-of-way.

Gas pump sign. Any sign that is affixed or attached to individual gas pumps.

Ghost sign. An old sign, which may or may not be applicable to the building or use where it is located that appears faded and is not maintained. Ghost signs usually appear on masonry structures and the image appears when wet.

Golf course. A public or private area operated for the purposes of playing golf and may include a driving range and an accessory clubhouse.

Grade, existing. The elevation of the ground surface prior to disturbance of the soil or as determined by an approved grading plan approved prior to the effective date of

this CDC.

Grading permit. As defined in the Uniform Building Code. Grading permits that are independent of an approved development permit or a preliminary plat may be processed in accordance with section 26-42, building permit review, except the director may require processing in accordance with section 26-42, public review as a development plan if warranted due to associated impacts of the proposed grading plan.

Greenhouse, retail. A building for growing of plants, shrubs, trees, and similar vegetation.

Grid-like. A street and block system typically resulting in formal, regular, rectangular blocks and resulting in four-way street intersections.

Grocery store. Shall mean a retail establishment which primarily sells raw, processed and packaged food, but also may sell other convenience and household goods, and which occupies a space of at least five thousand (5,000) square feet but not more than fifty-five thousand (55,000) square feet.

Ground floor ceiling height. Height from finished floor to finished ceiling or finished floor of the above floor of primary rooms on the ground floor not including secondary rooms such as bathrooms, closets, utility rooms, and storage spaces. See section 26-152 for clarification.

Ground floor finish level. Height difference between the front property line and the finish level of the ground floor. In the case of a loading dock frontage that serves as the public right-of-way, the floor finish level is the height of the walk above the adjacent street. Regulations for ground floor finish level for ground floor residential uses do not apply to ground floor lobbies and common areas in multi-unit buildings.

Group home. A group home shall mean either of the following:

- (1) A residence operated as single dwelling housing no more than eight (8) individuals, licensed by or operated by a government agency, for the purposes of providing special care or rehabilitation due to physical condition or illness, mental condition or illness, or social or behavioral problems, provided that authorized supervisory personnel are present on the premises. Residents must be pre-screened by a mental health professional and such persons cannot have been previously convicted of a felony involving a violent crime, or have been found guilty by reason of insanity; or
- (2) An owner-occupied or nonprofit dwelling for the exclusive use of not more than eight (8) persons, sixty (60) years of age and older.

a. *Use criteria.*

1. Review shall be prior to development or building permit, as applicable.
2. The use shall be conducted within an existing single-family or duplex structure. External modifications to the structure shall not alter the single-family character of the structure.
3. In the RO zone district, group homes shall have no more than fifteen (15) percent greater floor area than any neighboring single-family or duplex structure. In all other zone districts, group homes shall have no more than thirty (30) percent greater floor area than any neighboring single-family or duplex structure.
4. Snow storage shall be provided in accordance with section 26-144.
5. No group home shall be located closer than seven hundred fifty (750) from another approved group home as measured by the shortest distance between the primary structures.
6. In addition to the required number of parking spaces for single-family and duplex dwelling units set forth in subsection 26-139(d)(1)(g) each group home shall provide one-quarter (1/4) parking space per occupant, and such parking may serve as visitor parking.
7. The group home shall comply with all applicable local and state health, fire, and building codes.

Gross living space. All gross floor area excluding garages, storage areas, and unoccupied basements.

Health center. Any medical facility designed to offer limited health or medical assistance by doctors or nurses, including aid stations, clinics, nursing homes and doctors' offices.

Health club. A commercial recreational facility for activities such as exercising, swimming, racquetball and tennis.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.

- b. Pedestrian connections shall be required between parking areas and public entrances to the health club use.

Height of luminaire. The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct light emitting part of the luminaires.

Height, average plate. The average between the highest and lowest plate height of the main structure, as measured from existing grade, or as specified during the development review process.

Height, building. The average plate height and the overall height.

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Height, base area. Applicable only for zone districts resort residential one (RR-1), resort residential two (RR-2), Gondola one (G-1), and Gondola two (G-2). Any point on the structure, measured vertically plumb, to the nearest adjacent proposed grade as determined through the development review process (if applicable). The greatest of these measurements is the overall building height. Should a point on a building be equidistant to adjacent grade the lower of the two (2) grades shall be used to determine height.

Height, overall. Applicable for all zone districts except resort residential one (RR-1), resort residential two (RR-2), Gondola one (G-1), and Gondola two (G-2). The maximum distance, measured vertically plumb, from the highest point of a roof, directly above that point of grade. Grade shall be from existing grade, or as specified during the development review process and indicated on a final grading plan as part of a final development plan or final plat.

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GRAPHIC UNAVAILABLE: [Click here](#)

Height, plate. The vertical distance between grade and the highest point of the wall that bears the highest roof structure. Grade shall be from existing grade, or as specified during the development review process and indicated on a final grading plan as part of a final development plan or final plat.

Height, sign. The vertical distance between the average elevation of the ground adjoining the base of the sign and the level of the highest point of the sign.

Historical sign. A sign, designated by the city council, as having historical

significance to the city. Historical signs must have been in existence for a minimum period of twenty (20) years.

Historic structure/building. Any principal or accessory structure or building that is an excess of fifty (50) years old.

Holiday decorations. Noncommercial signs or other materials temporarily displayed on civic, patriotic, and/or religious holidays.

Home occupation. A commercial use conducted entirely within a residential dwelling unit, and solely by the residents of the dwelling unit, and that is clearly incidental and secondary to the residential use of the dwelling.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. The exterior appearance of the dwelling and lot shall not be altered, nor shall the occupation within the dwelling be conducted in manner which would cause the premises to differ from its residential character by the use of colors, materials, construction, lighting or signage, or by the emission of sounds, noises, dust, odors, fumes, smoke, or vibrations detectable outside the dwelling unit.
- c. The dwelling unit shall continue to be used primarily for residential purposes and the occupational activities shall be harmonious with the residential use.
- d. There shall be no sale and/or display of merchandise which requires customers to go to the property.
- e. No more than one customer or client vehicle associated with the home occupation shall be at the home at one time and no more than two (2) of the weekly trips to the home shall be related to the delivery of products and/or materials, with the exception of day care homes.
- f. No more than twenty (20) percent of the gross living area shall be used for the home occupation and any related storage of supplies and materials.
- g. The use of utilities shall be limited to that normally associated with the use of the property for residential purposes.

- h. There shall be no on-premises signs advertising the home occupation.
- i. Only one vehicle no larger than one ton may be related to and used in conjunction with the home occupation and shall be parked on-site.
- j. Only one home occupation shall be permitted per residence unless more than one home occupation can be operated where the combination of the home occupations utilize no more than twenty (20) percent of the living space within the residence.
- k. These criteria may be altered upon reasonable cause and with written approval by the director.

Hospital. An institution providing medical and surgical care to the sick or injured. It may include operating facilities, a cafeteria or restaurant, medically related heliports, optical facilities and shops for pharmaceutical supplies, gifts, books, magazines, toiletries, flowers, candy or similar items, provided such uses are primarily for the benefit of patients, staff and visitors and are located so as not normally to attract other retail customers.

Hostel. A facility for residence of under twenty-nine (29) days that provides simple dormitory or sleeping rooms and common rooms for cooking, meeting, recreational, and educational use; that is chartered or approved by the International Hostel Federation or its national or regional affiliates, or similar organizations; and that is supervised by resident house-parents or managers.

Hotel. A building used for temporary accommodation that includes the business of renting out no fewer than twenty (20) guestrooms and where payment for occupancy is on a daily or weekly basis. The hotel use may include amenity areas, for the public or guests, such as a lobby, restaurant, assembly, indoor recreation, entertainment, personal service and retail.

Illuminated sign. A sign which is lighted by either an external or internal light source. This includes but is not restricted to incandescent, fluorescent and gas-fired fixtures.

- (1) *External.* A sign lighted by an artificial light source located outside of and away from the sign, and directed toward the sign.
- (2) *Internal.* A sign where the light source is contained within the structure or body of the sign and where no portion of the light source can be seen from any point exterior to the sign.

Industrial, heavy. Uses engaged in the manufacturing, processing, fabrication,

assembly, servicing, preparation, treatment, packaging, research, storage, warehousing and distribution of products that may not be entirely enclosed within a structure. An accessory office shall not exceed more than twenty-five (25) percent of the gross floor area of the building, or if no building is on-site, no larger than three thousand (3,000) square feet. Commercial or restaurant uses are not permitted as either principal or accessory.

Industrial, light. Uses engaged in the manufacturing, processing, fabrication, assembly, servicing, preparation, treatment, packaging, research, storage and distribution of products that is totally enclosed within a building or structure. Any accessory office, accessory commercial outlet and/or accessory restaurant must not exceed more than twenty-five (25) percent of the gross floor area of the building, or if no building is on-site, no larger than three thousand (3,000) square feet.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. Shall not be located immediately adjacent to property zoned OR, RE, RN, RO, MF, and MH. (City-owned OR lands and open space that has been designated in a commercial or industrial subdivision shall not be included in this classification and for the purposes of this definition, a public right-of-way shall not separate property. Example: If a property proposing this use is located across a street from a RE zoned property, this criteria would be applicable.)

Industrial service. Uses engaged in the servicing of industrial production, including warehousing, storage and distribution that is totally enclosed within a building or structure.

Inflatable sign. Any sign of nonrigid material which utilizes air or other gases, either under pressure or heated, to maintain its shape.

Inn. A building used for temporary accommodation that includes the business of renting out no fewer than five (5) and no greater than eight (8) guest rooms for the temporary lodging of paying guests and the use of common living and dining areas.

Institutional uses. Those uses that are funded and operated by the city, or by the county, or other nonprofit organizations, and that provide a community-wide or regional service to the public.

Intensity. A measure of land use that takes into account, but is not limited to factors such as traffic generation, scale, noise generation, and customer generation. Land use intensity is sometimes measured by a floor area ratio.

Kitchen. An area contained within a dwelling unit that is designated to accommodate, or contains all of the following elements: 1. Areas for food preparation; 2. Refrigerator; 3. Cooking device; and 4. A separate sink with running hot and cold water. For the purpose of this definition, a cooking device may include a hot plate, range top stove and/or oven, or microwave. This shall not be construed to mean that an area in a residential building that has a wet bar and/or microwave is by definition a kitchen unless all elements described in this definition are present. This definition does not include a commercial kitchen.

Landscape buffer or setback. An area set aside for the purpose of landscaping, to improve the quality of development and/or to mitigate impacts caused by a use. Acceptable improvements within a landscape buffer include plant materials, trails, sidewalks, street furniture, bus stops, signs, and snow storage. Buildings may be allowed to encroach into the landscape setback if specifically stated in this CDC.

Landscape feature. Landscaping, rock work or grading with a slope steeper than one vertical rise to two horizontal (1:2). Landscape features that are utilized in setback areas may be required to obtain approval of a variance at the discretion of the director based on the following criteria:

- (1) *Soils investigation.* The mitigation required by a soils investigation may be considered by the director in any determination to require a variance for a landscape feature.
- (2) *Visual impacts.* The director may consider the severity of visual impacts from the public right-of-way or public pedestrian/bicycle paths in any determination to require a variance for the landscape feature.
- (3) *Material used.* The director may consider the appropriateness of the stabilizing material proposed for the landscape feature in any determination to require a variance for the landscape feature.
- (4) *Impact on adjacent properties.* The director may consider the impacts of the landscape feature on adjacent properties in any determination to require a variance for the landscape feature.

Large format retail. See "commercial over 40,000 square feet."

Legal majority property interest. One or more property owners who collectively represent more than 1/2 of the total number of property owners in a defined area, and whose ownerships collectively represent more than 1/2 of the total assessed valuation in the same defined area.

Legal nonconforming structure. Any structure legally created and existing prior to the effective date of this CDC, that is not in conformance with the most current provisions of the applicable zone district, or is not specifically permitted or approved for

the zone in which it is located.

Legal nonconforming use. Any use legally created and existing prior to the effective date of this CDC, whether within a building or on a parcel of land, that is not specifically permitted or approved for the zone in which it is located.

Library. A building containing printed information, electronic information and, pictorial material for the public use and purpose of study, reference and recreation.

Light fixture, outdoor. An electrically powered illuminating device containing a total light source of more than 1,800 initial lumens per fixture (this is greater than a single one hundred (100) watt incandescent lamp), which is permanently installed outdoors, including but not limited to devices used to illuminate any site, architectural structure, or sign. A light fixture includes the assembly that houses the lamp or lamps and can include all or some of the following parts; a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror and or a refractor or lens.

Light fixture, shielded. A light fixture with cutoff optics that allow no direct light emissions above a vertical cutoff angle of ninety (90) degrees for street lighting, through the light fixture's lowest light emitting part. Any structural part of the light fixture providing this cutoff angle shall be permanently affixed.

Light trespass. The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Live/work unit. See "mixed-use."

Lodge. A building used for temporary accommodation that includes the business of renting out no less than nine (9) and no greater than (20) guest rooms, where payment for occupancy is on a daily or weekly basis. The lodge use may include common lobby, indoor recreation, living and dining areas.

Long-term rental. The use of a residential dwelling unit by a tenant(s) for more than twenty-eight (28) days.

Lot. A parcel of land that is occupied or intended to be occupied by a building, structure or use and its accessory buildings, structures and uses; that is an integral unit of land held under unified ownership in fee or co-tenancy or under legal control tantamount to such ownership; and that is precisely identified by a legal description. A lot does not include a townhome lot for the purposes of density.

Lot area. The total area of land within the lot boundaries, not including any portion of adjacent public rights-of-way.

Lot coverage. The combined floor area of the first story of all buildings on a lot. This number is expressed as a percentage of the total lot area contained within one parcel.

GRAPHIC UNAVAILABLE: [Click here](#)

Lot line. A line dividing one lot from another lot, or from a street or alley.

Lot width. The horizontal measurement between the side lot lines measured at the required front setback line.

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Lowest floor. The lowest floor of the lowest enclosed area. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor.

Lumen. A unit of measure of the quantity of light that falls on an area of one square foot. One foot-candle is one lumen per square foot. For the purposes of this CDC, the lumen output values shall be the initial lumen output ratings of a lamp.

Luminaire. This is a complete lighting system and includes a lamp or lamps and a fixture and related posts or poles, or other mounting devices.

Luminous area. The area as shown on the lighting plan and measured in square feet illuminated by a luminaire.

Mansion apartment. A multi-tenant building having the appearance of a very large single-family dwelling.

Manufactured home. A structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle." For the purposes of article VI, Flood damage prevention only, this term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

Manufactured home park or subdivision. For the purposes of article VI, Flood damage prevention, this term means a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

Manufactured home park or subdivision, existing. A manufactured home park for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, are completed before the effective date of this CDC.

Manufactured home park or subdivision, expansion to existing. The preparation of additional sites by the construction of facilities for servicing the lots on which the

manufactured homes are to be affixed including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Manufactured home park or subdivision, new. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads is completed on or after the effective date of these floodplain management regulations.

Mass or scale. The appearance of a building in terms of size, height, bulk, and building mass and its proportion to surrounding landforms, vegetation, and buildings.

Master sign plan. A comprehensive signage program for multi-tenant buildings, lots, subdivisions, and developments.

Maximum extent feasible. No feasible and prudent alternative exists, and that all reasonable efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent feasible."

Maximum extent practical. Under the circumstances, reasonable efforts have been undertaken to comply with the regulation or requirement, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from the noncompliance.

Meat processing facility. A building where live animals are killed and processed; and/or a building where meat, poultry or eggs are cooked, smoked, or otherwise processed or packed, but not including a butcher shop, rendering plant, or restaurant.

Media production. Facilities for motion picture, television, video, sound, computer, and other communications media production.

Medical marijuana dispensary means any use of any property, structure, or vehicle to dispense marijuana in any form and in any manner to patients or primary care givers, or to grow or otherwise manufacture marijuana for such purpose, in accordance with Article XVIII, Section 14 of the Colorado Constitution and with any statute or administrative regulations implementing article XVIII, section 14.

(1) *Use criteria:*

- (a) Medical marijuana dispensaries shall not be located within five hundred (500) feet of any public or parochial school or the principal campus of any college, university, or seminary. Distances described in this paragraph shall be calculated by measuring the

distance from the nearest property line of the school to the building in which the medical marijuana dispensary is located.

- (b) Medical marijuana dispensaries shall operate from a permanent and fixed location. No medical marijuana dispensary shall operate from a vehicle or other moveable location. Nor shall any medical marijuana dispensary provide delivery services except that deliveries may be made to patients whose medical condition precludes their travel to the medical marijuana dispensary.
 - (c) Medical marijuana dispensaries shall have staff members present during hours of operation. No vending machines, drive up windows, or unsupervised transactions shall be permitted.
 - (d) Medical marijuana dispensaries shall not display signs visible from the exterior of the dispensary premises advertising the presence of marijuana on the premises. This restriction shall include, but shall not be limited to, the use of signage using the word "marijuana", its synonyms, or depictions of any portion of the marijuana plant. This restriction shall not apply to the use of the word "marijuana", its synonyms, or depictions in print advertising or broadcast advertising or the dissemination of informational materials or other documents by a medical marijuana dispensary.
 - (e) Medical marijuana dispensaries shall not be located on pedestrian levels of structures in the CY and CO zone districts.
- (2) Medical marijuana dispensaries shall not be permitted to operate as "home occupations."

Mini park. A park used to address limited, isolated or unique recreational needs, or designed to serve a neighborhood within a radius of one-quarter (1/4) mile. May include active uses such as playground equipment, and passive uses. Sometimes referred to as a "tot lot" or "pocket park."

Mining. The removal of sand, gravel, earth, rock, stone or mineral bearing substance from the ground for the purposes of using such material or obtaining any mineral from such substances.

Mixed-use. The combination of multiple, different nonresidential and/or residential uses in the same building, encouraging compactness and pedestrian activity. Residential and office uses are typically placed above ground-floor street frontage commercial.

Mobile home. A dwelling unit that is designed to be mobile and constructed and/or manufactured to provide a permanent residence for one or more persons in

accordance with the appropriate state statute, regulation or standard. This does not include a recreational vehicle.

(1) *Use criteria.*

- a. Review shall be concurrent with building permit application.
- b. Each mobile home lot or space shall have a building pad that is suitable for a mobile home, with a slope not in excess of fifteen (15) percent.
- c. Each mobile home lot or space shall be provided with an electrical outlet supplying at least two hundred twenty (220) volts, or electric service.
- d. Recreational vehicles, camper trailers, and other similar recreational vehicles are not allowed as a permanent dwelling units on a mobile home lot and shall not be used on a permanent basis for living space
- e. Storage of unoccupied recreational vehicles, camper trailers, and other similar vehicles shall not interfere with pedestrian and/or vehicular circulation, visibility and safety.
- f. Running gears may be removed for repair purposes only.
- g. The undercarriage of all mobile homes shall be screened from view on all sides, except that an access panel shall be provided for service and maintenance.
- h. Tanks and storage areas shall be screened and otherwise concealed from view from any public right-of-way.
- i. Employee and secondary units may not be added to any mobile home. An attached employee or secondary unit may be added to an amenity structure within a mobile home park, at a rate of one unit per twenty (20) mobile homes. A mobile home may be used as the employee or secondary unit at the same ratio.
- j. Vacation home rentals of mobile homes are prohibited.
- k. Mobile homes in the Community commercial (CC) zone district are solely permitted in the existing Fish Creek Mobile Home Park, Fish Creek Mobile Home Park Subdivision, Lot #1.

Mobile home park. A parcel of land under single ownership which has been

planned and improved for the placement of mobile homes, exclusive of recreational vehicles.

Mobile home subdivision. A parcel of land subdivided into lots for multiple ownership and zoned for placement of mobile homes.

Mobile vending. Mobile vending of merchandise, food or beverage, from the public right-of-way, for a prescribed period of time. This shall not include vendors operating on a sidewalk or within a park or recreation area. (Refer to outdoor sales for vending in a fixed location. Refer to the city parks and recreation department for vending within city parks or recreation areas.)

Modulation/articulation. Varying the plane of a building facade by stepping out or extending back the footprint/facade, varying the roofline, the addition of building elements such as balconies, decks, porches, window patterns/types, varying building materials or colors, or varying window patterns or types.

Monument sign. A detached sign permanently affixed to the ground with two (2) poles or one pole exceeding eighteen (18) inches measured horizontally. A base not to exceed forty-two (42) inches in height, and borders not to exceed eighteen (18) inches in width may support the sign.

GRAPHIC UNAVAILABLE: [Click here](#)

Movie theater. A building or part of a building devoted to showing motion pictures, including food or beverage areas, office space, ticket sales and other associated uses.

(1) *Use criteria.*

- a. The movie theater and its associated uses shall not exceed seven thousand (7,000) square feet.

Multi-family 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. Multi-family units shall not be located along a pedestrian level

street or other public access frontage in the G-2, CO, CY, CN, CC and I 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 CY and CN.
- e. In the I zone district, multi-family dwelling units are allowed when the primary use of the property is for an industrial use.

Multi-use building. Any nonresidential building with more than one tenant or use. The issuance of multiple sales tax licenses by the city is not necessarily a criterion to determine multi-use building status.

Museum. An institution that is established for the purpose of acquiring, conserving, studying, interpreting, assembling, and exhibiting to the public, for its instruction and enjoyment, a collection of artifacts of historical, cultural, or specialized interest.

Naturally disposed. Composed or designed so as to preserve or replicate organically occurring conditions, usually incorporating irregular shapes and asymmetry. Used especially of landscaping. See also: "Formally disposed."

Natural resource areas/preserve/open lands. Lands set aside for preservation of significant natural resources, remnant landscapes and visual aesthetics/buffering. Passive recreation uses, informational and interpretive centers are appropriate.

Neighborhood. An urbanized area of at least twenty (20) acres, but not more than one hundred sixty (160) acres, that provides a mix of housing types, parks, open space and commercial, where appropriate. A neighborhood is based upon a partial or entire pedestrian shed and provides many activities of daily living within walking distance of each other. The physical center of the neighborhood is typically located at an important traffic intersection associated with a civic institution, commercial center, or public open space.

Neighborhood park. The basic unit of the park system and serves as the recreational and social focus of the neighborhood. May be developed for active and passive recreational uses. Designed to serve a one-half-mile radius. May include a ballpark or soccer field without lighting.

Neighborhood store. A retail store selling groceries and other daily household necessities to the immediate surrounding area.

- (1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. Shall not include an automobile filling station.
- c. Shall not exceed two thousand (2,000) square feet of retail space.
- d. In all zone districts except the CN zone district, the store shall be located on a corner lot at the intersection of two (2) public streets.
- e. Facilities located on Oak Street shall only be permitted on the south side of Oak Street.
- f. Neighborhood stores shall comply with section 26-139, Parking and loading design standards. No parking spaces shall be located within the required front yard setbacks.

NIER. Nonionizing electromagnetic radiation (i.e., electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum).

Nightclub. A tavern or similar nonalcoholic establishment containing more than one hundred (100) square feet of dance floor area. Food sales may be an accessory use.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. Where nightclubs include baking, coffee roasting, or brewing of alcohol as an accessory use, such establishment shall comply with section 26-146, Performance, operational and environmental standards.
- c. Facilities located on Oak Street, shall only be permitted on the south side of Oak Street.

Nonstructural trim. The molding, battens, caps, nailing strips, latticing, cutouts, letters and other nonessential structures that are attached to the a structure.

Nonconforming lot. A lot that is not in compliance with the standards of the zone district in which it is located or with the standards of this CDC.

Nonconforming sign. Any sign which was lawfully erected and maintained under prior codes but which does not meet the provisions of article IX.

Nonconforming structure. A building, structure or other site improvement that conformed to the applicable laws when constructed but does not conform to the provisions of this CDC.

Nonconforming use. A use or activity that does not conform with: (1) the uses by right, uses with criteria, or conditional uses of the zone district in which it is located; or (2) the development standards contained in article V of this CDC.

Nonstructural trim. The molding, battens, caps, nailing strips, latticing, cutouts, letters and other nonessential structures which are attached to the sign structure.

Normal high water mark. The line below which soil is unfit for vegetation.

Nursery. A building for the growing and storage of plants, shrubs, trees, and similar vegetation sold directly from the lot at wholesale and retail, including ancillary outdoor storage.

(1) *Use criteria.* All outdoor storage:

- a. Review shall be prior to development or building permit, as applicable.
- b. Shall not be located immediately adjacent to property zoned OR, RE, RN, RO, MF, and MH. (City-owned OR lands and open space that has been designated in a commercial or industrial subdivision shall not be included in this classification and for the purposes of this definition, a public right-of-way shall not separate property. Example: If a property proposing this use is located across a street from a RE zoned property, this criteria would be applicable.).
- c. Shall only consist of plants and natural vegetation that is for sale. In the CN zone district, all outdoor storage located forward of the building and adjacent to the street frontage shall consist of plants and natural vegetation that is for sale only. Hardgoods, including but not limited to items such as pots, lattice and soil mixtures may be sold from the rear of the property and shall be kept in an orderly fashion at all times.
- d. Shall be normally associated with the use of the business or structure.
- e. Shall not obstruct pedestrian, bicycle, vehicular, or emergency services access.
- f. Shall not utilize public rights-of-way without a valid revocable

permit issued by the public works director.

- g. In the I zone district, this may include stockpiling of nonliving landscaping materials such as rocks and bark provided that such materials are screened from all public rights-of-way. The stockpiling of unpackaged fertilizers, both organic and inorganic, is prohibited.

Nursing home (assisted living facility). A residential building, whether or not operated for profit, that provides for a period exceeding twenty-four (24) hours, housing, food service, and one or more personal services, which may include nursing care, for eight (8) or more persons not fully capable for of independent living and not related to the owner.

Occupancy infraction. A financial penalty assigned the property owner in the event that an employee unit does not satisfy the residency requirements recorded on the deed of the property.

Off-premises sign. Any sign that is not located upon the same lot of the business or activity to which it refers, but not including monument signs permitted by an approved master sign plan. A billboard is considered an off-premises sign.

Offset side yard development. A development in which all or a majority of required side yard area is provided on one side of each home or structure (instead of being divided evenly on both sides of a home) in order to provide for more usable living and outdoor spaces.

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.

Office, dental or medical. A building or part of a building, for use by medical or dental care practitioners and related activities.

On-premises sign. Any sign that is located upon the premises of the business or activity to which it refers.

Opacity. The degree to which a material blocks light.

Open space. An area within a lot not covered by buildings, streets, parking or driveways. Environmentally sensitive areas and riparian areas may be utilized to satisfy open space requirements. Required minimum setbacks are not considered open space and shall not be included in the required minimum open space calculations, with the exception of thirty-five (35) feet of the required setback from US Highway 40.

Ordinary high water mark. The line on the shore established by the fluctuations of water and indicated by physical characteristics such as:

- (1) The natural line impressed on the bank;
- (2) Shelving;
- (3) Changes in the character or destruction of terrestrial vegetation;
- (4) The presence of litter and debris; or
- (5) The characteristics of the surrounding areas.

Orientation. The relationship of the structure to the streetscape, parking lots, sidewalks, surrounding structures, and landforms.

Outdoor display. A portion of a lot used for exhibiting in an orderly manner, completed assembled or finished products sold by a retail business located on the same lot.

- (1) *Use criteria.*
 - a. Review shall be prior to development or building permit, as applicable.
 - b. Shall not be located immediately adjacent to property zoned OR, RE, RN, RO, MF, and MH. (City-owned OR lands and open space that has been designated in a commercial or industrial subdivision shall not be included in this classification and for the purposes of this definition, a public right-of-way shall not separate property. Example: If a property proposing this use is located across a street from a RE zoned property, this criteria would be applicable.).
 - c. Areas of outdoor display shall be adequately screened from residential uses.
 - d. Shall not exceed fifteen (15) percent of the ground level indoor

floor area of the business, or one thousand (1,000) square feet, which ever is more restrictive.

- e. Shall be normally associated with the use of the business or structure.
- f. Shall not obstruct pedestrian, bicycle, vehicular, or emergency services access and shall maintain six (6) feet of unobstructed access.
- g. Shall not utilize public rights-of-ways without a valid revocable permit issued by the public works director.
- h. Shall not store display merchandise outdoors during nonbusiness hours.
- i. Where outdoor display and outdoor (recreation) equipment rental are provided for the same business, lot, or location, the maximum combined area allowed for both uses shall be twenty-five (25) percent of the ground level indoor floor area of the business.

Outdoor equipment sales/rental. The sale or rental of motorized vehicles, such as construction equipment, farm equipment, recreational vehicles, motorized boats, and manufactured homes. This does not include outdoor recreation equipment. Outdoor equipment sales shall not be located immediately adjacent to property zoned OR, RE, RN, RO, MF, and MH. (City-owned OR lands and open space that has been designated in a commercial or industrial subdivision shall not be included in this classification and for the purposes of this definition, a public right-of-way shall not separate property. Example: If a property proposing this use is located across a street from a RE zoned property, this criteria would be applicable.). Outdoor equipment sales shall be adequately screened from residential uses and public right-of-ways.

Outdoor lighting. The night time illumination of an outside area or object by any man made device located outdoors.

Outdoor recreation equipment rental. Any use where nonmotorized recreational equipment such as bicycles, kayaks, tubes, and rafts are stored or displayed outdoors for rental purposes.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. Equipment displayed for rental purposes shall be able to be utilized in the season in which it is displayed.

- c. Shall not exceed twenty-five (25) percent of the ground level indoor floor area of the business, or one thousand (1,000) square feet in any case. Shall be normally associated with the use of the business or structure.
- d. Shall not obstruct pedestrian, bicycle, vehicular, or emergency services access and shall maintain six (6) feet of unobstructed access.
- e. Shall not utilize public rights-of-way without a valid revocable permit according to City of Steamboat Springs Charter.
- f. Shall not store display merchandise outdoors during nonbusiness hours.
- g. Where outdoor display and outdoor recreation equipment rental are desired for the same business, lot, or location, the maximum combined area allowed for both uses shall be twenty-five (25) percent of the ground level indoor floor area of the business.
- h. No use shall be approved where the proposed use includes any use of city property in violation of any applicable city ordinance or regulation. Use of city property by customers of the applicant shall be deemed use by the applicant to the extent such customer use is the reasonably expected consequence of the applicant's proposed operation. The director may require submittal of operating plans or other information reasonably necessary to determine the applicant's compliance with this provision.
- i. The number of users or their rental volumes may be limited by the director in order to mitigate the impacts of the use including, but not limited to, degraded fish habitat, conflicts with other resource user groups, noise pollution, littering, and trespass. The director shall retain the authority to review user numbers and rental volumes on an annual basis.

Outdoor sales. Sales and vending of merchandise, food, or beverages, or services offered from a fixed public or private location. Such sales and vending may occur on a seasonal or permanent basis. This includes, but is not limited, to tent sales and food carts.

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 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 of Oak Street.

Outdoor storage area. A lot or a portion of a lot used for the unenclosed storage of goods for more than twenty-four (24) consecutive hours.

(1) Use criteria in the TND zone district.

- a. The commercial or industrial land shall not have frontage that is either directly adjacent to, or are separated only by open space from US Highway 40.
- b. Outdoor storage materials must be resistant to damage or deterioration from exposure to the outside environment.
- c. Outdoor storage shall not be permitted within any applicable setback, public right-of-way, or in landscaped areas.
- d. Outdoor storage shall not be permitted to impede any vehicular or pedestrian building entrances or access ways.
- e. The height of outdoor storage materials shall be no greater than fifteen (15) feet.
- f. All outdoor storage materials must be fully screened. Screening may be provided by existing buildings, opaque fencing, landscaped berming or landscaping of sufficient height to screen the outdoor

storage materials. No chain link fencing with slats or environ screens are permitted. The director shall have the ability to approve or disapprove of any proposed screening method.

Park. An area permanently devoted to recreational uses and generally characterized by its natural, historic or landscaped features, and used for both passive and active forms of recreation design to serve the residents of a neighborhood, community, region and/or state.

- (1) *Community park.* Designated to meet community based recreational needs, as well as preserving unique landscapes. Should serve two (2) or more neighborhoods.
- (2) *Neighborhood park.* A landscaped public space, typically between .5 and five (5) acres that serves as the recreational and social focus of the surrounding neighborhood.
- (3) *Neighborhood pocket park.* A smaller landscaped public space, typically between .1 and one acre that provides secondary focal points for the surrounding neighborhoods and may include active uses such as playground equipment.
- (4) *Playground.* An outdoor recreation facility that may provide a variety of recreational opportunities including playground equipment, areas for passive recreation and picnicking, and sport and active recreation facilities.
- (5) *Plaza and civic spaces and pocket plaza.* A primarily hardscaped public space. Plazas typically range in size from .5 to two (2) acres, while pocket plazas are much smaller, ranging in size from .1 to one acre.

Parking lot. An area of land designed and intended for storing four (4) or more licensed operable vehicles for periods of time less than twenty-four (24) hours.

Parking structure. A building or structure or a portion of a building or structure designed and intended for storing four (4) or more licensed operable vehicles for periods of time less than twenty-four (24) hours.

Paseo. A pedestrian alley. Pedestrian alleys are located and designed to reduce the required walking distance within a neighborhood.

Pedestrian shed. The basic building block of walkable neighborhoods. A pedestrian shed is the area encompassed by the walking distance from a neighborhood center and are defined as the area covered by a five-minute walk (about 0.25 miles or one thousand three hundred twenty (1,320) feet). They may be drawn as perfect circles, but in practice ped sheds have irregular shapes because they cover the actual distance walked,

not the linear (crow flies) distance.

Performing arts facility. An indoor facility for group entertainment, other than sporting events. Examples of these facilities include: Civic theaters, facilities for "live" theater and concerts.

Permanent sign. Any sign that is permanently affixed or attached to the ground or to any structure.

Phasing. The timing and order in which areas of land are subdivided or public and private construction takes place.

Plat, final. The map, maps, or scaled drawings prepared by a professional land surveyor in the state, in conformance with all applicable laws of the state regulating the practice of land surveying and are the requirements of this CDC.

Plat, preliminary. The map or maps of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the requirements of this CDC, to permit the evaluation of the proposal prior to detailed engineering design. May be referred to as a preliminary subdivision plat.

Podium courtyard. An elevated courtyard located above ground-floor retail or parking structures fronted with residential or commercial uses. Podium courtyards are intended to provide light and air circulation to upper-floor uses within a building that has a large footprint.

Pole sign. A sign that is supported by a single pole or other similar structure where the pole is less eighteen (18) inches wide or less.

Political sign. A sign used in connection with a local, state or national political issue, election or referendum.

Porch. An unenclosed structure abutting a dwelling having a roof used as an outdoor living area. Porches may include a second story enclosed living area that shall not exceed the footprint of the porch below.

GRAPHIC UNAVAILABLE: [Click here](#)

GRAPHIC UNAVAILABLE: [Click here](#)

Porch w/ Living Area Above

Portable sign. A sign that is not permanent, affixed to a building, structure, or the ground. Examples of portable signs include sandwich boards.

Premises. All lands, structures, places, equipment, and appurtenances connected to or used with any business on the property, and also any personal property that is either affixed to, or is otherwise used in connection with, any such business conducted on the property.

Principal building or structure. The primary building or structure on a lot, or a building or structure that houses the principal use. The use of a breezeway to provide passage between an accessory structure and a principal structure shall not be construed to mean that the structures are combined into one principal structure.

Printing and publishing. An establishment engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. "Quick printing" services are included in the definition of "business support services."

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. Uses proposed as part of a mixed-use project (e.g. on the ground floor of a multi-story building with differing uses on upper floors) shall demonstrate adequate buffering and/or sound isolation in compliance with section 26-146, performance standards.

Projecting sign. A sign that extends more than twelve (12) inches from the supporting wall of a building, or any sign that is attached or suspended from a canopy, awning or marquee.

Public information sign. A sign identifying community activities and special events sponsored by a nonprofit corporation. It is not intended for commercial, personal or private use.

Public service use or facility. A use operated or used by a public body or public utility in connection with any of the following services: water, waste water management, public education, parks and recreation, fire and police protection, solid waste management, or utilities.

Public vantage points. The locations from which skylined lands were designated and from which skylined ridges are viewed by a large number of viewers, including the

following roads or locations within the city: Highway 40, Elk River Road County Road (129), Fish Creek Falls Road, Pine Grove Road, Mt. Werner Ski Area Base transportation facility and the main Gondola building. Public vantage points are identified on the skyline overlay map.

Qualified resident. A family and/or individual with the maximum income limit of one hundred twenty (120) percent of the average median income for the county, whereby the use of a dwelling is for occupation only by employees or individuals related by blood, adoption, marriage, common-law marriage or foster parenthood to the employee.

Quasipublic use. A use serving the public at large, and operated by a private entity under a franchise or other similar governmental authorized designed to promote the interests of the general public or operated by a recognized civic organization for the benefit of the general public.

Readily visible. An object that stands out as a prominent feature of the landscape when viewed with the naked eye.

Real estate sign. A sign located on property advertising the property for sale, lease, or rent

Real estate sales trailer. A temporary, movable office facility for the purpose of selling property interests.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. The real estate sales trailer shall be removed prior to sale of seventy-five (75) percent of the units, or after one year, whichever occurs first.
- c. The property interests shall be located within the same lot, development, or subdivision where the real estate sales trailer is located.
- d. Only one real estate sales trailer is allowed per development or subdivision.
- e. The size of the real estate sales trailer shall not exceed one thousand (1,000) square feet.
- f. Access to and parking areas associated with the real estate sales trailer shall be composed of a dust-free, all-weather surface.

- g. Landscaping may be required by the director to mitigate visual impacts.

Recreation center. A facility provided by the city or any other nonprofit group or organization for recreational activities such as exercising, swimming, racquetball and tennis.

Recreation, indoor. A commercial use conducted entirely within an enclosed structure, including but not limited to uses such as video game arcades, teen clubs, stadiums and paint ball facilities.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. For all zone districts except for CN, CY and TND, the facility shall not exceed six thousand (6,000) square feet. In the CN and CY zone districts, the facility shall not exceed three thousand (3,000) square feet. Facilities located on Oak Street, shall only be permitted on the south side of Oak Street.

Recreation, low impact outdoor. An outdoor area under private ownership devoted to low impact recreational uses, including but not limited to tennis courts, swimming pools, hot tubs, sitting areas, and playground equipment.

Recreation, outdoor. An outdoor area under private ownership devoted to high impact outdoor recreational uses including but not limited to go carts, driving ranges, paint ball games, campgrounds, golf courses, miniature golf, ski runs, ski lifts, skating rinks, archery ranges, rifle ranges, riding schools and/or stables or waterslides.

Recreational vehicle. A vehicle that is: (a) built on a single chassis; (b) with a floor area of four hundred (400) square feet or less when measured at the largest horizontal projections; (c) designed to be self propelled or permanently towable by a light duty truck; and (d) designed primarily as temporary living quarters for recreational, camping, travel, or seasonal use, and not a permanent dwelling.

Recycling center. A facility used for the collection and/or processing of reusable material including but not limited to metals, glass, plastic, and paper.

Reflective materials. Any construction material, surfacing material, or paint having a light reflectivity factor of more than forty (40) percent.

Regulating plan. A plan or map of the regulated area designating the locations where different transect zones are located and which building form and building type standards apply that define the physical character of the area being coded.

Religious institution. Religious institution means any institution that people regularly attend to participate in or hold religious services, meetings, and other activities.

Rental controls. Deed restrictions which limit the maximum monthly rents of an employee unit.

Resale controls. Deed restrictions or mortgage assistance which limit the maximum resale price of a unit.

Resale improvement assessment. Deed restrictions which assign a maximum assessed value of an improvement of an employee lot or unit.

Residential care. A single dwelling or multi-unit facility, licensed or supervised by a federal, state, or local health/welfare agency, that provides twenty-four-hour non-medical care of unrelated persons who are disabled and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. Does not include day care facilities, which are separately defined.

Small, in a home. See "group home."

Large. A residential care facility that provides care, supervision, or assistance for nine (9) or more clients

Residential use. A use involving a fixed place of living, excluding any vacation home rental. The term residential use does not include occupancy of a mobile home or other vehicle, tent, shack or any structure for which a certificate of occupancy has not been issued. Residential uses do not include outdoor storage of goods, machines or materials forward of the front yard setback of a principal structure, nor do residential uses include outdoor storage of mobile homes, bulk fuel or dangerous items.

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 26-146, Performance, operational and environmental standards.

- d. Facilities located on Oak Street shall only be permitted on the south side of Oak Street.

Restaurant, drive-thru. An establishment that by design of physical features or by service or packaging procedures, encourages or permits customers to order and receive food or beverages while remaining in a motor vehicle for consumption on or off the site and which includes a menu board and audio or video speakers.

Retail. The indoor sale or rental of goods and merchandise to the general public for personal or household consumption, or services incidental to the sale or rental of such goods or merchandise. This does not include sexually-oriented bookstores and businesses. (Additional classification of retail is included in the definitions of "Commercial: Small, Medium and Large.")

Retaining walls. A structure utilized to retain or support earth or another structure that may require a building permit (check with the Routt County Regional Building Department to determine if a building permit is needed for the retaining wall). When retaining walls are utilized, they must be shown on all plan documents and in no case are allowed in utility or drainage easements. The height of a retaining wall is measured from any point of final grade adjacent to the base of the retaining wall to the top of the wall, or is measured from any point of final grade adjacent to the exposed bottom of the stepped segment to the top of the stepped segment. A retaining wall may or may not require approval of a variance in accordance with the provisions listed below.

- (1) *Variance or variation not required.*
 - a. The retaining wall has no greater than three stepped segments, with the lowest and middle segments no greater than four (4) feet in height, and the topmost segment no greater than three (3) feet in height; and
 - b. The offset between the lowest and middle segments no less than three (3) feet from face to face of each step of the wall, and no less than four (4) feet between the middle and topmost segments of the wall; and
 - c. The total overall height is no greater than eleven (11) feet in height; or
 - d. The retaining wall was approved in conjunction with a development plan or preliminary plat, or was approved as a minor adjustment or as an element of a PUD.

(2) *Variance required.*

- a. A variance for a retaining wall is required if (1)a., (1)b., or (1)c. as listed above is not met.

Right-of-way. A tract or strip of land owned by or dedicated to the city and used by the public for circulation, service or other public uses.

Roof sign. Any sign affixed to the roof of a structure.

Roughly proportional. The required dedication or fee is related both in nature and extent to the impact of the proposed development.

Rowhouse. An attached dwelling separated from others in a row by a vertical unpierced wall extending from basement to roof.

Sandwich board sign. A portable self-supporting sign with one or more faces. Generally, this is a temporary sign used to advertise merchandise, service, price specials, or events.

Satellite dish. Any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia shaped and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas

School. A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, middle schools, junior high schools, and high schools.

School, industrial-related, technical, or training facility. A state-licensed school, funded privately or publicly, providing education that is technical or industrial related, or providing a training facility for industrial related activities. When a state license is applicable, the facility must possess a valid license.

School, private. A state-licensed school funded by private funds.

School, public. A state-licensed elementary, middle or high school, college or university, that is funded by public funds.

Secondary unit. A residential unit ancillary to a principal dwelling unit, located on the same lot where the principal dwelling unit is located. A secondary unit is allowed on a registered legal nonconforming lot that does not meet the minimum lot area for the zone district provided it can meet all other requirements for the development of the registered legal nonconforming lot.

- (1) *Use criteria.*
- a. *Review.* Review shall be prior to or concurrently with a development or building permit, as applicable.
 - b. *Inclusions.* A secondary unit is an independent dwelling unit with a sleeping area, bathroom and kitchen.
 - c. *Zoning.* Secondary units shall be allowed in, RE-1/S, RE-2/S, RN-1, RN-2, RN-3, RO, MF-1, MF-2, MF-3, G-1, CN, CY Zone Districts or T2-NE, T3-NG1, T3-NG2, T4-NC transect zones. This criterion is absolute and may not be varied or waived through the public review process. Secondary units in the I zone district are allowable only after review and approval as a conditional use.
 - d. *Vehicular access.* Lots that share a common access with other lots must submit a signed letter to the director from all owners or easement holders of such access stating that there is no objection to a secondary unit. The principal unit and secondary unit shall share the same access unless access to the secondary unit is available and feasible from an alley. This criterion shall not apply to lots that have the minimum lot area for a duplex in the RN-1, RN-2, RN-3, RO, CN, or CY zone districts.
 - e. *Parking.* Parking shall be provided on site for secondary units in accordance with section 26-137 and shall be arranged so that it does not obstruct access to neighboring properties and does not eliminate any existing front yard landscaping.
 - f. *Secondary unit appearance and entrances.* Attached principal and secondary units may have only one front entrance and should appear from the street to be a single-family dwelling and not a duplex structure. Other entrances must be on the side or in the rear of the structure or in a location that is concealed when viewed from points along the front setback. A common entrance foyer with entrances leading from the foyer to each of the units is preferred. Detached secondary units in accessory structures are allowed.
 - g. *Prohibitions.* No secondary unit shall be allowed in a duplex structure or on the same lot as a duplex structure except in an accessory structure in the TND zone district.
 - h. *Size limitation.* The secondary unit shall be no larger than six hundred fifty (650) square feet whether located in a principal or accessory structure. This size shall be calculated from the interior side of secondary unit walls to the interior side of secondary unit

walls excluding mechanical rooms, stairwells and those areas with a height of less than five (5) feet. When located in an accessory structure, the size of the accessory structure is required to comply with the maximum size of accessory structures as provided in this article.

- i. *Occupancy.* The property owner shall reside on the same property that the secondary unit is located on. Extended vacations for one year or less and/or periods of time including but not limited to such time as sabbaticals for one year or less do not constitute violation of this criterion.
- j. *Terms of rental.* The secondary unit may not be leased or rented for periods of time less than twenty-nine (29) days. Rental of a secondary unit as a vacation home rental is prohibited.
- k. *Accessory structure.* In RE-1/S, RE-2/S, RN-1, RN-2, RN-3, CN, or CY, when a secondary unit is located within an accessory structure, the secondary unit must comply with accessory structure criteria as listed in this section and must also comply with the principal structure setbacks for the applicable zone district. Where a secondary unit is to be located in an existing accessory structure, this criterion shall not be applicable.

Self-service storage facility. A building consisting of individual, self-contained units that are leased or owned for the storage of business and household goods. Does not include warehousing or retailing.

Setback. The horizontal distance between all points along a building and a lot line. In the case of a private road or vehicular access easement that benefits more than four (4) lots or where the private road or vehicular access easement services an entire subdivision, the setback shall be the horizontal distance between all points along a building and the edge of the vehicular access easement or private road easement. This shall not be construed to mean that a private driveway easement, pedestrian easement, or other access easement is the point from which the setback is measured.

Sexually oriented bookstore and/or business shall have the same meaning as the term "adult oriented business" as defined in section 12-50 of the Code.

Shelter house. A state licensed residential dwelling occupied with a twenty-four-hour per day resident attendant directly employed for the temporary care, assistance and supervision of not more than eight (8) adults, with or without children, who require transitional housing accommodations made necessary due to conflict or threat of personal harm arising from the person's former living arrangement.

- (1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. The use shall be conducted within an existing single-family or duplex structure. External modifications to the structure shall not alter the single-family character of the structure.
- c. In the RO zone district, Shelter Homes shall have no more than fifteen (15) percent greater floor area than any neighboring single-family or duplex structure. In all other zone districts, shelter homes shall have no more than thirty (30) percent greater floor area than any neighboring single-family or duplex structure.
- d. Snow storage shall be provided in accordance with section 26-144.
- e. No shelter home shall be located closer than seven hundred fifty (750) feet from another approved shelter home as measured by the shortest distance between the lot lines of the two (2) properties.
- f. At least one permanent employee or permanent resident staff shall provide on-site supervision at all times. On-going supervision and maintenance of the facility shall be provided by the business entity that owns the property. Such supervision and maintenance shall include maintaining a daily record of occupants of the facility and recording the number of any approved visitors. The premises shall be maintained at all times in a manner appropriate and customary for a residential property within the same neighborhood and zone district.
- g. In addition to the required number of parking spaces for single-family and duplex dwelling units set forth in subsection 26-139(d)(1)g., each shelter home shall provide 1/2 parking space per adult occupant.

Short term rental. The use of a single-family or duplex residential dwelling unit by visitors in return for payment on not more than two (2) occasions per year with a combined total of not more than thirty (30) days annually.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. *Licenses.* All short term rentals shall have a business license and sales tax license if required by the Municipal Code.

- c. *Contact person.* Each owner of a short term rental shall provide the director with information regarding the name, address, and telephone number of a contact person who can be on the short term rental site within four (4) hours to respond to problems. The information shall be updated as necessary.

Sight triangle. Typically a triangular shaped portion of land, established at street intersections in which the erection or location of structures and the installation and maintenance of landscaping is restricted so that it does not limit or obstruct the sight distance of motorists entering or leaving the intersection.

Sign. Any object or device or part thereof situated outdoors or indoors that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, purpose, product, service, contract event, or location by means of copy. Examples include: words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images which are visible from any street, alley or other public right-of-way.

Significantly modified, revised, or amended. A change to a building permit application, development application or approval, or supporting documents that will enlarge the size, height of a structure, increase lot coverage or floor area ratio, reduce or increase any setback from property lines, alter roof pitch or roof slope, reduce the number or size of landscape materials, or affect a condition of development approval imposed upon the development.

Silhouette. A representation of the outline of the towers and antenna associated with a telecommunication facility, as seen from an elevation perspective

Single-family dwelling unit. A dwelling designed for, or used as a dwelling unit exclusively by one family as an independent housekeeping unit. A single-family dwelling unit contains no more than one dwelling unit and does not include mobile homes.

(1) *Use criteria.*

- a. Review shall be concurrent with building permit application.
- b. Single-family dwelling units shall be allowed in mobile home subdivisions.
- c. Single-family dwelling units shall not be allowed in mobile home parks.

Single use building. A building occupied by one tenant or use.

Site plan. A drawing and text or collection of drawings and text that graphically

represents how a site is to be developed.

Skyline or skylined. The point or line that occurs where the top of a ridge meets the sky as viewed from a public vantage point. Typically viewed as a ridge crest, peak, or top of a hillside or knoll. Example: A skylined structure would protrude above this point or line, thus having a backdrop of the sky.

GRAPHIC UNAVAILABLE: [Click here](#)

Skylined lands. Any property, or portions of property, so designated on the "official zoning map" maintained by the department of planning services.

Source lumens. The amount of lumens originating from a luminaire as provided on the manufacturer specification sheet.

Special use park. A unique strategically located community-wide facility which may be oriented to any of the following categories: historical/cultural/social sites, recreational facilities/community centers, or outdoor recreational facilities. Examples of the range of special use parks extend from historic downtown areas, performing arts facilities, community theaters, senior centers, to tennis centers.

Sports complex. Intended to consolidate heavily programmed athletic fields and associated facilities at larger and fewer sites, strategically located throughout the community.

Stadium. A place of assembly for sporting events, generally with raised or tiered seating for spectators.

Statuary sign. A three-dimensional form or likeness constructed of any rigid material, with or without copy, that represents copyrighted material, a trademark, a corporate symbol, corporate logo or any other copy or artwork that is commonly associated with the use.

Steamboat Springs area community plan. The plan of the same name as adopted and amended from time to time by the city. May also be referred to as the comprehensive plan, master plan, comp plan, or community plan.

Storage facility, personal indoor. Structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

(1) *Use criteria.*

a. Personal storage facilities shall not exceed ten thousand (10,000)

square feet in size.

- b. All storage areas shall be accessed from within the structure.
- c. Exterior accesses to units shall not be visible from the public right-of-way, excluding alleys.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above. Any portion of a building where the floor surface is above the eaves shall not be considered a story.

Stream. A watercourse having a source and a terminus, banks, and channel through which waters flow at least periodically, and from which water usually empties into other streams, rivers, ponds or lakes.

Street. A through-fare or public way for the movement of vehicular traffic. This excludes alleys that are used primarily as a service or secondary means of access to abutting property.

Street frontage. Any boundary line of a lot or parcel of land that coincides with the edge of a public street.

Structure. Anything that is made, formed, or constructed other than by natural causes.

Structure ridgeline. The line along the top of a roof, or along the top of a structure if it has no roof.

Studio. Small-scale facilities not exceeding five thousand (5,000) square feet of net floor area. Examples of these facilities include: Individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and related aerobics and gymnastics studios, such as yoga or pilates. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

Substantial conformance. A project is determined to be in substantial conformance if it meets all provisions listed below and conforms to the standards within the CDC, unless approval for a PUD, variance, or minor adjustment has been granted. A project that receives approval for a PUD, variance, or minor adjustment for a dimensional or development standard may not vary that particular standard by more than five (5) percent beyond what was approved by the PUD, variance, or minor adjustment (Example: If a project is granted a variance to construct a forty (40) foot structure in a zone district with a maximum height of thirty-six (36) feet, the project shall be considered to be within substantial conformance if the height does not vary by more than five (5) percent of the approved height). The director may allow greater variations than listed below, provided

that he/she finds the proposed size, complexity, anticipated impacts, or other factors associated with the variation clearly supports such variation.

- (1) With regard to buildings and structures:
 - a. The height of the buildings and structures shall not vary more than five (5) percent.
 - b. Roof pitches shall be within one-twelfth (1/12) slope.
 - c. The square footage of window areas adjacent to public rights-of-way shall not vary more than five (5) percent.
 - d. Horizontal and vertical dimensions shall not vary more than five (5) percent.
 - e. Variation in the total gross floor area shall not exceed five (5) percent.
 - f. For multi-family and resort accommodations, the total net floor area of interior and exterior space devoted to amenities shall not vary more than five (5) percent.
- (2) With regard to site planning:
 - a. The number of parking spaces shall not vary more than five (5) percent, provided that the variation does not result in a loss of total spaces.
 - b. The parking lot area shall not vary more than five (5) percent (except for any additional increases required for emergency services)
 - c. Any changes to the grading plan, roof pitch and finished floor elevations combined have not increased the overall height of the building relative to adjacent buildings by more than five (5) percent.
- (3) With regard to landscaping:
 - a. The amount of landscaped area shall not vary more than five (5) percent.
 - b. Tree locations have only changed in response to utility lines, trail/sidewalk construction, snow shed considerations, or grading and drainage considerations, and do not reduce the effectiveness of

the landscaping for the purpose of screening parking areas, loading docks, trash enclosures, and other areas/uses that require landscaping to reduce the visual impact.

- (4) With regard to land subdivision:
 - a. The total number of lots shall not have increased.
 - b. The total number of lots shall not have decreased more than ten (10) percent. Lot number decreases will be allowable based upon the status of existing infrastructure and if necessary, the appropriate utility abandonment to the standards of the utility provider shall be met.
 - c. The area of individual lots shall not have varied more than five (5) percent, and such variation shall not result in an increase or decrease in density.
 - d. The degree of nonconformity from city standards as allowed by the preliminary plat shall not have increased.
 - e. The width of street right-of-ways shall not have decreased.
 - f. The number, size, and type of pedestrian linkages shall not have decreased.
 - g. The amount of public land dedications or open space designations shall not have decreased.
 - h. The amount of public land dedications or open space designations shall not have increased more than five (5) percent.
 - i. The degree of conformity to city street standards shall not have decreased.
- (5) With regard to uses:
 - a. A project may vary from the approved use of twenty (20) percent or less of the gross floor area, provided that the new use meets all applicable requirements for the proposed use in the underlying zone district, including all applicable standards in article V, and the CDC in general.
- (6) With regard to vested development permit:
 - a. In the case of buildings or structures, the exact number of floors,

basements, stories, lofts, units and garages with significantly the same roof shape, roof pitch, fenestration, textures and materials, and horizontal and vertical dimensional variation not exceeding five (5) percent, as shown in the development permit.

- b. In the case of land subdivision, the exact number of lots with no variation in excess of five (5) percent in the size of lots, the location of lot lines, easements, or streets; except that no change in the lot size shall be permitted which will increase the density allowed on any lot.
- c. Vested development permits shall not be required to conform to the standards within the CDC for the purposes of substantial conformity.

(7) With regard to other:

- a. Changes requested by the city manager or designee thereof that benefit the public health, safety and welfare and that are minor in nature. These changes when required are not considered variations under this provision.
- b. Revisions to the location and/or design of buildings, footprints, parking, access, circulation, loading, entrances, landscaping, amenities, architectural features, building materials, and similar site design and architectural features determined by the director to be minor in nature.

Substantial damage. Damage of any origin sustained by a structure after which the cost of restoring the structure to its previous condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Surrounding property owner. Any individual, group of individuals, or corporation possessing a property interest to a parcel of land where any portion of the perimeter of that parcel of land is within three hundred (300) feet of any portion of the perimeter of the subject site.

Tavern. An establishment where the principal use is the sale and consumption of liquor, beer, or wine, or any combination thereof. Food sales shall be permitted.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. Same as "Restaurant."

Taxidermy. The business of preparing, stuffing and mounting the skins of animals.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable.
- b. Shall not be located immediately adjacent to property zoned OR, RE, RN, RO, MF, and MH. (City-owned OR lands and open space that has been designated in a commercial or industrial subdivision shall not be included in this classification and for the purposes of this definition, a public right-of-way shall not separate property. Example: If a property proposing this use is located across a street from a RE zoned property, this criteria would be applicable.).
- c. All activities associated with a taxidermy shall take place completely within an enclosed structure.

Technical advisory committee. A collection of representatives from utility, service, and infrastructure providers, as well as regulatory agencies at the local, state, and federal level. The participants within the committee for a particular development proposal may vary at the discretion of the director.

Telecommunication facility. A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.

Telecommunication facility co-located. A telecommunication facility comprised of a single telecommunication tower or building supporting one or more antennas, dishes,

or similar devices owned or used by more than one public or private entity.

Telecommunication facility commercial. A telecommunication facility that is operated primarily for a business purpose or purposes.

Telecommunication facility multiple users. A telecommunication facility comprised of multiple telecommunication towers or buildings supporting one or more antennas owned or used by more than one public or private entity.

Telecommunications facility noncommercial. A telecommunication facility that is operated solely for a nonbusiness purpose.

Telecommunications towers. A mast, pole, monopole, guyed tower, lattice tower, freestanding tower, or other structure designed and primarily used to support antennas. A ground or building mounted mast less than ten (10) feet tall and six (6) inches in diameter supporting a single antenna shall not be considered a telecommunications tower.

Temporary (building or structure). A building, structure or use intended for removal or termination within a prescribed time not exceeding two (2) years or as set out in a building permit, development plan, or final development plan. The building or structure shall be removed, or the use shall be abandoned, after the prescribed time not exceeding two (2) years or as set out in a building permit, development plan, or final development plan.

Temporary event. Any commercial-like event that takes place on public or private property, for a period of time not to exceed twenty-one (21) consecutive days within a twelve-month period, including but not limited to special events and sales.

(1) *Use criteria.*

- a. Review shall be prior to development or building permit, as applicable. (Note: if the temporary event is obtaining approval of a special activity permit from the city clerk, the event is not required to obtain approval of a use with criteria.)
- b. If such event is intended to occur on an annual or seasonal basis, it shall be required to obtain approval for each occurrence.
- c. If such event uses any city services, including but not limited to road closures and public safety enforcement, approval shall be obtained from either the city clerk or the director of public safety.
- d. Any temporary building or structure associated with a temporary event shall be reviewed for compliance with the CDC.
- e. *Licenses.* All temporary events shall have a business license and

sales tax license if required by the Municipal Code.

- f. Temporary event uses must be permitted in the underlying zone district.
- g. Only temporary events of a seasonal nature may occur on a property in the CO, CY and CN zone districts.
- h. Events of a seasonal nature are restricted to Christmas trees, Fourth of July fireworks and pumpkin sales.
- i. Only one temporary event may occur on a property within a twelve-month period in the CO, CY and CN zone districts.

Temporary sign. A sign, banner, pennant, valance or advertising display constructed of cloth, canvas, paper, fabric, chalkboard, plywood or other materials and designed or erected for short-term use. Also, a sign that is limited in the amount of time that it is allowed to be displayed by a specific timeframe, contract, event or purpose to which the sign is related. Examples include construction, real estate, political, portable, easel, chalkboard, garage sale, and special sale signs.

Timeshare. A form of property ownership under which a property is held by multiple owners, each with the right of possession for a specified time interval.

Townhome. A dwelling unit, generally having two (2) or more floors and attached to other similar units with common walls and surrounded by common open space.

Traffic control sign. Any governmental sign used to direct or control the movement of motor vehicles and/or pedestrians within public streets, alleys or rights-of-way.

Transect. (As defined by the SmartCode, Volume 6.5, 2005) A geographical cross-section of a region used to reveal a sequence of environments. For human environments, this cross section can be used to identify a set of habitats that vary by their level and intensity of urban character, a continuum that ranges from rural to urban. In transect planning, this range of environments forms the basis for organizing the components of the built world, including building, lot, land use, street, and all of the other physical elements of the human habitat. See also: "Transect zone."

Transect zone. (As defined by the SmartCode, Volume 6.5, 2005) A division of a transect that describes a place by the ratio of its natural to built components. Transect zones range from T1 (rural) to T6 (urban). Transect zones are administratively similar to the land use zones in conventional codes, except that in addition to the usual building use, density, height, and setback requirements, other elements of the intended habitat are integrated, including those of the private lot and building and the enfronting public streetscape. The elements are determined by their location on the transect scale. Not to be

confused with a zone district.

Transit facilities. Transit stops, transit structures, transit shelters, and transit pull-off or turn-around areas supporting transportation services provided by a regional or public authority.

Transit shelter. A partially enclosed structure located at a transit stop designed to provide protection to transit passengers from the elements.

Transit station. A lot, or structure used for the purpose of parking, loading, unloading of freight and passengers from train or bus transportation. May include parking facilities and other commercial amenities to service transit passengers.

Transit stop. A location where buses stop that may or may not include a shelter and a pullout.

Transit service facility. A location or structure designed and utilized for the storage, maintenance, and repair of transit equipment and associated administrative functions.

Tree, large deciduous. A large growth tree that loses its leaves in winter and will provide shade in summer. (Examples: cottonwood and willow)

Tree, ornamental. A smaller deciduous tree that is used to add character to a site rather than shading. (Examples: aspen, crabapple, chokecherry)

Triage center. A medical facility for the temporary care and treatment of patients prior to transfer to a hospital. It may include beds, medical treatment equipment, and transfer facilities, including ambulance parking.

Tributary. Any stream flowing directly or indirectly into a river.

Uniform Building Code. The provisions and standards used by the city to regulate construction, as adopted and amended from time to time.

Urban-wildland interface area. The geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels.

Usable lot area. The lot area, excluding required setback areas and any of the following:

- (1) Any area covered by a natural body of water and/or delineated wetlands;
- (2) Land where the natural slope exceeds thirty (30) percent;
- (3) Land with unstable slopes;

- (4) Land within twenty (20) feet of the normal high water mark, or floodway or a natural body of water or watercourse, or other natural obstruction or road.

Utilities (above ground and underground). Any structure or facility, excluding buildings, which are owned by a government entity, or any entity defined as a public utility for any purpose by the Colorado Public Utilities Commission and used in connection with the reproduction, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. This shall include facilities that provide similar services.

Vacation home rental. See section 26-88.

Variance. A modification (not a waiver) to a dimensional, numerical or other quantifiable standard contained in the CDC and city street standards. Examples include modifications of lot area, lot size, street frontage, setbacks, and floor area ratio.

Vehicular sign. Any sign that is mounted upon, painted or otherwise erected upon a vehicle, including but not restricted to van, truck, automobile, bus or other vehicles

Vested development permit. A vested development permit is a development permit that held a permanent approval under provisions provided in the previous CDC by either:

- (1) Completing a defined phase 1, or
- (2) Being eligible to complete a defined phase 1 of development as of the effective date of this CDC, in which case the phase 1 development must be completed within the time frame allowed for the development permit and shall include the three (3) years granted to all development permits from the effective date of this chapter.

A vested development permit shall include revisions so long any revisions are in substantial conformity with the original vested development permit.

Vested project. A project that was vested through provisions provided in the previous CDC through either completing a defined phase I or in the process of completing a define phase I. The phase I development must be completed within the time frame allowed for the development permit and shall include the three (3) years granted to all development permits from the effective date of this chapter.

Visual impact. A development's effect on surrounding uses in terms of mass and scale, orientation to the street, landscaping, off street parking design, drainage and site plan.

Wall sign. A sign fastened to or painted on the wall, parapet or roof of a building or structure in such a manner that the wall becomes the supporting structure for the sign and that does not project more than twelve (12) inches from the wall behind. In general, a wall sign is a sign that is backed by a wall, parapet wall or roof when viewed from the public right-of-way at a height of five (5) feet.

Warehouse. A commercial or industrial building used primarily for the storage of goods and materials, and/or vehicles.

Warehouse with outdoor storage. A commercial or industrial building and land used primarily for the storage of goods and materials, and/or vehicles, with ancillary outdoor storage materials normally associated with and incidental to the warehouse use.

(1) *Use criteria.*

- a. The commercial or industrial land shall not have frontage that is either directly adjacent to, or are separated only by open space from Elk River Road or US Highway 40.
- b. Outdoor storage materials must be those that are associated with the primary warehouse use.
- c. Outdoor storage materials must be resistant to damage or deterioration from exposure to the outside environment.
- d. Outdoor storage shall not be permitted within any applicable setback, public right-of-way, or in landscaped areas.
- e. Outdoor storage shall not be permitted to impede any vehicular or pedestrian building entrances or accessways.
- f. The height of outdoor storage materials shall be no greater than fifteen (15) feet or the plate height of the building located closest to the outdoor storage area, whichever is less.
- g. Outdoor storage square footage shall be limited to the square footage of the warehouse use, or the maximum lot coverage requirement of the industrial zone district, whichever is less.
- h. All outdoor storage materials must be fully screened. Screening may be provided by existing buildings, opaque fencing, landscaped berming or landscaping of sufficient height to screen the outdoor storage materials. No chain link fencing with slats or environ screens are permitted. The director shall have the ability to approve or disapprove of any proposed screening method.

- i. Shall not be located immediately adjacent to property zoned OR, RE, RN, RO, MF, and MH. (City-owned OR lands and open space that has been designated in a commercial or industrial subdivision shall not be included in this classification and for the purposes of this definition, a public right-of-way shall not separate property. Example: if a property proposing this use is located across a street from a RE zoned property, this criterion would be applicable.) (Examples: If the lot size is ten thousand (10,000) square feet, with a maximum lot coverage of .30, the maximum lot coverage would be three thousand (3,000) square feet. If there is an existing building on the lot that is two thousand (2,000) square feet, the maximum area of outdoor storage would be one thousand (1,000) square feet. If the lot size is ten thousand (10,000) square feet, with a maximum lot coverage of .30, the maximum lot coverage would be three thousand (3,000) square feet. If there is an existing building on the lot that is five hundred (500) square feet, the maximum area of outdoor storage would be five hundred (500) square feet.)

Waste collection facility. A property used for the purposes of storing waste disposal equipment, waste collection equipment, and the temporary storage of recycling materials.

Watercourse. Tributary streams, intermittent streams, drainage ways draining more than twenty (20) acres, and the following rivers and creeks: Yampa River, Walton Creek, Spring Creek, Burgess Creek, Fish Creek, Butcherknife Creek and Soda Creek.

Wetlands. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions and are so delineated by the Army Corps of Engineers. Wetlands generally include swamps, marshes, bogs, and similar areas.

Window sign. A sign consisting of copy that is located within twelve (12) inches of the interior of the window and that can be seen from the exterior. Any gas-lit, or internally illuminated sign that can be seen from the public right-of-way, regardless of its distance from the window shall be considered a window sign. This does not include price tags smaller than four (4) square inches.

ADMINISTRATIVE REVIEW AND PERMITTED USES Text Amendments – Draft Scope September 8, 2011

TASKS	RESOURCES	TIMEFRAME
Phase 1: Identify Specific Changes: Administrative Review and Permitted Uses		
1) Staff Review and Recommend CDC Changes to the Planning Commission		
A) Staff to develop a list of recommended changes to the administrative review process (based upon previous work sessions and new staff recommendations). <i>Specifically, staff will be identifying avenues to streamline the development review process by allowing for more administrative review.</i>	Staff	Previously Review and Discussed at July Work Session
B) Staff to develop a list of recommended changes to the Permitted Use Table. <i>Specifically, staff will identify areas of the Permitted Use Table where it may be appropriate to have Conditional Uses become uses by right with criteria and Uses With Criteria and to have certain Uses with Criteria become uses by right or uses by right with criteria.</i>	Staff	In preparation for a 9/12/11 Work Session
2) Public Hearing Work Session – Thursday, October 22nd		
A) Planning Commission Hearing: <i>The Planning Commission will review draft ordinance of previously discussed administrative review and permitted use table changes and provide final direction on all changes that will occur through the Text Amendment process.</i>	Staff / PC	10/22/11
Phase 2: Finalize Text Amendments – Administrative Review and Permitted Uses		
1) Adopt Code Changes		
A) Staff to bring final draft Text Amendments to public hearings for adoption. <i>Proposed text amendments for creating new administrative review procedures and permitted uses (including developing new definitions and use criteria) are anticipated to take significant staff resources given the magnitude of possible changes.</i>	Staff	November - January

Agenda Item # 7

CITY COUNCIL COMMUNICATION FORM

FROM: Seth Lorson, AICP, City Planner (Ext. 280)
Tyler Gibbs, AIA, Director of Planning and Community Development
(Ext. 244)

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

DATE: October 18, 2011

ITEM: Final Development Plan for Betterview Business Park Lots 4 & 5.

NEXT STEP: If City Council approves the application, the applicant can apply for a building permit and begin construction.

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

PROJECT NAME: Clear Water Studios - #FDP-09-03

PETITION: Approval of a Final Development Plat to construct three industrial buildings in three phases; and an extended vesting of 5 years.

LOCATION: 1725 & 1825 13th Street

APPLICANT: Gerencser, LLC C/O Ben Spiegel
P.O. Box 775654
Steamboat Springs, CO 80477

PC ACTION: Planning Commission voted to approve on September 22, 2011; Vote: 4-1; Voting for motion to approve: Robbins, Turek, and Meyer. Voting against motion to approve: Beauregard

EXECUTIVE SUMMARY:

1. Background:

The concurrent Preliminary Plat (PP-09-06) was denied by Planning Commission on August 25, 2011 which precluded this Final Development Plan and therefore was tabled. City Council overturned Planning Commission's denial on September 6, 2011. The current Final Development Plan was approved by Planning Commission on September 22, 2011.

2. Planning Commission Discussion:

The principal discussion by Planning Commission regarded the requested extended vesting of 5 years plus a 2 year extension upon review of continued compliance with the CDC. The debate discussed whether an extended vesting is appropriate for this development because it is proposed in three phases or because extended approvals have been the norm as of late. The extended vesting request was approved with the vote.

3. Public Comment:

An adjacent property owner and his representative are against the proposed development because the other property owners in the subdivision were required to adhere to the non-disturbance of the outlots provision in the Preliminary Plat (PP-05-05) and the pre-annexation agreement; and are concerned that the new development has the potential to raise groundwater on his lot (Lot 6).

4. New Information:

No new information has been provided since the Planning Commission hearing.

5. Recommended Motion:

Planning Commission recommends approval of Clear Water Studios at Betterview Business Park Lots 4 & 5 Final Development Plan FDP-09-03 to construct three (3) industrial buildings and an extended vesting of five years with an option to extend two more years, with the following conditions:

1. Each phase of the phasing plan shall meet the requirements of the CDC on its own and shall contain the required streets, utilities, landscaping, and other improvements that are required per this approval. Prior to approval of a certificate of occupancy, improvements outlined in CDC 26-141 Phasing shall be complete or collateral provided (for non-critical improvements).
2. The acceptable completion of water and sewer infrastructure is considered "critical improvements" to this project. Building permits for or within this development, except for building C, shall not be approved until such time as the water and sewer infrastructure has been inspected, and granted preliminary acceptance by the City of Steamboat Springs Utility Division. Preliminary acceptance requirements include correction of all punch list items, acceptance of as-builts and record documents and acceptance of any and all necessary easements. Inspections for acceptance shall only occur during the months of May through October.
3. Civil construction plans prepared by a civil engineer licensed in the state of Colorado must be submitted to Public Works for review by Public Works, Planning, and City Utilities for

CITY COUNCIL COMMUNICATION FORM

Clear Water Studios at Betterview Business Park - #FDP-09-03

October 18, 2011

review and approval prior to the start of any construction. We recommend submitting the construction plans a minimum of five weeks prior to start of construction.

4. The following items to be identified for each phase on the construction plans are considered critical improvements and must be constructed prior to issuance of any CO; they cannot be bonded:
 - i. Public drainage improvements including detention ponds
 - ii. Installation of street and traffic control signs
 - iii. Shared Access drive loop
 - iv. Driveway and parking areas associated with each phase
 - v. Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)

LIST OF ATTACHMENTS

Attachment 1 – PC Staff Report FDP-09-03 and attachments, September 21, 2011.

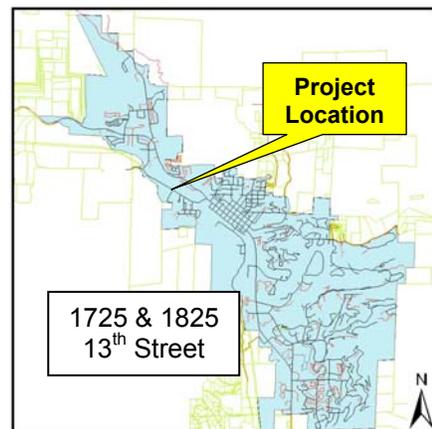
Attachment 2 – Draft Planning Commission Minutes for September 21, 2011.

Attachment 3 – Public Comment.



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT STAFF REPORT

PLANNING COMMISSION AGENDA ITEM # 4: FDP-09-03	
Project Name:	Clear Water Studios at Betterview Business Park Subdivision Lots 4 & 5
Prepared By:	Seth E. Lorson, AICP, City Planner (Ext. 280)
Through:	Tyler Gibbs, AIA, Director of Planning and Community Development (Ext. 244)
Planning Commission (PC):	Tabled to September 22, 2011
City Council (CC):	October 18, 2011
Zoning:	Industrial (I)
Applicant:	Gerencser, LLC C/O Ben Spiegel P.O. Box 775654 Steamboat Springs, CO 80477
Location:	1725 & 1825 13th Street
Request:	Final Development Plan to construct 3 industrial buildings in three phases.



Development Statistics – Overview	
Lot Area:	3 lots (Lot 1: 52,794 SF; Lot 2: 46,467 SF; Lot 3: 48,738 SF)
Lot Coverage:	43,752 square feet (30%)
Floor Area Ratio:	.47 (6,601.6 gross SF)
Units:	18 light industrial
Parking Spaces:	107

Staff Report - Table of Contents		
Section		Pg
I.	CDC Analysis Summary	4-2
II.	Project Location	4-2
III.	Introduction	4-3
IV.	Background Information	4-3
V.	Project Description	4-3
VI.	Principal Discussion Item	4-3
VII.	Staff/Agency Analysis	4-3
VIII.	Staff Findings and Conditions	4-3
IX.	Attachments	4-6

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

CDC - SECTION 26-66 (D): *No FINAL DEVELOPMENT PLAN SHALL BE APPROVED UNLESS THE PLANNING COMMISSION AND CITY COUNCIL FIND THAT THE PLAN MEETS ALL OF THE FOLLOWING CRITERIA [THESE CRITERIA ALSO COVER THE DEVELOPMENT PLAN CRITERIA IN SECTION 26-65 (D)]:*

Subsection	Consistent			Notes
	Yes	No	NA	
1) Conformity with Community Plan and other approved Master Plans	<input checked="" type="checkbox"/>			
2) Consistency with Surrounding Uses	<input checked="" type="checkbox"/>			
3) Conformity with Building and Architectural Standards	<input checked="" type="checkbox"/>			
4) Minimize Adverse Impacts	<input checked="" type="checkbox"/>			
5) Access	<input checked="" type="checkbox"/>			
6) Minimize Environmental Impacts	<input checked="" type="checkbox"/>			
7) Phasing	<input checked="" type="checkbox"/>			
8) Compliance With Other Standards	<input checked="" type="checkbox"/>			See pg. 6 for discussion.

Staff Finding:
 Staff finds the Final Development Plan for Clear Water Studios at Betterview Business Park Lots 4 & 5 is **consistent** with the criteria for approval in CDC Section 26-66 (d).

II. PROJECT LOCATION



III. INTRODUCTION

The proposed Clear Water Studios Final Development Plan (FDP-09-03) has been submitted concurrently with the Preliminary Plat (PP-09-06) and sequentially must be reviewed by Planning Commission after the Preliminary Plat. The FDP proposal is based on the presumption that the lot structure proposed in the Preliminary Plat is approved. Should the Preliminary Plat be denied, it will preclude review of the FDP.

IV. BACKGROUND INFORMATION

The Preliminary Plat for Betterview Business Park Subdivision (PP-05-05) created 6 lots and 6 outlots in 2005. An Army Corps of Engineers wetland permit was obtained for developing the wetlands in Lots 1 – 6.

In July 2007, City Council approved the development of a 13,952 SF live/work warehouse on Lot 5 (FDP-07-02). The project was proposed entirely inside the bounds of Lot 5 with no encroachment into Outlot 5. This project's approval has expired.

The concurrent Preliminary Plat (PP-09-06) was denied by Planning Commission on August 25, 2011 which precluded this Final Development Plan and therefore was tabled. City Council overturned Planning Commission's denial on September 6, 2011 which allows for the Final Development Plan to be heard at public hearing.

V. PROJECT DESCRIPTION

The application is a concurrent review of a Preliminary Plat and a Final Development Plan to subdivide 2 lots and 2 outlots into 3 lots and construct 5 buildings to be built in 3 phases.

The Final Development Plan proposes 3 industrial buildings. Ample parking, snow storage and landscaping is provided.

VI. PRINCIPAL DISCUSSION ITEM

Vesting request

The applicant requests a vesting extension of 5 years plus 2 upon review of substantial conformance. The request is based on the infrastructure investment required to build and that the project is being proposed in 3 phases (See the applicant's project narrative, attachment 4).

VII. STAFF / AGENCY ANALYSIS

Sec. 26-66. Final development plan.

(d) Criteria for review and approval. No final development plan shall be approved unless the city council finds that the plan meets following criteria:

(1) Conformity with community plan. The final development plan significantly furthers the preferred direction and policies outlined in the community plan or approved master plans.

Staff Analysis: **Consistent.** The proposal furthers the direction of the SSACP in the following sections:

***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 LU-2:** Our community supports infill and redevelopment of core areas.*

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

(2) **Consistency with surrounding uses.** *The proposed development shall be consistent with the character of the immediate vicinity of the parcel proposed for development, or shall enhance or compliment the mixture of uses, structures and activities present in the immediate vicinity.*

Staff Analysis: **Consistent.** The proposal is in the Industrial zone district and surrounded by like zoning. 13th Street consists of primarily warehouse and other industrial uses.

(3) **Conformity with the building and architectural standards.** *The proposed development complies with the building and architectural design standards of the CDC.*

Staff Analysis: **Consistent.** The proposal meets the standards outlined in CDC Sec. 26-133. *Building and architectural design standards* by providing durable construction material such as wood, stucco, and corrugated steel, a design that reduces snow shed impact and provides articulation of the buildings and hence reducing visual impacts.

(4) **Minimize adverse impacts.** *The design and operating characteristics of the proposed development shall minimize any adverse impacts on surrounding uses and shall not cause a nuisance, considering factors such as proposed setbacks, planned hours of operation, and the potential for odors, noise, smoke, dust, glare, vibrations, shadows, and visual impacts from the proposed development.*

Staff Analysis: **Consistent.** The proposal meets zone district requirements for setbacks and puts its parking to the rear to minimize vehicle sound and visual impact. The proposed warehouse use is *primarily for the storage of goods and material, and/or vehicles* which should not create adverse impacts through odors, noise, smoke, dust, glare etc...

(5) **Access.** *Access to the site shall be adequate for the proposed development, considering the width, grades, and capacities of adjacent streets and intersections and the entrance to the site. The adequacy of the facilities provided for any necessary service delivery, parking and loading, and trash removal shall also be considered. When appropriate, public transportation or other public or private transportation services and appropriate pedestrian facilities shall be made available to serve the use.*

Staff Analysis: **Consistent.** The proposed private access road will create two points of access when the third phase is complete. Ample parking and access to units is provided. The proposed

pedestrian circulation meets city standards.

(6) **Minimize environmental impacts.** *The proposed development shall minimize its adverse impacts on the natural environment, including water quality, air quality, wildlife habitat, vegetation, wetlands, and natural landforms.*

Staff Analysis: Consistent. The project does propose to fill wetlands and has received an Army Corps of Engineers permit to do so. The details of this are being processed with the concurrent Preliminary Plat (PP-09-06) that would allow for the lot structure to enable the Final Development Plan. The buildings alone do not create adverse environmental impacts.

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

Staff Analysis: Consistent. The project is proposed in 3 phases with each phase having complete improvements. The project is required to build improvements or provide collateral prior to issuance of a CO for each phase (see condition of approval #1).

(8) **Compliance with other standards.** *The final development plan is in substantial conformance with the requirements of the CDC as modified by any approved variance, development plan, or PUD, for the property, and any applicable terms and conditions imposed by the city on any such prior approval granted to the property have been satisfied.*

Staff Analysis: Consistent. The proposal is consistent with the dimensional and development standards in the CDC.

VIII. STAFF FINDING & CONDITIONS

Finding / Motion

Staff / Planning Commission find that Clear Water Studios at Betterview Business Park Lots 4 & 5 Final Development Plan FDP-09-03 to construct three (3) industrial buildings is **consistent** with the required findings for approval, with the following conditions.

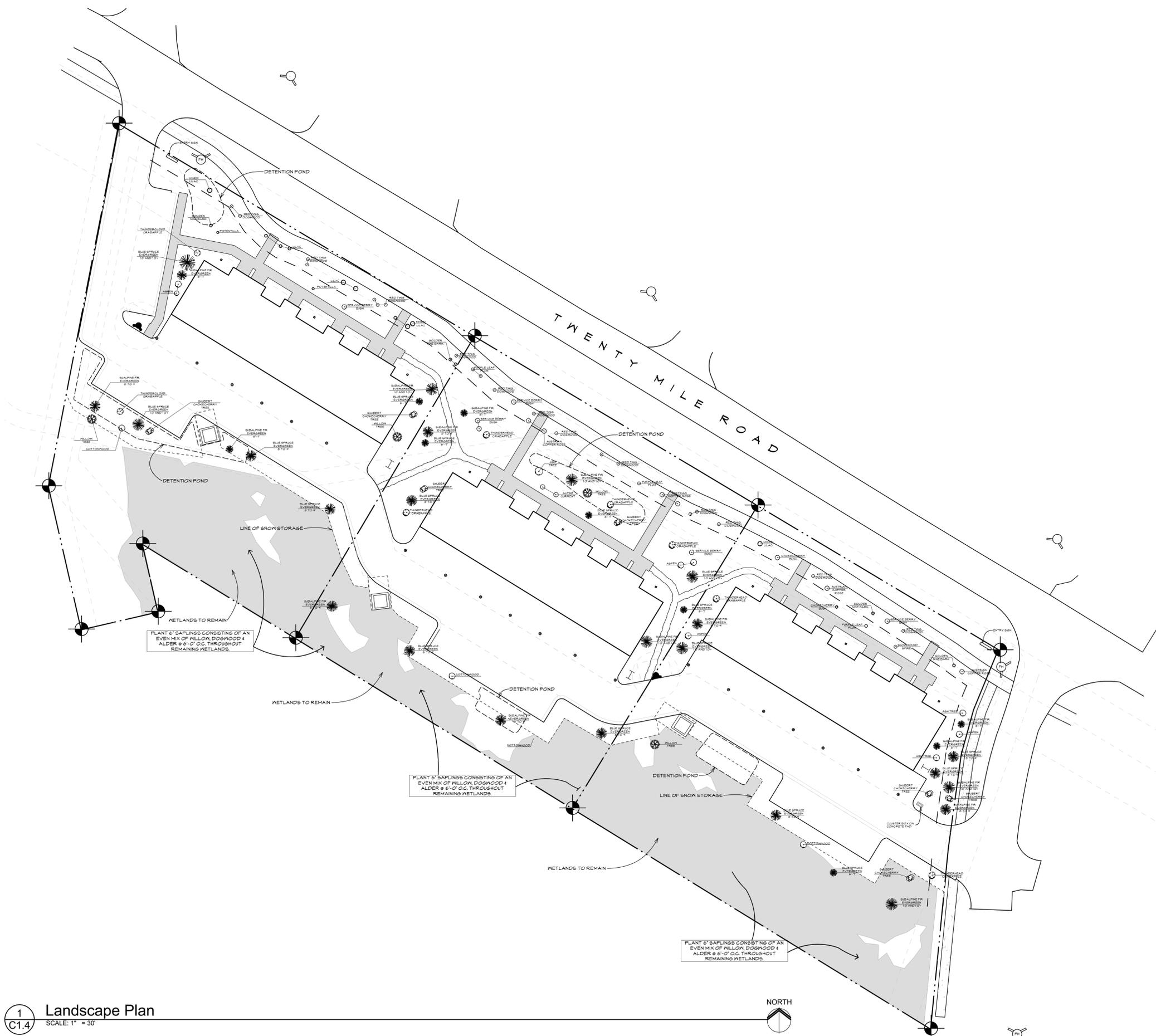
1. Each phase of the phasing plan shall meet the requirements of the CDC on its own and shall contain the required streets, utilities, landscaping, and other improvements that are required per this approval. Prior to approval of a certificate of occupancy, improvements outlined in CDC 26-141 Phasing shall be complete or collateral provided (for non-critical improvements).
2. The acceptable completion of water and sewer infrastructure is considered “critical improvements” to this project. Building permits for or within this development, except for building C, shall not be approved until such time as the water and sewer infrastructure has been

inspected, and granted preliminary acceptance by the City of Steamboat Springs Utility Division. Preliminary acceptance requirements include correction of all punch list items, acceptance of as-builts and record documents and acceptance of any and all necessary easements. Inspections for acceptance shall only occur during the months of May through October.

3. Civil construction plans prepared by a civil engineer licensed in the state of Colorado must be submitted to Public Works for review by Public Works, Planning, and City Utilities for review and approval prior to the start of any construction. We recommend submitting the construction plans a minimum of five weeks prior to start of construction.
4. The following items to be identified for each phase on the construction plans are considered critical improvements and must be constructed prior to issuance of any CO; they cannot be bonded:
 - i. Public drainage improvements including detention ponds
 - ii. Installation of street and traffic control signs
 - iii. Shared Access drive loop
 - iv. Driveway and parking areas associated with each phase
 - v. Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)

IX. LIST OF ATTACHMENTS

- Attachment 1 – Proposed Site Plan/Landscape Plan
- Attachment 2 – Elevations
- Attachment 3 – Floor Plans
- Attachment 4 – Perspectives



1
C1.4 Landscape Plan
SCALE: 1" = 30'

City Landscape Requirements

The front of the site is encumbered by a large utility easement, due to the competing nature of an urban frontage and the easement, trees are located where possible. The landscaping along the rear of the property at the wetlands is meant to act as a buffer or screen from the parking lot.
Moderate Landscaping requirement along 20 Mile Road
10'-0" landscaping buffer adjacent to ROW
Irrigation is required
Where easements are present and don't allow trees, large size growth habit shrubs may be used as replacements with a 3:1 ratio.
Buffer Area = 1 tree / 400 sq ft
Interior Area = 1 tree / 500 sq ft

Lot #1	Total sq ft	1 per 400	3:1 replacement	
Buffer Area =	2,306	6		
	Min Amt	# Required	Revised # Req	# Proposed
Evergreens 6' to 7'	10%	0.58	3 Shrubs	0
Evergreens 8' to 9'	15%	0.86	3 Shrubs	0
Evergreens 10' and 10'+	10%	0.58	3 Shrubs	0
Large Deciduous 2-1/2" caliper	20%	1.15	6 Shrubs	0
Ornamental 1-1/2" caliper	15%	0.86	3 Shrubs	0
Shrubs 5 gallon	15%	0.86	1	19

Lot #1	Total sq ft	1 per 500		
Interior Area =	10,467	21		
	Min Amt	# Required	Revised # Req	# Proposed
Evergreens 6' to 7'	10%	2.09	3	3
Evergreens 8' to 9'	15%	3.14	4	4
Evergreens 10' and 10'+	10%	2.09	3	3
Large Deciduous 2-1/2" caliper	20%	4.19	5	5
Ornamental 1-1/2" caliper	15%	3.14	4	4
Shrubs 5 gallon	15%	3.14	4	4

Lot #1	Total sq ft	1 per 36	# Proposed
Wetland Area =	8,250	229	229

We are proposing to plant one shrub sapling at 6'-0" o.c. each way

Lot #1
Native Area = Total sq ft
5,182
This is the area abutting Emerald Mountain
We are proposing to leave the area along the Northwest border of the property undisturbed and natural
Lot #1 has a total area of 27,709 sq ft that is either buildings, sidewalks, paths or parking

Lot #2	Total sq ft	1 per 400	3:1 replacement	
Buffer Area =	1,971	5		
	Min Amt	# Required	Revised # Req	# Proposed
Evergreens 6' to 7'	10%	0.49	3 Shrubs	0
Evergreens 8' to 9'	15%	0.74	3 Shrubs	0
Evergreens 10' and 10'+	10%	0.49	3 Shrubs	0
Large Deciduous 2-1/2" caliper	20%	0.99	3 Shrubs	0
Ornamental 1-1/2" caliper	15%	0.74	3 Shrubs	0
Shrubs 5 gallon	15%	0.74	1	16

Lot #2	Total sq ft	1 per 500		
Interior Area =	14,701	29		
	Min Amt	# Required	Revised # Req	# Proposed
Evergreens 6' to 7'	10%	2.94	3	4
Evergreens 8' to 9'	15%	4.41	5	5
Evergreens 10' and 10'+	10%	2.94	3	3
Large Deciduous 2-1/2" caliper	20%	5.88	6	6
Ornamental 1-1/2" caliper	15%	4.41	5	6
Shrubs 5 gallon	15%	4.41	5	5

Lot #2	Total sq ft	1 per 36	# Proposed
Wetland Area =	4,905	136	136

We are proposing to plant one shrub sapling at 6'-0" o.c. each way

Lot #2 has a total area of 23,635 sq ft that is either buildings, sidewalks, paths or parking

Lot #3	Total sq ft	1 per 400		
Buffer Area =	2,774	7		
	Min Amt	# Required	Revised # Req	# Proposed
Evergreens 6' to 7'	10%	0.69	1	1
Evergreens 8' to 9'	15%	1.04	2	2
Evergreens 10' and 10'+	10%	0.69	1	1
Large Deciduous 2-1/2" caliper	20%	1.39	2	2
Ornamental 1-1/2" caliper	15%	1.04	2	2
Shrubs 5 gallon	15%	1.04	2	9

Lot #3	Total sq ft	1 per 500		
Interior Area =	8,728	17		
	Min Amt	# Required	Revised # Req	# Proposed
Evergreens 6' to 7'	10%	1.75	2	2
Evergreens 8' to 9'	15%	2.62	3	3
Evergreens 10' and 10'+	10%	1.75	2	2
Large Deciduous 2-1/2" caliper	20%	3.49	4	4
Ornamental 1-1/2" caliper	15%	2.62	3	3
Shrubs 5 gallon	15%	2.62	3	3

Lot #3	Total sq ft	1 per 36	# Proposed
Wetland Area =	11,310	314	314

We are proposing to plant one shrub sapling at 6'-0" o.c. each way

Lot #3 has a total area of 25,932 sq ft that is either buildings, sidewalks, paths or parking

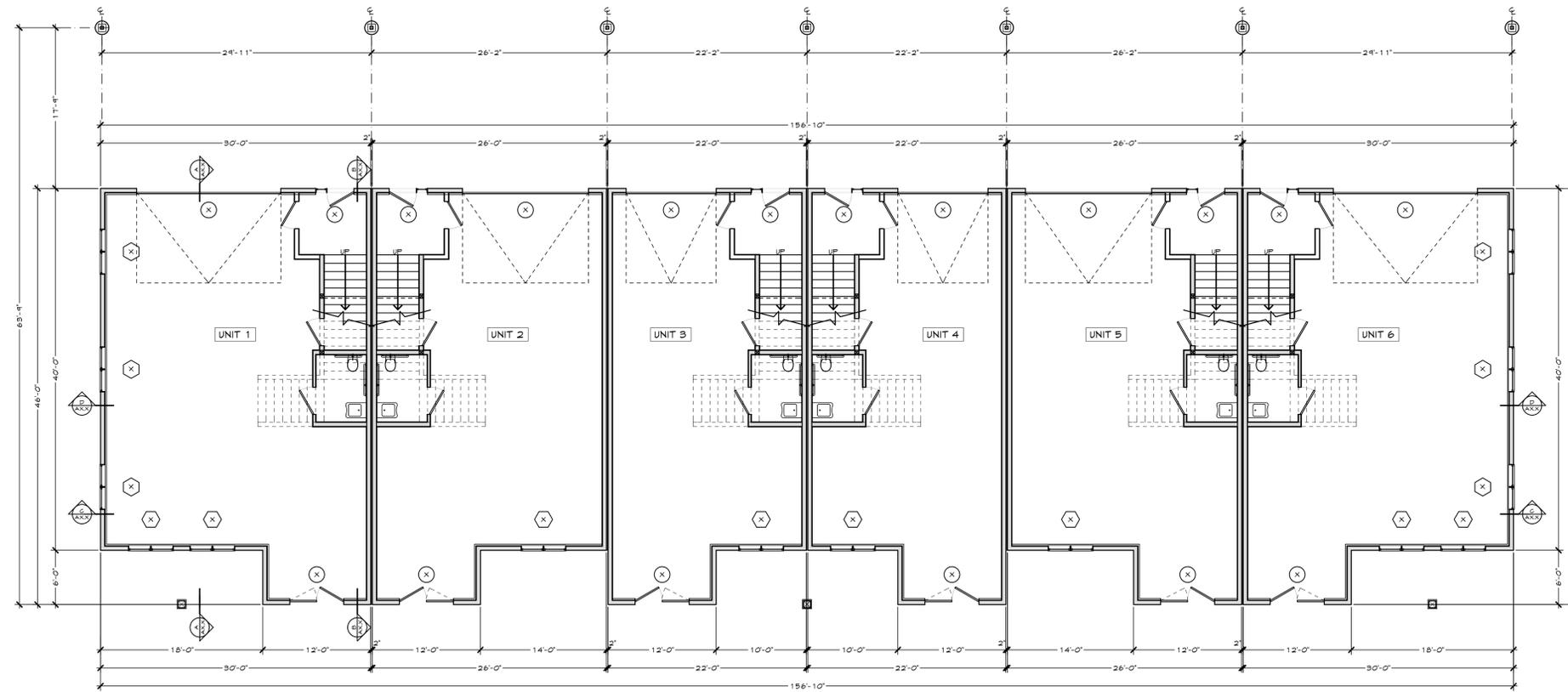
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Clear Water Studios
at Twenty Mile Road
Lot # 4 and Lot #5 Betterview Business Park
1825 and 1725 Thirteenth Street
Steamboat Springs, Colorado 80487
Landscape Plan

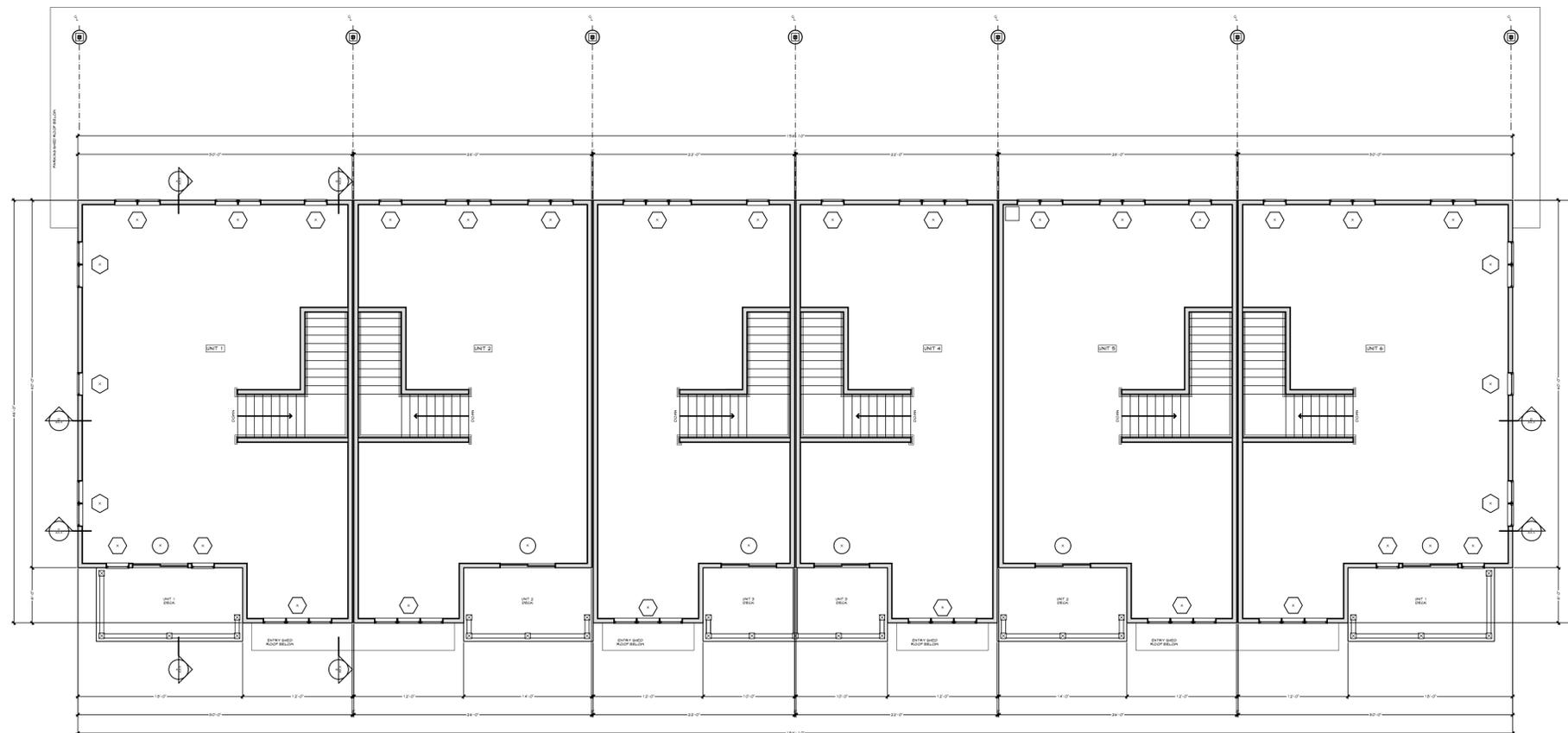
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C1.4
Page: 5 of 25



1 Light Industrial Building Main Level Floor Plan
SCALE: 1/8" = 1'-0"



2 Light Industrial Building Upper Level Floor Plan
SCALE: 1/8" = 1'-0"


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Clear Water Studios
 at Twenty Mile Road
 Lot # 4 and Lot #5 Betterview Business Park
 1625 and 1725 Thirteenth Street
 Steamboat Springs, Colorado 80487
 Light Industrial Building Floor Plans

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A3.1

Page: 4 of 23

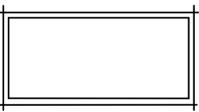


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Clear Water Studios
 at Twenty Mile Road
 Lot # 4 and Lot # 5 Betterview Business Park
 1825 and 1725 Thirteenth Street
 Steamboat Springs, Colorado 80487

Perspective - Westbound on Twenty Mile Road

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A5.1

Page: 13 of 23



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Clear Water Studios
 at Twenty Mile Road

Lot #4 and Lot #5 BetterView Business Park
 1125 and 1125 Thirteenth Street
 Steamboat Springs, Colorado 80487

Perspective - Eastbound on Twenty Mile Road

JOB NUMBER:
 ISSUE DATE: 7/14/11

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A5.2

Page: 14 of 23

DRAFT**Betterview Business Park Lots 4 & 5 (Clearwater Studios) #FDP-09-03 A Final Development Plan to construct three (3) industrial buildings (38,442 square feet)**

Discussion on this agenda item started at approximately 7:54 p.m.

DISCLOSURE

Commissioner Hanlen stepped down since he is with the applicant.

STAFF PRESENTATION

Seth Lorson –

This proposal is for 3 industrial buildings with a total of 38,442 square feet and 18 units on 3 lots. The preliminary plat was denied by the Planning Commission, but overturned by City Council allowing this application to move forward. There are no variances.

APPLICANT PRESENTATION

Mary Brown –

The staff analysis concurs with ours and is consistent with the CDC. We would appreciate your consideration.

COMMISSIONER QUESTIONS

Commissioner Levy –

Did you want to address the variance request of the 5+2 vesting?

Seth Lorson –

That's in the principle discussion items. We don't have any criteria for viewing vesting extensions.

PUBLIC COMMENTS

Reed Morris –

I think that a lot of the same issues should be considered again. I will keep my comments focused on the Planning Code section 26-66. Dealing with conformance with the CP and I know that the Planning Director was made to defer all decisions made on the wetlands to the Army Corp of Engineers. I did want to highlight that federal regulations do not define buffer areas or mitigation requirements that may be appropriate for a particular community or location. Consistency with the surrounding uses, the pre-annexation agreement dealt with wetlands, development, protection, and preservation of all of the wetlands, but 0.5 acres. I would like the Planning Commission to carry suit to the surrounding uses in this development to not be a development in the industrial zoning, but also the vegetation, wildlife habitat, wetlands, and water quality. The minimization of adverse impacts and we have some criteria for the Planning Commission and staff to consider that deals with beyond water quality. The criteria lists water quality, air quality, wildlife habitat, vegetations, wetlands, and natural land forms. The pre-annexation agreement struck a balance as sought fit by City Council that incorporated a balance of the protection of a certain amount of wetlands. Those wetlands were surveyed and inventoried. This planning criteria deals with minimization of these environmental impacts. There was much discussion about that the word 'may'. The word 'may' be the same discretion and authority that I would encourage this Planning Commission to exercise again and deny this application again based on the planning criteria and the information that I just provided.

DRAFT

James Pavlik –

The building is too large. I'm still concerned even though the deeded platted lots have increased. Buildings don't only affect the surface water, but the underground water as well. The Army Corp of Engineers has changed their wording from 'my lot would get wetter' to 'my lot will not get wetter'. This has new platted lot sizes. I recommend that this building get denied. If a building of this size gets built and my lot gets wetter and my building gets damaged then it is no longer my responsibility.

FINAL STAFF COMMENTS

FINAL COMMISSIONER COMMENTS

Commissioner Levy –

It was a condition of approval for the preliminary permit that the Army Corp of Engineers permit had to be finalized and reviewed and that is a condition of the preliminary plat.

Seth Lorson –

Correct.

Commissioner Levy –

If it was for some reason up in the air, but if there was any question with the Army Corp of Engineers permit then the preliminary plat was subject to review based on any decision that the Army Corp might have had. Let's make sure that it is.

Commissioner Turek –

Is there going to be a discussion regarding the vesting request?

Commissioner Meyer –

Absolutely. I would suggest that be a part of the discussion of whenever the motion is on the floor.

Seth Lorson –

Let me read condition 11 of the preliminary plat that was approved by City Council on September 21, 2011. 'All proposed grading, filled wetlands, and mitigation for wetlands preservation be completed by June 1, 2014 unless an extension to this time frame has been approved by the Army Corp of Engineers and such proof of extension has been provided to the City of Steamboat Springs'.

Commissioner Robbins –

We talked at our last Planning Commission meeting about the requirement for community housing contribution. Can you tell me what the final outcome of that was as well?

Seth Lorson –

Prior to approval of a final plat a CHP shall be approved.

Commissioner Levy –

Is that something that needs to be attached to the conditions of approval for this as well or is it sufficient?

DRAFT

Seth Lorson –

That's up to you. I don't see a problem with that. They won't be able to build those buildings unless they plat first.

Commissioner Brookshire –

Could you go back and discuss a little bit the Tom Leeson denial or his input at the level when it was proposed earlier to re-plat the lots? I know there was a memo or something that we got from Tom Leeson.

Seth Lorson –

Originally this was proposed with the configuration that you see now. The applicant said that they would separate the wetland issue out from the rest of the development. He made a director's determination that the out lots were unbuildable. It went to City Council as an appeal and City Council upheld the director's decision. They have come back and the determination is that the out lots and wetlands would be referred to the Army Corp of Engineers.

Commissioner Brookshire –

This limitation of the half acre wetland issue that came into being when Betterview was approved as a development/subdivision via Steamboat Springs.

Seth Lorson –

Initially it's an annexation and then seconded by the preliminary plat as it was platted.

Commissioner Turek –

Since this is one road in one road out, I'm assuming that the road system and utilities would need to be completely put in before the 1st building gets built? The improvements will be for all 3 buildings.

Seth Lorson –

There are 2 accesses. They could phase this and do 1 entire building with 1 road in.

Commissioner Turek –

The access would have to go all the way through, because of the fire access.

Seth Lorson –

Correct. But utilities aren't necessarily required as part of the road access.

Commissioner Meyer –

I would like the applicant to clarify why they're asking for the extended vesting.

Mary Brown –

The applicant would like to weather the current economic climate without proceeding through this process again. It seems to have become a norm to allow the 5+2 on other applications.

Commissioner Brookshire –

At some point this property was purchased. Was the idea at that point in time to use it for their business needs or to develop it?

DRAFT

Ben Spiegel –

Originally I bought lot 4 to put my facility on. At that time I solicited for us to build the facility. It was very cost prohibitive per square foot that I couldn't afford at that time. (He explained how he ended up where he's at today).

Mary Brown –

It appears that James Pavlik is concerned about the size of the buildings. The proposal currently is for 3 buildings that total 38,000'. Lot 5 was previously approved for a 15,800' building. The proposal before does not significantly increase what could have been built there. There is not significant maximization of what's allowed in this zone district on these lots.

James Pavlik –

I was not aware that there was an approval for a building. I never received a notice.

RECOMMEND MOTION

Finding / Motion

Staff / Planning Commission find that Clear Water Studios at Betterview Business Park Lots 4 & 5 Final Development Plan FDP-09-03 to construct three (3) industrial buildings is **consistent** with the required findings for approval, with the following conditions.

5. Each phase of the phasing plan shall meet the requirements of the CDC on its own and shall contain the required streets, utilities, landscaping, and other improvements that are required per this approval. Prior to approval of a certificate of occupancy, improvements outlined in CDC 26-141 Phasing shall be complete or collateral provided (for non-critical improvements).
6. The acceptable completion of water and sewer infrastructure is considered "critical improvements" to this project. Building permits for or within this development, except for building C, shall not be approved until such time as the water and sewer infrastructure has been inspected, and granted preliminary acceptance by the City of Steamboat Springs Utility Division. Preliminary acceptance requirements include correction of all punch list items, acceptance of as-builts and record documents and acceptance of any and all necessary easements. Inspections for acceptance shall only occur during the months of May through October.
7. Civil construction plans prepared by a civil engineer licensed in the state of Colorado must be submitted to Public Works for review by Public Works, Planning, and City Utilities for review and approval prior to the start of any construction. We recommend submitting the construction plans a minimum of five weeks prior to start of construction.
8. The following items to be identified for each phase on the construction plans are considered critical improvements and must be constructed prior to issuance of any CO; they cannot be bonded:
 - i. Public drainage improvements including detention ponds
 - ii. Installation of street and traffic control signs
 - iii. Shared Access drive loop
 - iv. Driveway and parking areas associated with each phase

DRAFT

- v. Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)

MOTION

Commissioner Robbins moved to approve FDP-09-03 with the conditions as stated with a note that I voted to deny the preliminary plat, but it was overturned by City Council we are only approving the FDP so I don't see why we shouldn't be moving forward with this development since I think that it is consistent with the development code and Commissioner Turek seconded the motion.

DISCUSSION ON MOTION

Commissioner Meyer –
Are you including the 5+2 vesting?

Commissioner Robbins –
Yes, I'm including the 5+2 vesting.

Commissioner Meyer –
Will you take that as a friendly to add that?

Commissioner Turek –
No, I think that 5+2 has been discussed many times. I think that the code says 3 years or less. I know that more complex projects than this have been given less than 7 years. I would make an amendment to make it 3+2.

Commissioner Robbins –
I feel that we've been giving 5+2 consistently lately and I feel comfortable with the 5+2. If you're going to only accept my motion then I would accept your friendly if that's the only way to move forward.

Commissioner Turek –
The reason to give it extended vesting is because we feel that things are going to change and the plan as shown may not be acceptable at a later time. The only other reason is because they have to come back through and get an extension to their vesting.

Commissioner Robbins –
It's for 3 phases. To do the 3 phases I feel that they should be allowed to have the extended amount. If it was all being done all at once then maybe the 3+2 would be ok, but because the requested the 3 phases I feel that they should have the extended time.

Commissioner Turek –
The other way is to say that maybe they will change their mind in the future and say that the 2nd and 3rd phases should be different than the 1st phase.

Commissioner Robbins –
They would have to come back through at that point if they're going to be making changes.

Commissioner Turek –

September 22, 2011

DRAFT

I just want some thinking behind this rather than this is how we've been doing this. It's a good looking project along 20 mile road. I like the articulation and the quasi residential look to it. Hopefully that will attract live/work people and be a nice addition to the architecture along 20 mile.

Commissioner Brookshire –

I voted against this originally. I really hate that vote. As much as I want to see you succeed and I want to see that project built. To me there's evidence that says when Betterview was approved that out lot wasn't supposed to be built upon. The Tom Leeson thing and it was upheld by City Council. I wish you success, but I'm going to say that we wouldn't be here without that being set aside, because I don't think that there would have been a Betterview subdivision if that weren't set aside at that point in time.

Commissioner Levy –

I'm always disturbed by irrelevant issues that are brought before us. The applicant should know that any previous plan that has lost its vesting has no bearing on our decision for this issue. Because they brought it up that also sparked the opponent to have to say something else. We really didn't have to go down there. It has no bearing. That's why you have to come before us again, because that vesting expired. It really upsets me. Because we've given the vesting a 5+2 previously let's assume that we're going to do it again. This is a lot smaller than some of these other bigger projects so I don't really have a problem with extended vesting. Since it has no variances I don't have an issue with it. I have a problem with the applicant presuming that, because everyone else gets extended vesting they should get it too. I voted against the PP and it was appealed and went to City Council. City Council has the right to amend and probably even ignore and they've chosen to ignore the annexation plan. They are the higher authority. I think that's not on the table for this. Once that PP was approved the zone district zone size was approved, the building sizes were all approved. City Council overruled us and said here's the plats and now that those are there the applicant has the right to build whatever's allowed. I will have to approve this application and the motion.

Commissioner Meyer –

I'm going to be supporting the motion. The staff's requirements about all of the infrastructure that's going to be required, which is true of any project. As the staff report says the request is based on the infrastructure investment that is required to build. Because of that I think that it is reasonable to ask for longer than the 3 years that's in the code. I've also stated on previous occasions that I think that the vesting timeframe is something that this body needs to address given the current financial view when the 3 year term was put in it was put in 2001 and we had a very hot economy and so 3 years was a long time. I think that it's something that we need to revisit, but I will be supporting the motion.

VOTE

Vote: 4-1

Voting for approval of motion to approve: Levy, Meyer, Robbins and Turek

Voting against the motion to approve: Brookshire

Absent: Lacy

One alternate position vacant

Discussion on this agenda item ended at approximately 8:34 p.m.

Precision Repair Service
1675 13th Street, Steamboat Springs, CO 80477

9/20/11

To: Planning Commission
City of Steamboat Springs

Re: Permit Number: SPK-2001-75341
Betterview Business Park, lots 4 & 5.
Ben Spiegel/Gerencser, Inc.

My name is James W. Pavlik and I am opposing this project on behalf of Pavlik Enterprises, Inc. and my business (dba) Precision Repair Service. Also on behalf of 13th Street Adventure LLC which is the holder of the property, lot 6 and outlot 6, located at 1675 13th Street, Steamboat Springs, Colorado. This property is adjacent to Mr. Spiegel's lots. We are opposed to this project that proposes a building too large for the lots and results in filling wetlands that protect the property from underground water flows and protects the wetlands that we value as citizens of Routt County.

We ask the Planning Commission to table this proposal until the City has had an opportunity to consider all of the issues raised in this letter and the issues of the validity of the PreAnnexation Agreement that have not been addressed.

We oppose this project. We believe that our lot will get wetter and possibly damaged. When a 38,442 sq ft building with its enormous foundation is put on the proposed parcel, the underground water flow will be displaced into the surrounding property. EPA and USACE have both raised initial concerns. Since that time, there have been no additional studies to indicate that the ground water concerns have been mollified. The idea that a building of this size will "float" above the property is preposterous. There will be a foundation and because it will be impermeable, it will displace the underground water flow and have an effect upon groundwater elevation and potentially damage my property. The fact that Public Works has reviewed the information that Mr. Spiegel has given them regarding runoff, does not make us feel better. Remember, the City of Steamboat Springs has no standards for ground water flows, therefore the argument the Public Works has reviewed it is not valid.

The Steamboat Springs Planning Director has determined that since Steamboat Springs does not have a wetlands policy in place that the US Army Corp of Engineers will make the City's decisions. If that is what the City has decided then, perhaps citizens will come forward to object to surrendering this responsibility. However, our point has been from the beginning that the underground water flows are our big concern and our concerns have never been surface runoff.

The US Army Corp of Engineers has no jurisdiction concerning ground water. Neither the Planning Director nor the City Council has any right to allow the Corp to make this decision with regard to underground water flows.

Corps Responsibilities

In the preamble of the Federal Register on 9 March 2000, pg 12845, The Army Corp of Engineers stated the following: "We maintain our position that we do not regulate groundwater flows." Similarly, in the post-SWANCC Interim Regulatory Guidance issued 15 January 2003, the Circuit Court case of Rice vs Harken (250F.3d 264, 5th Cir. 2001) clearly states that groundwater is not regulated under the Clean Water Act. Therefore, groundwater does not provide a nexus to Water of the United States and is not regulated by the US Army Corp of Engineers."

This fact, we believe, makes the City Council vote on September 6, 2011 invalid and open to a civil suit.

Here is another fact: The Corp did not re-review the details of the permit.

As adjacent property owners, we prevailed in asking the Corp to reopen Mr. Spiegel's permit because they did not follow proper procedures. They failed to notify adjacent property owners and failed to notify the City of Steamboat Springs of the permit. Nathan Green admitted failure to notice in an email to Seth Lorson on September 16, 2010.

Because of improper procedures, Mr. Green reopened the permit and requested concerns from the City and property owners but did not require any studies (only informal consultation) from the applicant's engineer that would identify any underground water issues. He did not request a study because he does not have the authority to request it. Instead, Green's response to me and the City only addressed runoff issues. He said in a letter to Mr. Spiegel, "After conducting these informal consultations with your agent an engineer, we have determined that you have adequately proven that your previously approved project is likely to pass expected runoff and is not likely to have adverse effects upon the groundwater levels of adjacent parcels." This only addresses runoff and again, we have never said we were concerned about the runoff.

All who have built in the Betterview Business Park were made to follow strict guidelines and at great expense to the owners. Now, Council's reasoning to abolish the PreAnnexation Agreement and fill the wetlands is to blame me for not going to Army Corp to change the wetlands restrictions. When we signed a contract to purchase our lot it was contingent upon the PreAnnexation agreement being adopted by City Council. The PreAnnexation agreement was adopted by the City and legalized our contract to purchase the lots.

Mrs. Brown's testimony at the City Council meeting on the 6th included comments about how the Nationwide Permit has lapsed. That doesn't matter as the PreAnnexation Agreement is still in effect and it prohibits filling more than ½ an acre of wetlands for the entire subdivision and thoroughly discusses the restrictions on outlots.

At this time, Nathan Greene of Army Corp of Engineers does not know, and has no jurisdiction to find out whether our lot would get wetter by underground water flows. The Planning Director does not know whether our lot will get wetter and apparently he doesn't care to find out. Mr. Spiegel's engineer has only provided surface water studies to develop this project and he does not know whether, or

not, my lot will get wetter by underground water changes. The only information used by the Corp is a Draft Drainage Letter dated 9/9/09 and revised on 2/17/10 which does not make a determination about ground water.

EPA has concerns. In a letter of opposition to this permit (received 12/8/08) from Brian Caruso, Chief of EPA Wetlands and Watershed Unit states the concern about indirect impacts to adjacent groundwater hydrology for this development. This includes concerns that the development will have significantly greater impacts to adjacent wetlands than has been disclosed and that the proposed site grading plan may have an adverse affect on the hydrology of the adjacent wetlands should groundwater levels be affected by cut and fills for the development sites, and they believe that Gerencser's lots will be difficult, if not impossible, to develop without additional wetland impacts that have not been disclosed. Remember the EPA recommended denial of this permit.

In the event that the EPA is correct and Mr. Spiegel's engineering is wrong and our property is damaged, the only recourse we have is a civil suit. City Council President said in a statement to Councilman Meg Bently at the September 6, 2011 meeting: "You mean if the engineering is wrong? I think that would be a civil issue. If the development damaged other properties, I think that would be the recourse and the remedy."

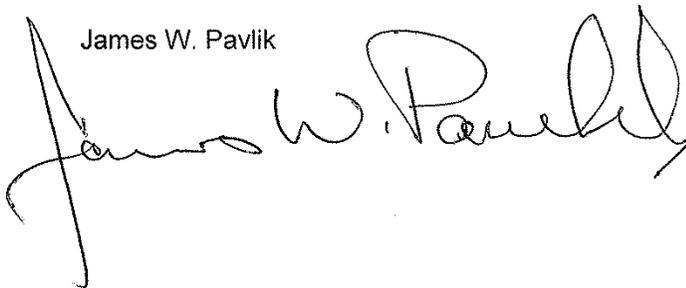
So, I would be left holding the bag.

That is why I am asking you to table this proposal so we too can "go through the process" as Mr. Spiegel did and as City Council has recommended. We believe the destruction of the wetlands is a violation of the PreAnnexation Agreement and a violation of the contract we signed. We request that these issues be addressed before any more approvals are voted upon.

Thank you for your consideration.

Sincerely,

James W. Pavlik

A handwritten signature in black ink that reads "James W. Pavlik". The signature is written in a cursive style with a large, sweeping initial "J" and a long, horizontal tail.

Agenda Item # 8

CITY COUNCIL COMMUNICATION FORM

FROM: Jason K. Peasley, AICP, City Planner (Ext. 229)
Tyler Gibbs, AIA, Director of Planning & Community Development (Ext. 244)

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

DATE: October 18, 2011

ITEM: Outdoor Storage #TXT-11-04

NEXT STEP: If approved on First Reading, a Second Reading is scheduled for November 8, 2011

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

PROJECT NAME: Outdoor Storage #TXT-11-04

PETITION: An ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code by Amending Table 26-92, Table of Permitted Principal Uses, Section 26-139, Parking and Loading Standards and Section 26-402, Definitions and Use Criteria to Permit outdoor storage as a Use with Criteria in the Industrial zone district and amend use criteria for warehouse with outdoor storage

APPLICANT: City of Steamboat Springs, Department of Planning and Community Development, c/o Jason K. Peasley, AICP, City Planner, Centennial Hall, 124 10th Street, PO Box 775088, Steamboat Springs, CO 80477, 970-879-2060.

PC ACTION: On September 22, 2011 the Planning Commission recommended approval of the Text Amendments to the Community Development Code, #TXT-11-04 by a vote of 5-0.

CITY COUNCIL COMMUNICATION FORM

Text Amendment to the Community Development Code #TXT-10-01, Outdoor Storage

October 18, 2011

I. RECOMMENDED MOTION

The Planning Commission recommends approval of the text amendment ordinance to establish use criteria for Outdoor Storage and to amend the existing use criteria for Warehouse with Outdoor Storage.

II. PLANNING COMMISSION DISCUSSION

The Planning Commission discussed the proposed criteria for Outdoor Storage and their concerns regarding the use. The discussion focused on what types of materials were appropriate for outdoor storage and the landscaping requirements for such a use. See Attachment 2 for more details.

III. BACKGROUND INFORMATION

Outdoor storage of materials is permitted as a Conditional Use in the Industrial Zone District. This process requires considerable time and financial resources to permit this use. Planning Staff has determined that it is in the best interest of the City to permit outdoor storage as a Use with Criteria in the Industrial Zone District to meet the following objectives:

1. Allow for a more streamlined and efficient permitting process for outdoor storage
2. Enable compliance with the CDC for unpermitted outdoor storage uses.

IV. PUBLIC COMMENT

No public comment was received on this application.

V. NEW INFORMATION

No new information at this time

VI. LIST OF ATTACHMENTS

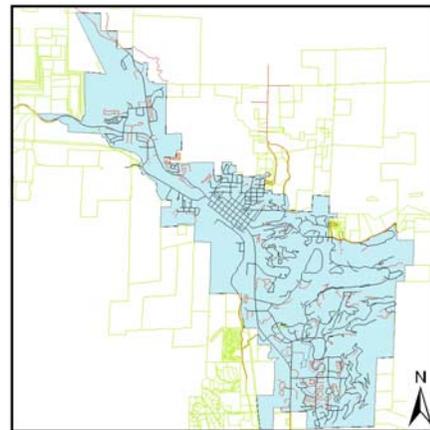
Attachment 1 - Planning Commission Report dated September 22, 2011.

Attachment 2 - Planning Commission Minutes from September 22, 2011.



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT STAFF REPORT

PLANNING COMMISSION AGENDA ITEM # 5	
Project Name:	Outdoor Storage - #TXT-11-04
Prepared By:	Jason Peasley, AICP, City Planner (Ext. 229)
Through:	Tyler Gibbs, AIA, Director of Planning and Community Development (Ext. 244)
Planning Commission (PC):	September 22, 2011
City Council (CC):	1 st Reading: October 18, 2011 2 nd Reading: November 8, 2011
Location:	Properties zoned Industrial on the Official Zoning Map for the City of Steamboat Springs.
Request:	CDC Amendment to Table 26-92, Table of Permitted Principal Uses and Section 26-402, Definition and Use Criteria to permit Outdoor Storage as a Use with Criteria in the Industrial Zone District.



Staff Report - Table of Contents		
Section		Pg
I.	Staff Finding	5-2
II.	Project Location	5-2
III.	Background Information	5-2
IV.	Staff/Agency Analysis	5-5
V.	Staff Findings and Conditions	5-6
VI.	Attachments	5-6

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

CDC - SECTION 26-61(D): CRITERIA FOR APPROVAL. APPROVAL OF THE AMENDMENT SHALL BE GRANTED ONLY IF IT APPEARS BY CLEAR AND CONVINCING EVIDENCE PRESENTED DURING THE PBULCI HEARING BEFORE PLANNING COMMISSION OR CITY COUNCIL THAT THE FOLLOWING CONDITIONS ESIST:					
Subsection		Consistent			Notes
		Yes	No	NA	
1)	Conformity with the community plan.	<input checked="" type="checkbox"/>			
2)	Error or goal/objective.	<input checked="" type="checkbox"/>			
3)	Public safety	<input checked="" type="checkbox"/>			
Staff Finding: Staff finds that the proposed Community Development Code Text Amendment, #TXT-11-04, to amend Table 26-92, Table of Permitted Principal Uses and Section 26-402, Definition and Use Criteria to permit Outdoor Storage as a Use with Criteria in the Industrial Zone District, is consistent with the approval criteria in CDC Section 26-61 (d). <i>(Detailed policy analysis is located in Section IV; Staff Findings and Conditions are in Section V)</i>					

II. LOCATION

Properties zoned Industrial on the Official Zoning Map for the City of Steamboat Springs.

III. BACKGROUND INFORMATION

Outdoor storage of materials is permitted as a Conditional Use in the Industrial Zone District. This process requires considerable time and financial resources to permit this use. Planning Staff has determined that it is in the best interest of the City to permit outdoor storage as a Use with Criteria in the Industrial Zone District to meet the following objectives:

1. Allow for a more streamlined and efficient permitting process for outdoor storage
2. Enable compliance with the CDC for unpermitted outdoor storage uses.

Use criteria for outdoor storage were established in the CDC with the adoption of the TND ordinance.

PROJECT DESCRIPTION

Use Chart (Table 26-92)

COMMERCIAL USES																					
	OR	RE	RN	RO	RR	MH	MF	G-1	G-2	C O	CY	CN	CC	CS	I	T2-NE	T3-NG1	T3-NG2	T4-NC	T5-TC	SD
Outdoor storage										C	C		C	C	e CR						CR

Section 26-139: Parking and Loading Standards

- d. *Surfacing.* Every required parking area, including parking spaces, loading spaces and driveway areas, shall be paved with asphalt, concrete or similar permanent surfacing so as to provide a durable and dust free surface, and shall be so graded and drained as to dispose of all surface water accumulated within the area. Parking areas provided for two-family and mobile home dwellings shall be subject to the paving requirement. ~~Material and equipment storage yards that are accessible to the public or not accessible to the public are required to be paved.~~

Section 26-402: Definitions and Use Criteria

Outdoor storage area. A lot or a portion of a lot used for the unenclosed storage of goods, vehicles, equipment and/or materials for more than twenty-four (24) consecutive hours.

- (1) Use criteria in the TND-SD and I zone districts.
 - a. The commercial or industrial land shall not have frontage that is either directly adjacent to, or are separated only by open space from US Highway 40 and Elk River Road.
 - b. ~~Outdoor storage materials must be resistant to damage or deterioration from exposure to the outside environment.~~
 - c. Outdoor storage shall not be permitted within ~~any applicable setback~~, public right-of-way or in landscaped areas.
 - d. Outdoor storage shall not be permitted to impede any vehicular or pedestrian building entrances or access ways.
 - e. The height of outdoor storage materials shall be no greater than fifteen (15) feet.
 - f. All outdoor storage materials must be fully screened and landscaped per the Urban Design Standards. Screening may be provided by existing buildings, opaque fencing, landscaped berming or landscaping of sufficient height to screen the outdoor storage materials. No chain link fencing with slats or environ screens are permitted.
 - g. All outdoor storage areas shall be on all-weather surfaces.
 - h. There shall be a paved apron connecting between any all-weather surface and the edge of the public street.

- i. All outdoor storage areas shall comply with City Drainage Criteria.
- j. All outdoor storage areas shall comply with applicable City Engineering Standards including but not limited to access and grading.
- k. Shall not be located immediately adjacent to property zoned OR, RE, RN, RO, MF, and MH. (City-owned OR lands and open space that has been designated in a commercial or industrial subdivision shall not be included in this classification and for the purposes of this definition, a public right-of-way shall not separate property. Example: if a property proposing this use is located across a street from a RE zoned property, this criterion would be applicable.)

Warehouse with outdoor storage. A commercial or industrial building and land used primarily for the storage of goods and materials, and/or vehicles, with ancillary outdoor storage materials normally associated with and incidental to the warehouse use.

(1) *Use criteria.*

- a. ~~The commercial or industrial land shall not have frontage that is either directly adjacent to, or are separated only by open space from Elk River Road or US Highway 40.~~
- b. Outdoor storage materials must be those that are associated with the primary warehouse use.
- c. ~~Outdoor storage materials must be resistant to damage or deterioration from exposure to the outside environment.~~
- d. Outdoor storage shall not be permitted within ~~any applicable setback~~, public right-of-way or in landscaped areas.
- e. Outdoor storage shall not be permitted to impede any vehicular or pedestrian building entrances or accessways.
- f. The height of outdoor storage materials shall be no greater than fifteen (15) feet or the plate height of the building located closest to the outdoor storage area, whichever is less.
- g. ~~Outdoor storage square footage shall be limited to the square footage of the warehouse use, or the maximum lot coverage requirement of the industrial zone district, whichever is less. (Examples: If the lot size is ten thousand (10,000) square feet, with a maximum lot coverage of .30, the maximum lot coverage would be three thousand (3,000) square feet. If there is an existing~~

~~building on the lot that is two thousand (2,000) square feet, the maximum area of outdoor storage would be one thousand (1,000) square feet. If the lot size is ten thousand (10,000) square feet, with a maximum lot coverage of .30, the maximum lot coverage would be three thousand (3,000) square feet. If there is an existing building on the lot that is five hundred (500) square feet, the maximum area of outdoor storage would be five hundred (500) square feet.)~~

- h. All outdoor storage materials must be fully screened and landscaped per the Urban Design Standards. Screening may be provided by existing buildings, opaque fencing, landscaped berming or landscaping of sufficient height to screen the outdoor storage materials. No chain link fencing with slats or environ screens are permitted. The director shall have the ability to approve or disapprove of any proposed screening method.
- i. All outdoor storage areas shall be on all-weather surfaces.
- j. There shall be a paved apron connecting between any all-weather surface and the edge of the public street.
- k. All outdoor storage areas shall comply with City Drainage Criteria.
- l. All outdoor storage areas shall comply with applicable City Engineering Standards including but not limited to access and grading.
- m. Shall not be located immediately adjacent to property zoned OR, RE, RN, RO, MF, and MH. (City-owned OR lands and open space that has been designated in a commercial or industrial subdivision shall not be included in this classification and for the purposes of this definition, a public right-of-way shall not separate property. Example: if a property proposing this use is located across a street from a RE zoned property, this criterion would be applicable.)

IV. STAFF / AGENCY ANALYSIS

Criteria for Review and Approval.

(d) *Criteria for approval.* In considering any application for amendment to the CDC, the following criteria shall govern unless otherwise expressly required by the CDC. Approval of the amendment shall be granted only if it appears by clear and convincing evidence presented during the public hearing before planning commission or city council that the following conditions exist:

- (1) *Conformance with the community plan.* The amendment to the CDC will substantially conform with and further the community plan's preferred direction and

policies.

Staff Analysis: Consistent: The proposed CDC Text Amendments are consistent with the following Steamboat Springs Area Community Plan policy:

- *Policy CD-4.21: Protect Scenic Corridors and the community's key gateways.*

- (2) *Error or goal/objective.* The amendment to the CDC will correct an error, or will further a public goal or objective.

Staff Analysis: Consistent: The proposed CDC Text Amendments will further the public goal of continuing to support development that is sensitive to the community's key gateways.

- (3) *Public safety.* The amendment to the CDC is necessary to ensure public health, safety and welfare.

Staff Analysis: Consistent: The proposed CDC Text Amendments is necessary to ensure the public health, safety and welfare by furthering the goals and policies of the Steamboat Springs Area Community Plan.

V. STAFF FINDING & CONDITIONS

Finding

Staff finds that the proposed Community Development Code Text Amendment, #TXT-11-04, to amend Table 26-92, Table of Permitted Principal Uses and Section 26-402, Definition and Use Criteria to permit Outdoor Storage as a Use with Criteria in the Industrial Zone District, is consistent with the approval criteria in CDC Section 26-61 (d).

VI. LIST OF ATTACHMENTS

Attachment 1: Ordinance

DRAFT**AGENDA ITEM #5****Text Amendment to CDC – Outdoor Storage #TXT-11-04 CDC Text Amendment to Table 26-92, Table of Permitted Principal Uses and Section 26-402, Definitions and Use Criteria to permit Outdoor Storage as a Use with Criteria in the Industrial Zone District.**

Discussion on this agenda item started at approximately 8:34 p.m.

STAFF PRESENTATION

Jason Peasley –

The purpose of this text change is try and streamline our processes here at the City and make things a little bit easier. We are removing a use that is currently a conditional use and allowing it to be use with criteria. There's a significant amount of time savings from moving things from conditional uses to use with criteria. What I've proposed to you is changes to a few sections of the CDC. The meat of the matter is in 26-402, which is the definition in use criteria section where I've added new criteria and amended some of the existing criteria for outdoor storage and the same with warehouse with outdoor storage. There was a question at the work session about the storage of hazardous material. The Department of Public Health and Environment handles a little bit of that, but not a whole lot of it. There's a grey area there on what kinds of things can be stored and who has over site over that. Any proposed use that doesn't meet 1 or many of these criteria can be reviewed as a conditional use.

The 1st section where we amend the use table that's simply identifying that this would now be a use with criteria. The 2nd section is talking about surfacing. We've struck a section that talks about materials and equipment storage is required to be on a paved surface. We backed off and said all weather surfaces are appropriate provided the City drainage requirements are met. We've tried to match those up together with the only difference being that a warehouse with outdoor storage can be along Elk River Road and any storage without the warehouse has to be placed away from Elk River Road to protect the entry corridor.

COMMISSIONER QUESTIONS

Commissioner Hanlen –

If we're removing the requirement for paved surface, but then you're allowed a porous surface such as gravel and since it's not part of the CDC, but it's part of the hidden Public Works guidelines, how does that work? One of the catch alls that occurred in the past with outdoor storage unless you come through and get a specific exemption to it is that everything had to be paved. Because not you have so much impervious surface you had to have detention ponds and the guy could be coming in saying I just wanted to park my boat on the lot and now I'm having to do \$50,000 worth of paving, prep work, landscaping, fencing, etc. I just won't do it now. How does that work with porous material? Are you still required to do detention ponds or is it simply you're simply supposed to make sure that you're not contributing sediment to any runoff that leaves the property line. What is that restriction since it's not in this description?

Jason Peasley –

If you're paving then you need to treat whatever water isn't being able to go down through the porous surface. In the event of a porous surface you do have to worry about sediment, but you don't need to have a retention pond.

Commissioner Hanlen –

September 22, 2011

DRAFT

Traditionally it's 1 trailer, 1 vehicle, 1 pile of lumber and it counts as storage. I'm not proposing that we need to have trashy yards on all of these lots, but should there be a differentiation between 2 trailers and some of the other outdoor storage that we've approved for some of the landscaping yards or some of the excavation companies where they're storing a lot of equipment and vehicles. Should there be a cutoff point or is it 1 trailer and it kicks off the whole process? It seems like that's where it kicks into the compliance issue when people act shocked that 'what do you mean I have to do this'?

Commissioner Levy –

Are you saying they shouldn't have to comply to all of these if they're just putting in a single storage trailer out there?

Commissioner Hanlen –

Correct. Currently that's the way staff uses it is that the second you go over 1 trailer.

Commissioner Levy –

It's got to be screened whatever it is. If you want to store outdoor then that's what it is. I don't have a problem with the regulation.

Commissioner Robbins –

I don't either.

Commissioner Levy –

Exactly what qualifies as an all-weather surface?

Jason Peasley –

An all-weather surface is something that in mud season you can still drive on it.

Commissioner Robbins –

Is that something that we want to say like 'as defined in the Public Works'?

Jason Peasley –

We can definitely add it as defined in the Public Works standards as an amendment to this.

Commissioner Robbins –

Or add a definition in here if you wanted to do it that way too. So you don't have to go look for something somewhere else.

Commissioner Levy –

A reference is fine so that way we don't have to change it everywhere. That's fine with me. I'm not sure how fine the surfaces can be. Is dust an issue with what might qualify as an all-weather surface? That would be 1 concern since I don't know what is allowed for all-weather surfaces. I can imagine if you have a lumber yard and you're driving a fork lift and if dust is a problem then it should be something that should be referenced. I don't know if that's an issue without knowing the surface materials. I would be glad to have that as a note for City Council to discuss when they adopt it.

Commissioner Hanlen –

September 22, 2011

DRAFT

I think in the Public Works standards it only goes so far to say that you won't contribute sediment to the paved surface once you leave your property. You mentioned that there will be a transition, a paved apron.

Commissioner Levy –

Has anyone been on a curve? It seems like both of the construction yards are contributing sediment to the paved surface. I'm fine if it's addressed at the next stage.

Commissioner Turek –

Would this be marshaled by the Planning Department and you would look for concurrence from Public Works? We will have a letter from Public Works with regard to the surfaces and runoff? How do we know that the applicant went through the process and got the necessary information from Public Works?

Jason Peasley –

The applicant would submit a use with criteria along with their site plan of their proposed storage area, landscaping, and paved apron. That would get reviewed by both Planning and Public Works.

Commissioner Hanlen –

Either you need to use really expensive 3/4" clean material or you use magnesium chloride or a similar product.

Commissioner Levy –

I'm hoping that it's gravel and not a dirt surface. Road base is somewhere in between.

Commissioner Brookshire –

What are we going to do with all of the yards in town that fenced with a chain link? What constitutes storage? I'm wondering if Sears parking all of their lawn tractors and snow blowers for all summer long outside their place of business.

Jason Peasley –

This is a principle use for the lots. Sears and Ace have a principle use.

Commissioner Brookshire –

Doesn't the City have a bunch of storage yards and if they do then do they have to be in compliance?

Jason Peasley –

Yes.

Commissioner Levy –

With the outdoor storage materials (b) being removed it seems like we have an issue. I think that the state doesn't regulate enough things. I was thinking of some language similar to 'if you don't have a paved surface that you can't store anything outside that has the possibility to contaminate the ground and be leached into the ground. It can get faded and get ruined by the sun, but once it gets wet some of its components end up in the ground. I'm not sure that contamination is a broad

September 22, 2011

DRAFT

enough scope. Even auto parts if they're left out in the rain they're going to leach into the ground. I have concerns with this being removed.

Commissioner Robbins –

What was the reason for removing (b)?

Jason Peasley –

The hope was that people storing their items outside have an interest in the longevity of their belongings that are stored outside.

Commissioner Turek –

Aren't there state and federal health issues?

Commissioner Levy –

Some of that is not within their control. There's a number of substances that they have rule over. We can either remove the deletion on (b) or if we want to have language to allow them to have stuff that deteriorates.

Commissioner Hanlen –

Is that addressed at all through Public Works?

Jason Peasley –

There's probably a little bit contained in the drainage criteria.

Commissioner Hanlen –

That discharge could be applied vertically as opposed to a disk that is applied horizontally, right? I'm wondering if we already have the language in there.

Commissioner Levy –

We have issues with enforcement. I don't know how Public Works has the capacity to test for contamination.

Commissioner Meyer –

Would you be comfortable with putting (b) back in?

Commissioner Levy –

Yes.

(Commissioners agree with putting (b) back in).

Commissioner Brookshire –

Does the farm and feed store have one of those retail permits? When they have blocks of salt outside, does that violate what you just said?

Jason Peasley –

That would be an outdoor display permit.

Commissioner Meyer –

September 22, 2011

DRAFT

If the reason we're doing this is to lower the cost and help people not be afraid to seek permission then do we really want to require not only screening, but landscaping for the Urban Design Standards? I think that's going too far.

Jason Peasley –

The landscaping for the Urban Design Standards requires a 30' landscape buffer.

Commissioner Meyer –

What you're telling me is that it really doesn't do a lot? There's not a lot of screening for landscaping. If we're trying to lower the cost and make it a little bit more timely.

Commissioner Hanlen –

Would it need to be irrigated?

Jason Peasley –

All landscaping is required to be irrigated.

Commissioner Hanlen –

My concern is popping it into the use with criteria helps, but the idea that all of a sudden you don't have a building to place a frost free valve to be able to blow out your sprinkler system and so now you're creating a vault on an unimproved lot. If people are binding their time on a storage facility until they can build some sort of commercial unit on it.

(Commissioner Turek had to leave).

Commissioner Levy –

Is your concern that businesses and properties that are currently grandfathered and don't have to meet the current design standards just because they were applying for outdoor storage? Now they have to meet that guideline where currently they don't have to?

Commissioner Meyer –

I'm concerned with even new applications. It doesn't sound like there's a lot of landscaping required so on an incremental basis. I would prefer to have it screened. If it's screened then it's good enough for me.

Commissioner Robbins –

I think that the landscaping to the Urban Design Standards would be a deterrent and try to be in compliance. It might be I'm going to do it and beg for forgiveness later.

Jason Peasley –

We can strike that from the requirements.

Commissioner Robbins –

Commissioner Levy brought up at our meeting on Monday about the discrepancy on (a) being in outdoor storage area, but not being in warehouse with outdoor storage. If it's fully screened then why shouldn't it be on frontage?

Jason Peasley –

September 22, 2011

DRAFT

Our thought with this is that if you have a building and your outdoor storage is behind it it's less of a visual impact than a lot.

Commissioner Robbins –

Would you propose to have landscaping on Elk River Road since we just took out that requirement? Are you proposing that if someone is requesting storage either on Elk River Road or Hwy 40 that they meet the landscaping guidelines, because they are in the entry corridor?

Jason Peasley –

This was just some of our anticipated impacts.

Commissioner Robbins –

You're assuming that they're outdoor storage is going to be behind the warehouse. There isn't any criteria that requires that.

Jason Peasley –

Yes, it does say in here that it shall be screened and that it shall be screened by existing buildings.

Commissioner Levy –

What if the setback of the building is so far back that they decide to put the storage in the front? If you have the building then it does help mitigate. Even if it's a building and a fence and some storage it's better than the whole frontage being fenced. We don't know that scenario is what's always going to happen. I would like to see that criteria returned. Either bring back the deletion or add more language.

Commissioner Brookshire –

At the James Brown Bridge and there's a property on the other side of it, which is Ace's High Storage Yard. I don't know how they could comply.

Commissioner Hanlen –

They couldn't with the way it's currently configured.

Commissioner Brookshire –

The street is so elevated.

Commissioner Hanlen –

There's no criteria to say that if you have an eagle's eye view of the storage yard that it changes the approval. They could still do that, but have a fence, but you would be looking right over the fence and landscape.

Commissioner Brookshire –

How's that going to work? That's certainly outdoor storage. Are we saying that he's ok?

Commissioner Meyer –

This is not retroactive to existing properties.

Jason Peasley –

September 22, 2011

DRAFT

Are you suggesting that a warehouse with outdoor storage in the circumstances under which the commercial industrial lot adjacent or separated by open space from Elk River Road and Hwy 40 the building shall be in front of the outdoor storage.

Commissioner Levy –

The condition would say that if it is on Elk River Road or Hwy 40 the storage shall not be in front of the building. If it is then they come through with a conditional use instead of a use with criteria.

Commissioner Hanlen –

You're just talking about in front of. The Cat Rental storage the building has the storage adjacent to the building, but it's not in front of.

Commissioner Levy –

If it's adjacent then you have that building and fence as your visual façade.

Jason Peasley –

Does that translate over to the straight outdoor storage that you would not want to see a lot with a fence for strictly outdoor storage along Elk River Road and Hwy 40?

Commissioner Hanlen –

How do you have it on a lot that along Elk River Road or Hwy 40?

Jason Peasley –

It would be a conditional use then if they want to do solely outdoor storage.

Commissioner Hanlen –

Do we have a specific request for particular parcels along Elk River Road or Hwy 40?

Jason Peasley –

We don't.

Commissioner Meyer –

Given the number of changes do you feel that it's appropriate to bring it back to us?

Jason Peasley –

I feel pretty clear with the changes that you have suggested. On criteria (b) for outdoor storage area and criteria (c) of warehouse with outdoor storage we're going to remove that strike so that criteria for outdoor storage 'materials must be resistant to damage or deterioration from exposure to the outside environment'. That will stay in as a criteria. We're going to add where we describe where we describe 'the outdoor storage shall be on an all-weather surface that it is defined in the Public Works standards'. We're going to strike on both of these criteria 'the requirement to be landscaped for the Urban Design Standards'. On warehouse with outdoor storage in the event the lot proposed is adjacent to Hwy 40 or Elk River road the building must be between the street and the outdoor storage or it's a conditional use.

PUBLIC COMMENTS

None

FINAL STAFF COMMENTS

None

FINAL COMMISSIONER COMMENTS

None

RECOMMEND MOTION

Finding

Staff finds that the proposed Community Development Code Text Amendment, #TXT-11-04, to amend Table 26-92, Table of Permitted Principal Uses and Section 26-402, Definition and Use Criteria to permit Outdoor Storage as a Use with Criteria in the Industrial Zone District, is consistent with the approval criteria in CDC Section 26-61 (d).

MOTION

Commissioner Robbins moved to approve TXT-11-04 with those conditions as stated and Commissioner Hanlen seconded the motion.

DISCUSSION ON MOTION

VOTE

Vote: 5-0

Voting for approval of motion to approve: Brookshire, Hanlen, Levy, Meyer, and Robbins

Absent: Lacy and Turek left midway

One alternate position vacant

Discussion on this agenda item ended at approximately 9:08 p.m.

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 26 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE BY AMENDING TABLE 26-92, TABLE OF PERMITTED PRINCIPAL USES, SECTION 26-139, PARKING AND LOADING STANDARDS AND SECTION 26-402, DEFINITIONS AND USE CRITERIA TO PERMIT OUTDOOR STORAGE AS A USE WITH CRITERIA IN THE INDUSTRIAL ZONE DISTRICT AND AMEND USE CRITERIA FOR WAREHOUSE WITH OUTDOOR STORAGE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; REPEALING ALL CONFLICTING ORDINANCES; AND SETTING A HEARING DATE.

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

WHEREAS, the City of Steamboat Springs 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 Council has recognized the importance of a streamlined and efficient development review process; and

WHEREAS, the Steamboat Springs Area Community Plan Policy CD-4.2.1 supports development that is sensitive to the community's key gateways; and

WHEREAS, the City Council finds it appropriate to allow appropriately screened outdoor storage in the Industrial Zone District in the City of Steamboat Springs; and

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

Section 1. Sec. 26-92 Use Classifications shall be amended as follows:

Table 26-92
Table of Permitted Principal Uses

COMMERCIAL USES																					
	OR	RE	RN	RO	RR	MH	MF	G-1	G-2	CO	CY	CN	CC	CS	I	T2-NE	T3- NG1	T3-NG2	T4-NC	T5-TC	SD
Outdoor storage										C	C		C	C	E CR						CR

NOTE: Remainder of Use Chart unchanged.

Section 2. Sec.26-139: Parking and Loading Standards shall be amended as follows:

- a. *Surfacing.* Every required parking area, including parking spaces, loading spaces and driveway areas, shall be paved with asphalt, concrete or similar permanent surfacing so as to provide a durable and dust free surface, and shall be so graded and drained as to dispose of all surface water accumulated within the area. Parking areas provided for two-family and mobile home dwellings shall be subject to the paving requirement. ~~Material and equipment storage yards that are accessible to the public or not accessible to the public are required to be paved.~~

NOTE: Remainder of section unchanged.

Section 3. Sec. 26-402: Definition and Use Criteria shall be amended as follows:

Outdoor storage area. A lot or a portion of a lot used for the unenclosed storage of goods, vehicles, equipment and/or materials for more than twenty-four (24) consecutive hours.

- (1) Use criteria in the TND-SD and I zone districts.
 - a. The commercial or industrial land shall not have frontage that is either directly adjacent to, or are separated only by open space from US Highway 40 and Elk River Road.
 - b. Outdoor storage materials must be resistant to damage or deterioration from exposure to the outside environment.
 - c. Outdoor storage shall not be permitted within ~~any applicable~~

~~setback~~, public right-of-way or in landscaped areas.

- d. Outdoor storage shall not be permitted to impede any vehicular or pedestrian building entrances or access ways.
- e. The height of outdoor storage materials shall be no greater than fifteen (15) feet.
- f. All outdoor storage materials must be fully screened. Screening may be provided by existing buildings, opaque fencing, landscaped berming or landscaping of sufficient height to screen the outdoor storage materials. No chain link fencing with slats or environ screens are permitted.
- g. All outdoor storage areas shall be on all-weather surfaces, as defined in the Public Works Standards.
- h. There shall be a paved apron connecting between any all-weather surface and the edge of the public street.
- i. All outdoor storage areas shall comply with City Drainage Criteria.
- j. All outdoor storage areas shall comply with applicable City Engineering Standards including but not limited to access and grading.
- k. Shall not be located immediately adjacent to property zoned OR, RE, RN, RO, MF, and MH. (City-owned OR lands and open space that has been designated in a commercial or industrial subdivision shall not be included in this classification and for the purposes of this definition, a public right-of-way shall not separate property. Example: if a property proposing this use is located across a street from a RE zoned property, this criterion would be applicable.)

Warehouse with outdoor storage. A commercial or industrial building and land used primarily for the storage of goods and materials, and/or vehicles, with ancillary outdoor storage materials normally associated with and incidental to the warehouse use.

(1) *Use criteria.*

- a. ~~The commercial or industrial land shall not have frontage~~

~~that is either directly adjacent to, or are separated only by open space from Elk River Road or US Highway 40. In the event the commercial or industrial land is located adjacent to or separated only by open space from Elk River Road or US Highway 40, a building must be located between the street frontage and the outdoor storage.~~

- b. Outdoor storage materials must be those that are associated with the primary warehouse use.
- c. Outdoor storage materials must be resistant to damage or deterioration from exposure to the outside environment.
- d. Outdoor storage shall not be permitted within ~~any applicable setback,~~ public right-of-way or in landscaped areas.
- e. Outdoor storage shall not be permitted to impede any vehicular or pedestrian building entrances or accessways.
- f. The height of outdoor storage materials shall be no greater than fifteen (15) feet or the plate height of the building located closest to the outdoor storage area, whichever is less.
- g. ~~Outdoor storage square footage shall be limited to the square footage of the warehouse use, or the maximum lot coverage requirement of the industrial zone district, whichever is less. (Examples: If the lot size is ten thousand (10,000) square feet, with a maximum lot coverage of .30, the maximum lot coverage would be three thousand (3,000) square feet. If there is an existing building on the lot that is two thousand (2,000) square feet, the maximum area of outdoor storage would be one thousand (1,000) square feet. If the lot size is ten thousand (10,000) square feet, with a maximum lot coverage of .30, the maximum lot coverage would be three thousand (3,000) square feet. If there is an existing building on the lot that is five hundred (500) square feet, the maximum area of outdoor storage would be five hundred (500) square feet.)~~
- h. All outdoor storage materials must be fully screened. Screening may be provided by existing buildings, opaque fencing, landscaped berming or landscaping of sufficient height to screen the outdoor storage materials. No chain link

fencing with slats or environ screens are permitted. The director shall have the ability to approve or disapprove of any proposed screening method.

- i. All outdoor storage areas shall be on all-weather surfaces, as defined in the Public Works Standards.
- j. There shall be a paved apron connecting between any all-weather surface and the edge of the public street.
- k. All outdoor storage areas shall comply with City Drainage Criteria.
- l. All outdoor storage areas shall comply with applicable City Engineering Standards including but not limited to access and grading.
- m. Shall not be located immediately adjacent to property zoned OR, RE, RN, RO, MF, and MH. (City-owned OR lands and open space that has been designated in a commercial or industrial subdivision shall not be included in this classification and for the purposes of this definition, a public right-of-way shall not separate property. Example: if a property proposing this use is located across a street from a RE zoned property, this criterion would be applicable.)

NOTE: Remainder of section unchanged.

Section 4. 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 5. 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 6. 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 7. 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.

Section 8. A public hearing on this ordinance shall be held on _____, 2011, at 5:00 P.M. in the Citizens Hall meeting room, Centennial Hall, Steamboat Springs, Colorado.

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 _____, 2011.

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

ATTEST:

**Julie Franklin, CMC
City Clerk**

FINALLY READ, PASSED AND APPROVED this _____ day of _____, 2011.

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

ATTEST:

**Julie Franklin, CMC
City Clerk**

Agenda Item # 9

CITY COUNCIL COMMUNICATION FORM

FROM: Seth Lorson, AICP, City Planner (Ext. 280)
Tyler Gibbs, AIA, Director of Planning and Community Development
(Ext. 244)

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

DATE: October 18, 2010

ITEM: Pre-Application for Tread of Pioneers Museum Collection Building Addition; request for a planning application fee waiver.

NEXT STEP: The applicant is required to apply for a development permit (P.U.D.) prior to receiving a building permit.

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

PROJECT NAME: Tread of Pioneers Museum – Collection Building Addition - #PRE-11-02

PETITION: Pre-Application comments regarding the proposed collection building; approval of a planning application fee waiver.

LOCATION: 219 8th Street

APPLICANT: Tread of Pioneers Museum, Candice Lombardo Bannister
PO Box 772372
Steamboat Springs, CO 80477

PC ACTION: No vote is taken for a Pre-Application. Please see PC minutes for further information.

EXECUTIVE SUMMARY:

1. Background:

City Staff has received a Pre-Application request for what likely will become a Planned Unit Development (PUD) for Lots 11-12 of Block 8 of the Original Town of Steamboat Springs, Tread of Pioneers Museum.

The purpose of a Pre-Application is to identify possible issues and necessary procedures for potential applicants. *Sec. 26-60: Comments and opinions offered by the planning commission or city council are advisory only and will not affect their consideration of formal development applications when they occur. There shall be no real or implied approval or denial of an application as a result of the pre-application review.*

Proposed addition of 3,020 SF (1,640 net) collections building and the demolition of the existing collections building. The existing collections building is eligible for the local historic register and therefore the demolition was heard by the Historic Preservation Commission on September 14, at which HPC recommended approval of the demolition.

The proposed addition has 4 variances:

- 5 foot front setback encroachment.
- 5 foot side setback encroachment.
- 0.61 Floor Area Ratio (0.50 Max.)
- Parking variance, 0 spaces proposed (req.: $1.8 = 1,640/900$)

A proposal with 4 variances requires a PUD process. Analysis is included in your packets.

The applicant has requested a planning application fee waiver for the \$1000 Pre-Application.

2. Planning Commission Discussion:

The Planning Commission's discussion was primarily focused on the ability to rehabilitate the existing historic collection house and the four proposed variances.

3. Public Comment:

None.

4. New Information:

None.

5. Recommended Motion:

No vote shall be taken for a Pre-Application. City Council shall consider the request to waive the planning application fee of \$1000.

LIST OF ATTACHMENTS

Attachment 1 – PC Staff Report PRE-11-02 and attachments, September 22, 2011.

Attachment 2 – HPC Staff Report PRE-11-02 and memorandum, September 14, 2011.

Attachment 3 – Draft Planning Commission Minutes for September 22, 2011.

Attachment 4 – Applicant fee waiver request.



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT STAFF REPORT

PLANNING COMMISSION AGENDA ITEM # 3	
Project Name:	Tread of Pioneers Museum – Collection Building Addition (Original Town of Steamboat Springs, Blk 8, Lot 11-12) #PRE-11-02
Prepared By:	Seth Lorson, AICP, City Planner (Ext. 280)
Through:	Tyler Gibbs, AIA, Planning Director (Ext. 244)
Planning Commission (PC):	September 22, 2011
City Council (CC):	October 18, 2011
Zoning:	Commercial Neighborhood (CN)
Applicant:	Tread of Pioneers Museum PO Box 772372 Steamboat Springs, CO 80477 (970) 879 - 2214
Request:	Pre Application Review the addition of a new collection building.

Development Statistics - Overview	
Lot Area:	13,939 square feet
Gross Floor Area:	8,486 square feet
Lot Coverage:	5,476 square feet or .39
Floor Area Ratio:	0.61 - Variance
Setbacks	
Front (double):	5 feet - Variance
Side:	5 feet - Variance
Back:	38 feet
Parking Spaces:	4 parking spaces -Variance
Building Height:	
Overall Height:	32'
Average Plate Height:	18'7"

Staff Report - Table of Contents		
Section		Pg
I.	CDC –Staff Analysis Summary	3-2
II.	Background	3-3
III	Project Description	3-3
IV	Principle Discussion Items	3-3
V	Overview of Dimensional & Development Standards	3-3
VI	Project Analysis	3-5
VII	PUD Analysis	3-8
VII	Community Housing Plan	3-10
VIII	Staff Findings & Conditions	3-10
IX	Attachments	3-10

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

CDC - SECTION 26-60 (A): THE PURPOSE OF THE PRE-APPLICATION REVIEW IS GENERALLY TO PROVIDE INFORMATION TO POTENTIAL APPLICANTS BEFORE SUBSTANTIAL COMMITMENTS OF TIME AND MONEY ARE MADE IN CONNECTION WITH THE PROPOSED DEVELOPMENT. THE PRE-APPLICATION REVIEW SEEKS TO ASSIST OR AID THE APPLICANT TO:

Subsection		Notes
1)	Identify necessary material	Submittal requirements and TAC letter
2)	Identify required procedures	PUD (4 variances)
3)	Identify requirements and standards	CDC, CN design standards
4)	Identify TAC agencies	TAC form and distribution
5)	Obtain preliminary TAC feedback	TAC letter
6)	Identify other possible issues	Variances and Historic Preservation

Staff Finding: This is a pre-application review and no findings or recommendations to the Planning Commission will be made.



II. BACKGROUND

City Staff has received a Pre-Application request for what likely will become a Planned Unit Development (PUD) for Lots 11-12 of Block 8 of the Original Town of Steamboat Springs, Tread of Pioneers Museum.

The purpose of a Pre-Application Review is to provide information to potential applicants before substantial commitments of time and money are made in connection with the proposed development. The Pre-Application Review process is intended to provide information to the applicant on how their proposal conforms to the dimensional, development, and design standards as well as other applicable standards contained within the Community Development Code (CDC).

The Tread of Pioneers Museum consists of two former single-family houses (now connected) that were moved to the site (Utterback and Zimmerman houses) and the existing collections building, the only original structure on the site. The Zimmerman House was moved to the site in 1997 and processed as a Regular Development permit. The existing collections building is estimated to be constructed in 1900. Please see Historic Preservation Commission staff report for further background.

III. PROJECT DESCRIPTION

The proposed project is a 3,020 square foot addition to the existing 5,466 square foot museum creating a total of 8,486 square feet. The proposed addition's main area is a structure with two stories and a basement (collections building) that connects to the Zimmerman house via a 500 square foot addition to the exhibit space. With the demolition of the existing 1,380 square foot collections building the net increase in square footage is 1,640. The existing snow cat display case will be relocated to front the new exhibit space.

IV. PRINCIPAL DISCUSSION ITEMS

CN DESIGN STANDARDS

The proposed project is subject to the Commercial Neighborhood Design Standards (CDC Sec. 26-135). The City of Steamboat Springs Historic Preservation Planner finds that the proposal is consistent with the below standards (See Attachment 3 – HPC Staff Report):

(c) *Design standards.*

- (1) *Respect the traditional settlement patterns of the Oak Street area. Site a new building in a way similar to traditional buildings in the area. This includes consideration of building setbacks, entry orientation, and open space.*
- (2) *Orient a new building parallel to its lot lines, similar to that of traditional building orientations. The front of a primary structure shall be oriented to the street.*

- (3) *Orient a primary entrance toward the street.* Buildings shall have a clearly defined primary entrance. For a residential style building, this shall be a front porch, portico, or stoop. Do not orient a primary entrance to an interior court. Providing a secondary public entrance from the side and/or rear is also encouraged on larger buildings.
- (4) *Front setback.* Keep the front setback of a new structure in line with the range of residential buildings seen traditionally.
- (5) *Side setbacks.* Maintain similar side yard setbacks of a new structure or an addition to those seen traditionally along the street.
- (6) *Retain the character of the alley as a part of the original town grid.* Maintain the alley as an open space. Alleys may also be used as pedestrian ways.
- (7) *Maintain the traditional material and position of sidewalks.* Historically, sidewalks were detached from the curb, and separated by a planting strip.
- (8) *Pedestrian walk.* Provide a walk to the primary building entry from the public right-of-way.
- (9) *Develop outdoor open space that promotes pedestrian activity.* Courtyards shall be accessible and visible from the public way and be designed for public uses. The development of a first and second floor rooftop deck is encouraged. A sunken plaza on the street side is inappropriate.
- (10) *Maintain the average perceived building scale from the public right-of-way.* Floor-to-floor heights shall appear similar to those seen traditionally. First floor heights measured from floor plate to floor plate were typically eight (8) to ten (10) feet high. In particular, the windows in new construction shall appear similar in height and proportion to those seen traditionally.
- (11) *Divide larger buildings into "modules" that maintain traditional residential building scale.* Divide the building into "modules" that express traditional single-family house dimensions. A typical building "module" shall not exceed forty (40) feet in width. The building "module" should be expressed with at least one of the following:
 - a. A setback in wall planes, a minimum of twelve (12) feet.
 - b. A change in primary facade material for the extent of the building "module".
 - c. The division into "modules" should be expressed three-dimensionally by

providing a change in roofline that is consistent with the change in wall planes.

- (12) *Along the rear facade, using buildings forms that step down in scale toward the alley is encouraged on the north side of Oak Street.* Step down the principal structure to one-story height in order to reduce the perceived scale. Use projecting roofs at the ground floor over entrances, decks, and for separate utility structures in order to establish a human scale that invites pedestrian activity.
- (13) *Use sloping roof forms that are similar to those used traditionally.* Use gable, hip or shed roof forms on the primary building form. Flat roofs may be provided on secondary building elements.
- (14) *Develop alley facades to create visual interest.* Use varied building setbacks and changes in materials to create interest and reduce perceived scale. Balconies, courtyards and decks are also encouraged. Providing secondary public entrances is strongly encouraged along alleys. These shall be covered or protected and clearly intended for public use, but subordinate in detail to the primary entrance that faces the street.
- (15) *Use building materials that are similar to those used traditionally.* Appropriate materials are painted wood clapboard, brick, stone and stucco. New products that convey a scale, finish and character similar to traditional materials may be considered. A large featureless surface or panelized products that lack a sense of scale are prohibited.
- (16) *Use roofing materials that are similar in appearance to those seen traditionally.* Standing seam metal roof materials are appropriate for most buildings. They should be earth tones and have a matte, non-reflective finish. Seams should be low profile. Composition or concrete shingle is also appropriate.
- (17) *Preservation of existing porches and primary entrances.* When converting a building to another use, preserve the traditional location and character of the porch and primary entrance.
- (18) *The use of a front porch shall be strongly encouraged and shall appear similar to those seen traditionally.* The porch floor and roof height shall appear similar to those seen traditionally on the block. Use similar building design elements and materials as those seen traditionally.
- (19) *The front porch shall be "functional", in that it is used as a means of access to the entry.* A front porch shall be covered by a roof.
- (20) *The use of an awning may be considered.* Avoid exotic forms that are not

traditionally found in the commercial core area of city. Coordinate the color of the awning with the color scheme of the entire building. Operable fabric awnings are appropriate. Installing lighting in awnings so they effectively act as an internally lit sign is inappropriate.

- (21) *Preserve historically significant alley structures when feasible.* Incentives for preservation may be available. Consult with the city's historic preservation specialist.
- (22) *Locate a new accessory structure in a manner that is similar to those seen traditionally in the district.* Place it along the alley edge or to the rear of the primary structure.

VARIANCES

The proposed project has 4 variances: front setback (8th Street), side setback (alley), F.A.R., and parking.

HISTORIC PRESERVATION

The project proposes to demolish an existing historically relevant structure that is eligible for the historic register. Historic Preservation Staff has made a recommendation to rehabilitate the existing structure as an alternative to demolition. Resources have been identified to assist in a rehabilitation effort:

1. ALTERNATIVES TO DEMOLITION

a. Designation of the Eligible Structure to the Local Register enables Financial Incentives for its Rehabilitation

i. Grants

- 1. State Historical Fund grant money could be used for the rehabilitation and stabilization of the existing structure. The match requirement is 25%.*
- 2. Museum and Heritage Fund grant money could be used for the match of the SHF grant.*

(Rehabilitation costs could all be covered by grant funds leaving just costs for an addition to the existing house uncovered.)

ii. Other Incentives

- 1. City Sales Tax Rebate on Materials Purchased Locally*
- 2. Waiver of Planning Permit Fees*
- 3. Waiver of tap fees in Existing Building*
- 4. State Tax Credits for Rehabilitation*
- 5. Alternate Variance Criteria for a Rehabilitation Project*

Historic Preservation Staff is recommending rehabilitation of the existing structure and at time of Final Development Plan that the Historic Preservation Commission not approve the

proposal. At the time of this report the Historic Preservation Commission has not seen this application. Further information will be available at time of Planning Commission hearing.

V. OVERVIEW OF DIMENSIONAL AND DEVELOPMENT STANDARDS – CN ZONE

The following list was compiled by the project planner to provide an overview of key standards applicable to the project. Items in **bold** in the proposed column do not comply with applicable standards; refer to Project Analysis section for additional information. Interested parties are encouraged to review the Community Development Code (CDC) or contact the project planner for a comprehensive list of all applicable standards.

DIMENSIONAL STANDARDS – CDC Section 26-132			
Standard	Maximum	Minimum	Proposed
<i>Lot Area</i>	14,000	3,000	13,939 S.F.
<i>Lot Coverage</i>	.50	None	0.39
<i>Units per Lot</i>	Determined per FAR	None	No units are proposed
<i>Floor Area Ratio (FAR)</i>	.50	None	0.70
<i>Building Height</i> (APH) Average Plate Height and (OH) Overall Height	APH-20 ft. OH-32 ft.	None None	APH – 18’7” OH - 32’
Setbacks			
<i>Front (Oak)</i>	30’	P – 10’	87’
<i>Rear</i>	None	10’	38’
<i>Front (8th Street)</i>	None	10’	5’
<i>Side (alley)</i>	None	10’	5’

DEVELOPMENT STANDARDS		
Standard	Requirement	Proposed
<i>Parking and Loading Design Standards (Sec. 26-137).</i>	Retail (1 space/900 square feet) Net increase in S.F.: 1,640 / 900 = 1.8 parking spaces required.	0 added to the existing 4
<i>Landscaping Standards (Sec. 26-135)</i>	Landscape to the moderate category	Calculations have not been provided at this time.

VI. PROJECT ANALYSIS

A) CRITERIA FOR APPROVAL

CDC - Section 26-65(d): No Development Plan shall be approved unless the planning commission and city council find that the plan meets all of the following criteria:

The following section provides staff analysis of the application as it relates to key sections of the CDC. 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.

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

Staff Analysis: Below are sections of the Community Plan that are relevant to the proposed project.

- **Historic Preservation Vision:**
Steamboat Springs is a proactive preservation community with regard to lands, waters, structures, and cultural heritage. We have implemented the appropriate tools to ensure such preservation in perpetuity, inventoried all known properties, and taken necessary steps to compile, preserve, and disseminate information regarding our history.
- **Goal HP-1:** Our community will prioritize the study and documentation of urban and rural historic properties to prevent the degradation and loss of significant sites, buildings, and structures in Old Town and within the Urban Growth Boundary and planning area.
- **Goal HP-2:** Our community will enhance historic preservation education, awareness, and outreach.

- *Rationale:*

It is important to raise public awareness about the benefits of preservation of historic buildings, sites, structures and cultural landscapes. This education is critical to garner public support for historic preservation; without public awareness historic preservation efforts tend to fail.

Broad educational outreach is necessary to foster understanding of, and support for, a community's history and historic resources. Outreach should include property owners, community organizations, school groups, business associations, neighborhood residents, tourists, city and county planners, and others, such as Historic Routt County!, the Tread of Pioneers Museum, and the city. With the wide-reaching existing network of preservation organizations, the basic structure needed for enhanced education, awareness and outreach is already in place.

- **Strategy HP-2.4(b): Increase Role of Tread of Pioneers Museum**— The Tread of Pioneers Museum is well-suited to the dissemination of information on the topic of historic preservation, specifically through its museum store, and its ability to co-sponsor educational speakers and seminars with preservation agencies and organizations in the community. The museum store is an excellent, accessible venue for the display and sale of preservation publications of interest and assistance to the public. In addition to selling books, the store could serve as a source of free brochures and publications acquired from Historic Routt County!, the City of Steamboat Springs, the Colorado Historical Society, National Park Service, National Trust for Historic Preservation, Barn Again!, and other organizations that provide information about historic preservation and related technical issues. The museum has already co-sponsored a lecture series on the topic of historic preservation with Historic Routt County! and from time to time will continue to offer this type of programming for the benefit of the community. The Tread of Pioneers Museum will offer the public a local source for obtaining published materials and occasional lectures and seminars on the topic with the assistance of other area preservation organizations.

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

Staff Analysis: The museum use is institutional in nature. The CN zone district along Oak Street is a mix of uses including religious institutions, school, commercial, and residential.

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

Staff Analysis: The proposal is consistent with the CN design standards. The use is not proposed to change from a museum with limited hours of operation. The proposal is encroaching on the front (8th Street) and side (alley) setbacks.

CDC – Section 26-65(d)(4) Access.

Staff Analysis: Access has not changed with this application.

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

Staff Analysis: The information provided thus far does not indicate significant environmental impacts.

CDC – Section 26-65 (d)(6) Phasing.

Staff Analysis: N/A

CDC – Section 26-65 (d)(7) Compliance With Other Standards.

Staff Analysis: The proposal is consistent with the CN design standards and four variances are requested.

CDC – Section 26-65 (d)(8) Variance criteria.

Staff Analysis: Four variances to the CDC development standards are proposed and therefore requires a PUD for development approval. The section below addresses the Development Plan variance criteria in CDC Sec. 26-65 (d)(8) and the PUD criteria for review of particular types of variations in CDC Sec. 26-81 (g):

B) VARIANCES: Some information regarding the setback variances and the FAR variance is contained in Attachment 2 – Project Narrative. At this time the applicant has not addressed the variance criteria in the Development Plan or the Planned Unit Development. Until such time the project cannot be reviewed completely. Complete review and recommendation are not applicable at the Pre-application level. Staff does not perceive any outstanding issues beyond what has been identified here.

1. Front Setback:

This lot borders two public streets and therefore has a double front setback along Oak Street and 8th Street. The Director has the ability to determine that only one street is the front setback with consideration of line of site requirements, driveway location, pedestrian entrance, building height, traffic/pedestrian safety, and character and compatibility with the neighborhood (Sec. 26-146). Although the CN zone district has a 10' setback for the front and side setbacks, the existing accessory structure (snow cat display case) along 8th Street is placed five feet from the property line which is consistent with the accessory structure side setback. The main area of the proposed addition (collection building) is placed at the 10 foot front setback line with a porch that encroaches six feet into the setback.

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

- a. **Legal Use:** *Staff Analysis:* No change of use is proposed.
- b. **Injury to Adjoining Property Mitigated:** *Staff Analysis:* The proposed front setback is five feet and four feet from the property line at different portions of the addition. The existing accessory structure is five feet from the property line and the existing collection building does not encroach on the setback.

c. **Advantages Outweigh Disadvantages:** *Staff Analysis:* The proposed building is to provide a controlled environment to store collections that are not being displayed. The building is sited so that it spans from the parking in the rear to the encroaching area in the front. The snow cat display case encroaches into the setback for prominent display of the snow cat.

d. **Superior Development:** *Staff Analysis:* The proposed addition conforms to the CN design standards. Below is the purpose and intent of the CN zone district:

Purpose and intent. The commercial neighborhood zone district is designed and intended to provide mixed-use areas for low intensity commercial, limited retail, and residential dwelling units. Uses and structures in this area shall generally be of a smaller scale, pedestrian and neighborhood oriented, and provide services for the local population. Along Oak Street, adaptive re-use of older residential buildings is encouraged in order to preserve the residential scale. The preservation and enhancement of the street tree canopy is encouraged through the addition of new street trees and preservation of existing mature trees. While locating uses along Oak Street, consideration should be given to placing higher scale and intensity uses on the south side of the street and lower scale and intensity uses along the north side of the street. Through considerations such as intensity and scale, an emphasis shall be placed on providing appropriate transition areas and pedestrian connections into and from neighboring uses.

e. **Minimum Relief:** *Staff Analysis:* The addition is sited to meet the design program and allow for the existing parking in the rear to be maintained.

CDC – Section 26-81 PUD (g)(2) Criteria for review of setback variations.

a. **Emergency vehicle access:** *Staff Analysis:* The access has not changed with this proposal.

b. **Environmental sensitivity and land use compatibility:** *Staff Analysis:* The information provided thus far does not indicate significant environmental impacts. The proposed addition is oriented toward 8th Street as many of the buildings in the CN zone district are oriented to the side streets.

c. **Light, air, and solar access:** *Staff Analysis:* The proposed addition is for a climate controlled environment to store museum collections. Adequate light, air, and solar access to the building are not applicable to this project.

d. **Waterbody setbacks:** *Staff Analysis:* N/A

2. Side Setback:

The side setback in the CN zone district is ten feet (10') and the project proposes a five foot (5') side setback along the alley.

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

- a. **Legal Use:** *Staff Analysis:* No change of use is proposed.
- b. **Injury to Adjoining Property Mitigated:** *Staff Analysis:* The existing collections building encroaches nine feet into the side setback. The proposed building encroaches five feet with a three foot eave overhang. The proposed roof has been fitted with asphalt shingles and snow fences to avoid snow shedding into the alley.
- c. **Advantages Outweigh Disadvantages:** *Staff Analysis:* The proposed building is to provide a controlled environment to store collections that are not being displayed. The building is sited so that it spans from the parking in the rear to the encroaching area in the front.
- d. **Superior Development:** *Staff Analysis:* See Superior Development above.
- e. **Minimum Relief:** *Staff Analysis:* The addition is sited to meet the design program and allow for the existing parking in the rear to be maintained.

CDC – Section 26-81 PUD (g)(2) Criteria for review of setback variations.

- a. **Emergency vehicle access:** *Staff Analysis:* The access has not changed with this proposal.
- b. **Environmental sensitivity and land use compatibility:** *Staff Analysis:* The information provided thus far does not indicate significant environmental impacts.
- f. **Light, air, and solar access:** *Staff Analysis:* The proposed addition is for a climate controlled environment to store museum collections. Adequate light, air, and solar access to the building are not applicable to this project.
- a. **Waterbody setbacks:** *Staff Analysis:* N/A

3. Floor Area Ratio (FAR):

The CN zone district has a maximum FAR standard of 50%; the project proposes FAR of 61% or 8, 486 s.f. of total floor area on a 13,939 s.f. lot.

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

- a. **Legal Use:** *Staff Analysis:* No change of use is proposed.
- b. **Injury to Adjoining Property Mitigated:** *Staff Analysis:* The additional floor area is to accommodate “unencumbered areas for flexible storage options and work spaces.”

- c. **Advantages Outweigh Disadvantages:** *Staff Analysis:* The additional floor area provides for the needs of the museum for storage of their collections.
- d. **Superior Development:** *Staff Analysis:* The proposed addition, although exceeds the allowable floor area ratio, maintains a residential scale of development.
- e. **Minimum Relief:** *Staff Analysis:* The proposed addition meets the design program for the museum.

4. Parking:

In 1997, when the Zimmerman House was moved to the site a parking variance was granted to allow 6 parking spaces at a reduced size of 9 feet in width. The Tread of Pioneers Museum currently has 4 parking spaces on site. The net increase in square footage for the proposed addition is 1,640 S.F. The parking requirement is being analyzed using the requirement for retail use (1 parking space per 900 square feet). Requiring a total of 2 parking spaces ($1,640 / 900 = 1.8$). The development is proposing no additional parking spaces.

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

- a. **Legal Use:** *Staff Analysis:* No change of use is proposed.
- b. **Injury to Adjoining Property Mitigated:** *Staff Analysis:* The museum is proposing a 500 S.F. addition to the gallery space, the rest is storage that will not generate additional parking needs.
- c. **Advantages Outweigh Disadvantages:** *Staff Analysis:* By not providing additional parking, the proposal is not creating additional impermeable surface or need for additional snow storage.
- d. **Superior Development:** *Staff Analysis:* Additional parking could take from the residential feel of the property as intended in the CN zone district.
- e. **Minimum Relief:** *Staff Analysis:* The property has no extra space on site for additional parking.

CDC – Section 26-81 PUD (g)(3) Criteria for review of parking standard variations.

- a. **Transit-oriented design:** *Staff Analysis:* The Yellow Line serves this property and Lincoln Avenue is one block away which has multiple transit stops.
- b. **Alternative transportation plan:** *Staff Analysis:* No plan is proposed at this time.
- c. **Application of parking variations:** The applicant has not provided necessary information to analyze this criterion.

- i. **Limitation to amount of parking spaces to be varied:** *Staff Analysis:*
- ii. **Relation to other parking reductions:** *Staff Analysis:*

VII. PUD ANALYSIS

Pursuant to Sec. 26-65(b)(4) of the Community Development Code (CDC), applications for a variation from more than two (2) Dimensional, Development, or more than four (4) Subdivision standards shall be processed as a Planned Unit Development (PUD).

The PUD process is intended to allow variations as a means of providing flexibility, allowing creativity and preserving features valued by the community. However, the requirement of the PUD process is that the extent of the variances requested shall have a direct and proportional relationship to the magnitude of the benefit that is received by the community at large or to the users of the project. The categories of benefits and public purposes are specified in the Sec. 26-81(e).

B) CDC Section 26-81(e)(4) Contributions to public benefits and improvements.

If three (3) to four (4) variances are approved, the applicant shall provide at least one of the following benefits: *Staff Analysis:* The applicant is responsible for contributing public benefits in one of the following categories.

- a. *Affordable housing contribution.* The proposed development will contribute land, monies or build affordable housing facilities for the Yampa Valley Housing Authority above and beyond the inclusionary zoning requirement as determined by the city council to be an adequate public benefit. The contribution shall be equal to or greater than one percent of the project's land and construction cost valuation as determined by the Routt County Building Department.
- b. *Contributes necessary community facilities.* The proposed development will contribute land or build necessary community facilities as determined by the city council to other neighborhood services, such as a fire substation, fire apparatus and equipment, transit facilities, or other facilities as approved by the city because of the need for such community facilities. The contribution shall be equal to or greater than one percent of the project's land and construction cost valuation as determined by the Routt County Building Department.
- c. *Contributions to the preservation of resource lands.* The proposed development will accomplish preservation of resource lands by a contribution equal to or greater than one percent of the project's land and construction cost valuation as determined by the Routt County Building Department.
- d. *Contributions to preserve or enhance cultural and historical resources or public spaces.* The proposed development will accomplish preservation or enhancement of cultural and historical resources or public spaces by a contribution equal to or

greater than one percent of the project's land and construction cost valuation as determined by the Routt County Building Department.

- e. *Public art.* A PUD development plan may be approved by city council at its discretion for contributions to the city for public art. The contributions shall be equal to or greater than one percent or greater of the project's land and construction cost valuation as determined by the Routt County Building Department.

These original works of art shall be installed and maintained in accordance with the provisions of this Code and in coordination with the Steamboat Springs Public Art Board. The cost of the art work may include: Structures which enable the display of art work(s); expenses incurred within the artist's budget to cover professional fees for the artist(s); labor of assistants; materials and contracted services required for the production and installation of the work(s) of art; travel expenses of the artist for site visitation and research; transportation of the work of art to the site; site preparation for art work installation; and other installation costs of the completed art work.

In accordance with the Steamboat Springs Public Art Board, original art work is to be placed on a site which takes into account the following: Unobstructed public viewing and accessibility; public safety; interior and exterior use patterns which are consistent with existing or future architectural and natural features; and primary uses of the building, and relationship of the proposed art work to existing art works within the site or area. Artwork should be placed where visible from the street, or in exterior spaces such as walkways, plazas, and exterior building surfaces.

- f. *Special infrastructure improvements.* A PUD development plan may be approved by city council at its discretion for contributions to a special infrastructure improvement fund, or for dedication of land and construction of improvements thereon. The contributions shall be one percent or greater of the project's land and construction cost valuation as determined by the Routt County Building Department.
- g. Any public benefit deemed by the city council to be in the city's best interest not listed above (items a.--f.) may be used to satisfy this requirement.

Contributions to public benefits and improvements may be combined into one category or divided into multiple categories as determined by the city council.

C) CDC Section 26-81(f) Criteria for review of all PUDs.

All PUDs shall comply with the following criteria. If the PUD proposes variations from standards of this Code, then the PUD shall also comply with the applicable criteria for review of particular types of variations stated in subsection (g) [detailed in variance section above].

1. **Criteria for review and approval:** *Staff Analysis:* See analysis above.
2. **Advantages outweigh disadvantages:** *Staff Analysis:* See analysis above.
3. **Legal Instrument Required:** *Staff Analysis:* Not applicable at this time. If a parking plan is required so may be a parking agreement subject to legal review.

VI. COMMUNITY HOUSING PLAN

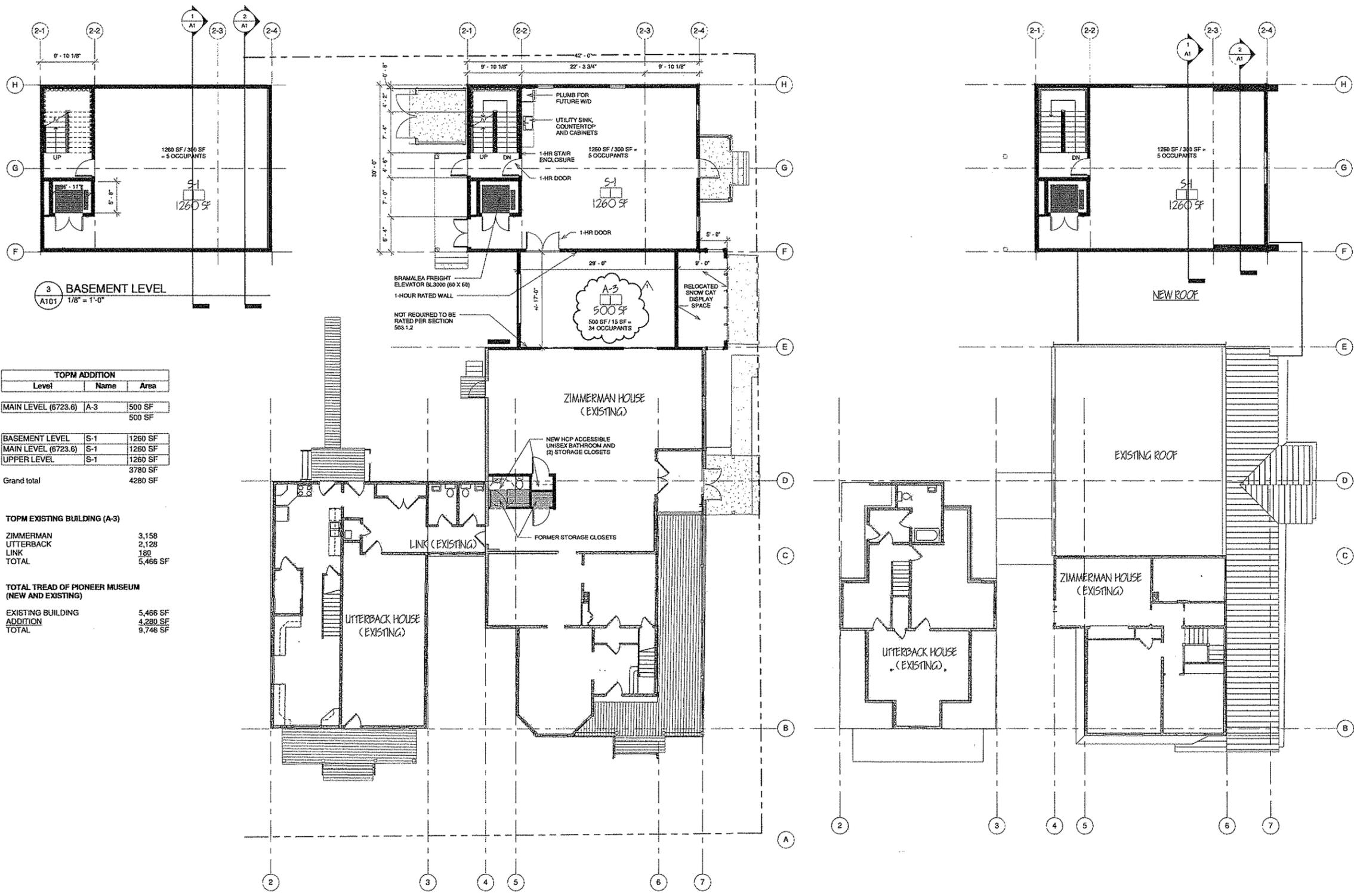
CDC Section 26-148: Community Housing Plan. *Staff Analysis:* **Not Applicable;** The proposal does not include a residential component.

VII. STAFF FINDING & CONDITIONS

Staff has no recommendation or conditions for this application as this is a Pre-application.

VIII. ATTACHMENTS

- Attachment 1 – Full Plan Set
- Attachment 2 – Project Narrative
- Attachment 3 – HPC Staff Report



TOPM ADDITION		
Level	Name	Area
MAIN LEVEL (6723.6)	A-3	500 SF 500 SF
BASEMENT LEVEL	S-1	1260 SF
MAIN LEVEL (6723.6)	S-1	1260 SF
UPPER LEVEL	S-1	1260 SF
Grand total		3780 SF 4280 SF

TOPM EXISTING BUILDING (A-3)	
ZIMMERMAN	3,158
UTTERBACK	2,128
LINK	180
TOTAL	5,466 SF

TOTAL TREAD OF PIONEER MUSEUM (NEW AND EXISTING)	
EXISTING BUILDING	5,466 SF
ADDITION	4,280 SF
TOTAL	9,746 SF

GENERAL NOTES:
 Release of these plans constitutes the architect's approval of the construction documents. The contractor shall be responsible for obtaining all necessary permits and for compliance with all applicable codes and regulations. The contractor shall be responsible for the accuracy of the information provided on these plans. The architect shall not be responsible for the accuracy of the information provided on these plans. The contractor shall be responsible for the accuracy of the information provided on these plans. The architect shall not be responsible for the accuracy of the information provided on these plans.

All design documents and data prepared by Eric Smith Associates, P.C. are the property of Eric Smith Associates, P.C. and shall not be copied, reproduced, or otherwise used in any manner without the written consent of Eric Smith Associates, P.C.

REVISIONS		
No.	Description	Date
1	ISSUED FOR PERMIT	08/28/2011

TREAD OF PIONEERS MUSEUM
 Steamboat Springs, CO

ERIC SMITH ASSOCIATES, P.C.
 1155 BENTLEY STREET
 BOULDER, CO 80502
 (303) 442-8488, (303) 442-4745 FAX

Job Number:	MCD
Date:	8-1-11
Drawn By:	REL
Checked By:	EPS

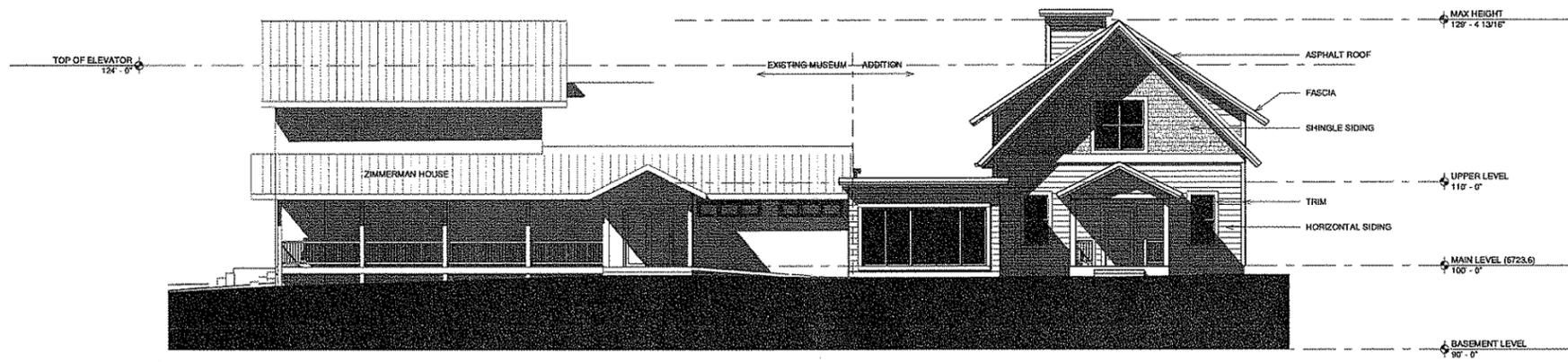
Project Phase
 PRE-APPLICATION SUBMITTAL

Sheet Title
 AREA PLANS

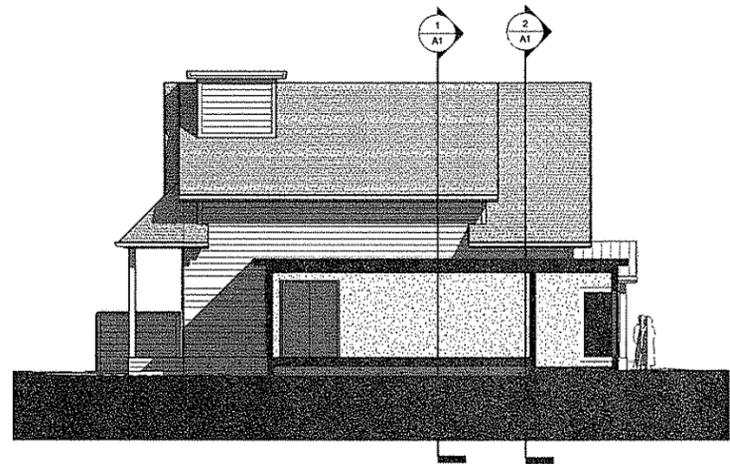
Sheet Number

A101

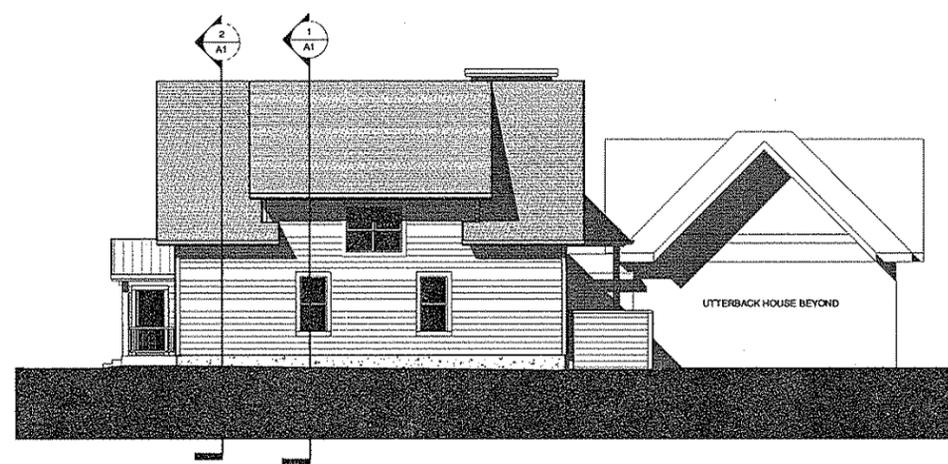
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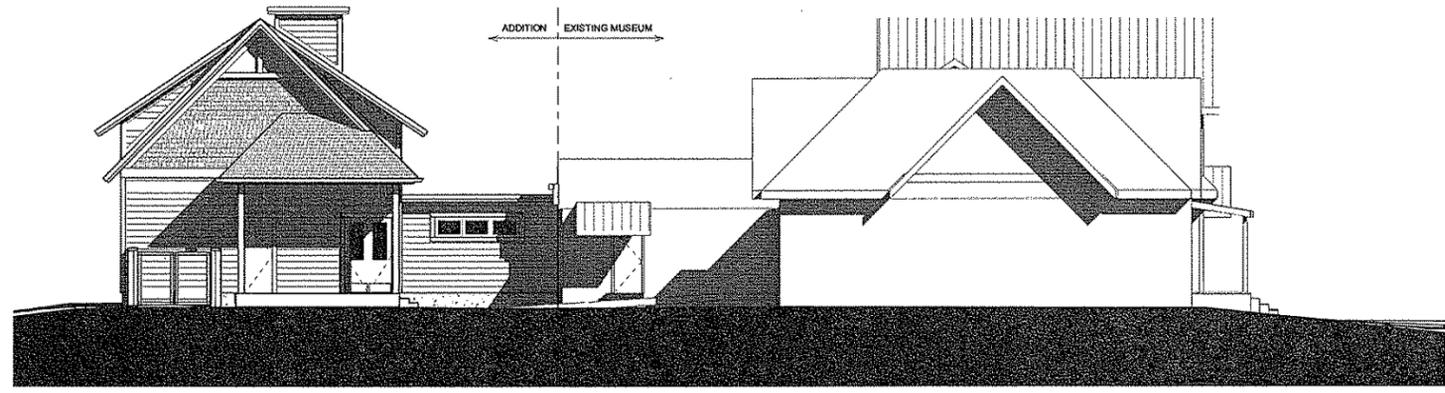
1 VIEW FROM 8TH STREET
A201 1/8" = 1'-0"



2 ADDITION SOUTH ELEVATION
A201 1/8" = 1'-0"



3 VIEW FROM ALLEY
A201 1/8" = 1'-0"



4 VIEW FROM ST PAULS
A201 1/8" = 1'-0"

DISCLAIMER
The user of these plans is responsible for the design and construction of the project. The architect is not responsible for the design and construction of the project. The architect is not responsible for the design and construction of the project. The architect is not responsible for the design and construction of the project.

REVISIONS

No.	Description	Date
1	ISSUING SET	9/21/11

TREAD OF PIONEERS MUSEUM
Steamboat Springs, CO



Job Number: 1015
Date: 8-11
Drawn By: Ather
Checked By: Oeder

Project Phase
PRE-APPLICATION SUBMITAL

Sheet Title
EXTERIOR ELEVATIONS

Sheet Number

A201

SEPTEMBER 2, 2011

9/2/2011 9:48:09 AM



Tread of Pioneers Museum
800 Oak Street
PO Box 772372
Steamboat Springs, CO 80477

Proposal Description for Pre-Application Conference

Intent: The purpose of this project is to improve and expand collection storage capabilities, implement environmental condition monitoring and provide for conservation specific work space for the Tread of Pioneer Museum. The new addition and connection will provide purposed-designed collection storage and workspace to replace the house currently being used to store collection pieces. The connection to the existing museum will be display space and incorporate the existing snow cat enclosure.

The collection addition is built to resemble a house from the exterior. It strives to convey traditional residential qualities and scale to create visual continuity within the neighborhood. These implemented qualities include using traditional materials (horizontal wood and shingle siding), steep pitch roofs (similar in character to their neighbors including the existing museum houses), a covered porch to define the entry and maintaining a human scale along the street.

The connection links the existing to the new with a clear separation that does not attempt to match the historic design of the existing museum itself. There will be large areas of glazing along the 8th Street side of the link to allow pedestrians to view the snow cat on display.

The entire addition will comply with Old Town Steamboat Springs Design Standards for the Commercial Neighborhood Zone District, the Colorado Historical Society and Secretary of the Interior's Standards.

Proposed Uses and Structures: The existing "cowboy craftsman" collections house that sits along the alley on the north east end of the Tread of Pioneer Museum property is to be removed. The exterior of this existing house has damaged exterior aluminum siding, plywood boards over most of the windows and doors and the concrete foundation is crumbling and cracking in several location. The interior has been extremely compromised with the change in program to museum storage. The mechanical, security and fire suppression systems are inefficient for collection storage requirements.

The new storage building will provide a type V-A, wood frame building for collection storage and restoration workspace. This new facility is to be made up of one, large storage room on each floor, a stair and a freight elevator. The incorporation of higher ceiling height and increased floor load capacity will accommodate rolling, museum-grade storage systems. The new addition will also include a fire suppression system to protect the collection storage and new display area.

Existing Collection Building:	520 SF (Basement) 900 SF (1st Floor) <u>480 SF (2nd Floor)</u> 1,900 SF TOTAL
New Collections Building	1,260 SF (Basement) 1,260 SF (1st Floor) <u>1,260 SF (2nd Floor)</u> 3,780 SF TOTAL

Results in 1,880 SF increase in storage capability.

Issues to be addressed by Collection Storage Addition:

- Air-tightness
- Dust Particulates
- Humidity
- Cooling
- Zoned HVAC
- Ultraviolet Light (natural and artificial)
- Infestation
- Floor Loading
- Hazardous Materials
 - Building
 - Collection
 - Flammables and Combustibles
- Advanced Alarm System
- Building Fire Sprinkler System
- Code Compliance - Life and Fire Safety

Written Explanation detailing any aspect of the development that may not comply with City standards (Variance Requests):

Setbacks:

- ❖ Side Setback (8th Street)
 - 10' for Principal Structure
 - 5' for Accessory Structure
 - Propose 5' for connection between Collections Building and Museum
 - (existing snow cat building is 5' from property line, currently is a stand alone enclosure)

In between the existing museum located in the Zimmerman House (corner of Oak and 8th Street) and the new Collection Building is the proposed link. On the 8th Street side, the link protrudes into the setback 5'-0". This portion of the link will be used to house the existing snow cat that is on display in it's own glass and wood enclosure currently located 5'-0" within the principal setback. The proposed snow cat enclosure will be part of the link, have glass on 3 sides and a sidewalk connection from the

main sidewalk to help draw people in to view the snow cat. The proposed link does not go any further into the setback than the original snow cat enclosure does. This is an essential exterior display item for the museum and it is important to keep it close to the sidewalk where people will take notice of it. We are requesting a variance for a 5'-0" side setback at this location (matching the 5'-0" accessory structure setback).

❖ Rear Setback (Alley)

10' for Principal Structure

5' for Accessory Structure

Propose 5' for Collection Building

(existing collection building is 10 inches from the property line)

The existing collection house is located 10 inches from the rear property line. The proposed Collection Building is to be located 5'-0" from the property line. This location permits better accessibility through the adjacent alley and snow removal space while allowing the museum storage capability to be maximized. Collection storage is an accessory function of the museum itself. As we are connecting this building to the existing museum, it becomes part of a principal structure. Technically, a 10'-0" setback is required. We are requesting a variance for a 5'-0" rear setback at this location (matching the 5'-0" accessory structure setback).

FAR (Floor Area Ratio):

FAR Square Footage remaining for use after demo of Collections Building	1503 SF
Collection House and Museum Connection Addition Above Grade Square Footage	3020 SF
Square Footage amount above FAR maximum allowed	1517 SF

The new Collection Building Addition will allow for large, unencumbered areas for flexible storage options and workspaces for the Tread of Pioneer Museum. One third of the storage addition is located underground to minimize the site area as much as possible. The proposed link will provide additional display space as well as allowing the transfer of museum collection items safely and securely between the museum and the storage building.



DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT

HISTORIC PRESERVATION COMMISSION AGENDA ITEM #4:	
Project Name:	Tread of Pioneers Museum Collection Building Addition: 219 8 th Street
Prepared By:	Alexis Casale, Historic Preservation Planner (Ext 202)
Through:	Tyler Gibbs, AIA Director of Planning & Community Development (Ext. 244)
Historic Preservation Commission (HPC):	September 14, 2011
Planning Commission (PC):	September 22, 2011
City Council (CC):	October 18, 2011
Zoning:	Commercial Neighborhood (CN)
Applicant:	Tread of Pioneers Museum c/o Eric Smith Associates, P.C.
Request:	Preliminary Application for the Demolition of an Eligible Building and an Addition for the Collections House

Staff Report - Table of Contents		
Section		Pg
I.	Staff Analysis Summary	4-2
II.	Background	4-2
III.	Principal Discussion Items	4-3
IV.	Project Description	4-3
V.	Project Analysis	4-4
VI.	Staff Finding	4-5
VII.	Motion	4-5
VIII.	Attachments	4-5

219 8th Street**I. STAFF ANALYSIS SUMMARY**

The pre-application project for the Tread of Pioneers Museum consists of the demolition of the existing eligible structure located at 219 8th Street and new construction for an addition with connection to the existing Zimmerman House portion of the museum. Since this application is at the conceptual level, staff recommends that alternatives to demolition be considered fully with help from staff, History Colorado and Historic Routt County. The museum has already completed a very successful rehabilitation project with the Utterback house and has the resources and strengths to continue these preservation efforts. As stated in the Tread of Pioneers Museum Complex Master Plan (1997) regarding the Utterback House, “protecting and keeping the integrity of a significant historic property is a priority in maintaining the community’s historic character and the Tread of Pioneers Museum mission.” Staff does find that the proposed new construction is in conformance with the Commercial Neighborhood (CN) Standards. However, if this application were to be a Final Development Plan, staff would recommend that the Historic Preservation Commission not issue a Certificate of Approval based on the demolition of an eligible historic structure.

II. BACKGROUND

A pre-application project has been submitted for the demolition of an eligible structure and new construction for the collections house addition to the Tread of Pioneers Museum. The Cultural Resource Survey completed in 2003 as part of the City’s ongoing survey of historic structures by

an independent consultant determined that the existing house is eligible to the Local Register as a good example of a simple vernacular Steamboat Springs Wood Frame architecture and is a significant resource as it speaks of the construction and history native to Steamboat Springs and contributes to the eclectic fabric of the downtown area, [See Attachment 1]. Further research indicates that the existing building most likely was a home for Dr. Dodge, [See Attachment 2]. In 2004, the Museum had a State Historical Funded Historic Structures Assessment completed for the building that provided specific rehabilitation projects with approximate costs of each project. This helps in the rehabilitation of the house as well as in grant applications. The applicant at this time has decided to not move forward with the rehabilitation and pursue new construction for the addition. This Commission will provide comments to the applicant and make a recommendation to the Planning Commission and City Council regarding the project.

III. PRINCIPAL DISCUSSION ITEMS

1. ALTERNATIVES TO DEMOLITION

- a. Designation of the Eligible Structure to the Local Register enables Financial Incentives for its Rehabilitation
 - i. Grants
 1. State Historical Fund grant money could be used for the rehabilitation and stabilization of the existing structure. The match requirement is 25%.
 2. Museum and Heritage Fund grant money could be used for the match of the SHF grant.
(Rehabilitation costs could all be covered by grant funds leaving just costs for an addition to the existing house uncovered.)
 - ii. Other Incentives
 1. City Sales Tax Rebate on Materials Purchased Locally
 2. Waiver of Planning Permit Fees
 3. Waiver of tap fees in Existing Building
 4. State Tax Credits for Rehabilitation
 5. Alternate Variance Criteria for a Rehabilitation Project
- b. Promotion of Preservation within the Community
 - i. Use of volunteers for specific rehabilitation projects as an educational tool (Such as with the insulation project in the Utterback House)
 - ii. Educate the community that our building fabric is as much a part of our history to be preserved as are the artifacts collected.

2. CONSTRUCTION OF NEW ADDITION

- a. Does the new construction meet the CN Standards and the Secretary of Interior Standards?

IV. PROJECT DESCRIPTION

The pre-application project for the Tread of Pioneers Museum Collection Building Addition consists of the demolition of an existing house at the rear of the lot adjacent to the alley and new construction for an addition. The two-story addition proposes attachment to the Zimmerman

house, located at the corner of 8th and Oak Streets by a one-story connector to be used as gallery space and to house the snow cat display. The front gable addition proposes a covered front porch, horizontal wood and shingle siding, dormers at the second level on both sides of the gable and an open floor plan at both levels. [See Attachment 3: Plans]

V. PROJECT ANALYSIS

The following analysis studies the project in two areas; first the demolition and second the addition. The Commercial Neighborhood Design Standards and the Secretary of Interior Standards for the Treatment of Historic Properties are used as criteria for recommendations.

Demolition of Existing Eligible Structure

CN Standards

CN.21 Preserve historically significant alley structures when feasible
Inconsistent- demolition of an eligible structure

Secretary of Interior Standards

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Inconsistent- The new addition proposes to destroy a historic structure

New Construction for the Addition to Museum

CN Standards

CN.10 Maintain the average perceived building scale from the public right-of-way.
Consistent

CN.12 Along a rear façade, using building forms that step down in scale toward the alley is encouraged on the north side of Oak.

Inconsistent- the two story addition borders the alley

CN.13 Use sloping roof forms that are similar to those used traditionally.
Consistent

CN.15 Use building materials that are similar to those used traditionally.
Consistent

Secretary of Interior Standards

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials,

features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Inconsistent- The proposed new construction does not convey a sense of its present time.

10. New additions and adjacent or related new construction will be undertaken in a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Consistent

VI. STAFF FINDING

Staff finds that while the proposed addition is in conformance with the standards, the loss of a significant structure outweighs the new construction and therefore staff recommends that the Historic Preservation Commission recommend rehabilitation of the building and if this was a Final Development Plan recommend not issuing a certificate of approval for the proposed new Collection House Addition at the Tread of Pioneers Museum.

VIII. MOTION

Possible Motions

The Historic Preservation Commission recommends that the building located at 219 8th Street be rehabilitated for continued use as the Collection House and that the proposed new addition not be approved.

Or alternatively

The Historic Preservation Commission recommends approval of the pre-application for the new addition to the Tread of Pioneers Museum.

IX. ATTACHMENTS

Attachment 1: Cultural Resource Survey 5RT.2040

Attachment 2: Further Research [Owner History]

Attachment 3: Plans



**DEPARTMENT OF PLANNING AND COMMUNITY
DEVELOPMENT**

M E M O R A N D U M

DATE: September 15, 2011

TO: Steamboat Springs Planning Commission

FROM: Alexis Casale, Historic Preservation Planner

SUBJECT: HPC Review of the Pre-Application for demolition of the existing Collections House at the Tread of Pioneers Museum and the new construction of an addition to the museum

The Historic Preservation Commission reviewed the pre-application for the demolition of the existing eligible Collections House at the Tread of Pioneers Museum and the new construction of an addition to the museum at their regularly scheduled public meeting on September 14, 2011. Staff recommended that the Commission recommend the existing eligible structure be rehabilitated and that alternatives be considered for the demolition of the structure. There was discussion between the Commission and the applicant regarding the structural integrity and space of the existing collections house and if rehabilitation of the structure would meet the spatial needs and environmental control necessary for the museum's collection. The Commission voted to recommend approval of the pre-application project with the demolition- 3-1 vote. The discussion on the motion consisted of reference to the Museum's Board who it was believed must have thoroughly investigated all options for the re-use and rehabilitation of the existing eligible structure. The opposition to the motion stated that it is the Commission's responsibility to protect the historic resources of the community and that all alternatives to demolition should be further investigated, including the rehabilitation of the house and a possible storage unit offsite. The minutes from the meeting will soon be available for review.

DRAFT**Original Town of Steamboat Springs, Block 8 Lots 11 & 12 (Tread of Pioneers Museum) #PRE-11-02 A Pre-Application to demolish the existing collection storage building and construct a new collection building with a connection to the existing museum and process three (3) variances.**

Discussion on this agenda item started at approximately 7:25 p.m.

DISCLOSURE

Commissioner Meyer stepped down.

STAFF PRESENTATION

Seth Lorson –

(He explained what a pre-application is). We can discuss this, but there will be no vote. The proposed addition is 3,020 square feet and the demolition of the existing collection building. The collection building is eligible for the historic register and was heard by HPC on September 14, 2011. HPC approved demolition of the building. The proposed addition has 4 variances, which are a 5' front setback encroachment, a 5' side setback encroachment, an FAR in excess of the 0.50 with a total of 0.61, and a parking variance. A proposal with 4 variances would require a PUD process.

APPLICANT PRESENTATION

Eric Smith –

(He showed the exiting site plan). (He showed the existing collection house). (He showed the proposed addition site plan). (He showed the proposed addition floor plans). (He showed the proposed addition elevations). The Zimmerman House and the Collection house are proposed to be connected via a snow cat display building. (A photo of the Zimmerman House was shown with the wraparound deck). (He showed the proposed Tread of Pioneers Museum Collection Building Addition).

COMMISSIONER QUESTIONS

Commissioner Robbins –

On that front setback is that just due to where the location of the snow cat is going to be?

Eric Smith –

The snow cat is currently at 5' and we'll still keep it at 5', but turn it and align it so that we can bring the pedestrian sidewalk up to it.

Commissioner Robbins –

That's the only location that will be a 5' setback?

Eric Smith –

These will line up so we get a consistent façade from 8th St.

Commissioner Hanlen –

What's the current distance that we allow for front setback encroachments with front porches in CN?

September 22, 2011

DRAFT

Eric Smith –

There is some municipality to allow front porches to encourage those.

Commissioner Hanlen –

We do in RO.

Seth Lorson –

We don't have it for CN, but for RO it's 6'.

Commissioner Turek –

My children go to the private school next door at Lowell Whiteman and I don't know if that's a conflict.

Commissioner Robbins –

Do you feel that you can be fair and impartial?

Commissioner Turek –

Yes.

Commissioner Levy –

Aren't you going to be required to do some snow shedding mitigation in the alley?

Eric Smith –

We're proposing an asphalt shingle roof so it will retain the snow and given the 5' setback we won't shed any snow into the alley at all.

Commissioner Hanlen –

What's the pounds per square foot requirement for commercial storage?

Eric Smith –

100.

Commissioner Hanlen –

What would you estimate the existing floor rating to be?

Eric Smith –

10-20.

Commissioner Hanlen –

What sort of process would it take to increase the load rating by 10x?

Eric Smith –

(He explained that the current building is in such disrepair that it would be more expensive to repair than to build a new building).

Commissioner Hanlen –

The staff's sole concern the reutilization of the existing structure, but not necessarily with the proposed form?

DRAFT

Alexis Casale –

My staff report mainly looked at the 2 different aspects of it; 1st the demolition and then the addition; the demolition was of concern since it is an eligible structure. My staff report did find that the addition did meet the design standards for historic preservation.

Commissioner Hanlen –

When you review the project you're pushing for reutilization of a structure. We're given the freedom for maybe a 15% reduction in load rating off of it being an existing structure, which is still grossly inadequate to what would be required by the building code. Do you consider that as part of your review with being realistic to what the proposed use is and the ability for that structure to be adapted to that use?

Alexis Casale –

That was definitely considered. The historic structure assessment did say that this building could be rehabilitated.

Commissioner Hanlen –

Was your primary focus that the building was contextually historic or specifically historic?

Alexis Casale –

It's associated with the development of Steamboat Springs. It's significant for that. In it's context, yes, because that's part of our residential old town neighborhood. That was determined by our consultants that conducted a survey in 2003.

Seth Lorson –

The proposed building does meet the CN design standards. They brought the roof pitches down to reduce the massing and average plate height as well as the snow fences.

PUBLIC COMMENTS

None

FINAL STAFF COMMENTS

None

FINAL COMMISSIONER COMMENTS

Commissioner Hanlen –

The decision to do a pre-app, was that staff driven or was that a request by the applicant?

Eric Smith –

It was a request by the applicant. We were trying to get some initial feedback to see if we're heading in the right direction.

Commissioner Turek –

I support the decrease in the nonconformity on the alley. I think that it's great that they're increasing the site distance. It's a busy corridor for children. That's a fantastic change. Overall it's the best little warehouse in Steamboat.

DRAFT

Commissioner Brookshire –

I support the museum and what they do for the community and the town. If it was up to me if they build what they showed us tonight then I don't really need to see them again. It's a community deal. I think you have a bunch of volunteers that represent this group and don't want to do anything, but what's good for Steamboat.

Commissioner Robbins –

I don't have any problems with the pre-application. I think that structurally they have tried to keep it in tact the historical value of the previous structure and the connector with the snow cat will look good and overall be a pretty good addition to that whole area. I'm ok with the variance for the setbacks and the FAR.

Commissioner Hanlen –

I think that the mass and scale along the alley are very appropriate with how it relates to the RO zoning directly across the alley. My only concern is that by restricting the plate heights that the building might not be big enough to adequately house what they need to store in there. While it's good looking on the outside, is it going to be too small in the future?

Eric Smith –

We think that it will work.

Commissioner Hanlen –

Based off of that, while the FAR is in excess of the standard, the fact that they have all of the structures being residential in form as opposed to more commercial in form, I think that it fits into the existing context of the neighborhood very well. I would vote for it in its present form.

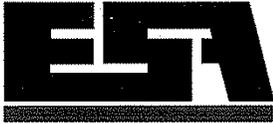
Commissioner Levy –

I agree with all of the comments. The only thing that I would like to see is the minutes from the meeting. I always find it unusual when a Commission overturns the staff recommendation. I think how that discussion went would be an important part in the review process. Other than that the setbacks and variances are fine.

RECOMMEND MOTION

Staff has no recommendation or conditions for this application as this is a Pre-Application.

Discussion on this agenda item ended at approximately 7:54 p.m.



August 4, 201

City of Steamboat Springs Financial Services
137 10th Street - PO Box 775088
Steamboat Springs, CO 80477

**RE: Tread of Pioneer Museum - Collection Building Addition
11013.01**

To Whom It May Concern,

We would like to respectfully request a fee waiver / reimbursement for the Tread of Pioneer Museum Collection Building Addition Pre-Application Review. We are making this request on behalf of the Tread of Pioneer Museum and it is due to the non-profit nature and community benefit this project represents.

Thank you for your consideration. If you have any questions on this request, please feel free to contact me.

Thank you,

A handwritten signature in black ink, appearing to read 'Eric Smith', is written over a horizontal line. The signature is fluid and cursive.

Eric Smith, President
ESA Architects

Agenda Item # 10

CITY COUNCIL COMMUNICATION FORM

FROM: Bob Keenan, Senior Planner (Ext 260)

THROUGH: Tyler Gibbs, AIA, Director of Planning Services (Ext. 244)
John Roberts, City Manager (228)

DATE: October 18, 2011

ITEM: Ptarmigan Inn Condos (Ptarmigan Redevelopment) #DPF-08-05

NEXT STEP: The applicant must receive approval of a Final Development Plan prior to apply for a building permit and starting construction.

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

PROJECT NAME: Ptarmigan Inn Condos (Ptarmigan Redevelopment) #DPF-08-05

PETITION: An application to approve a conceptual Development Plan for a 71 unit 256,097 square-foot multi-family building and associated improvements. Through this application the applicant is requesting approval of a Conditional Use to locate multi-family use along the pedestrian level or other public access frontage.

APPLICANT: Bruce Shugart, The Porches, c/o Eric Smith, Eric Smith Associates, 1919 7th Street, Boulder, CO 80302 (303) 442-5458

PC ACTION: On September 22nd, the Planning Commission recommended approval of the Development Plan with a vote of 5-1.

CITY COUNCIL COMMUNICATION FORM

Ptarmigan Inn Condos (Ptarmigan Redevelopment) #DPF-08-05

October 18, 2011

I. RECOMMENDED MOTION

On September 22, 2011, the Planning Commission made a recommendation for approval of the proposed conceptual Development Plan for the Ptarmigan redevelopment, #DPF-08-05, that includes 71 multi-family units within a 256,097 square-foot building and a Conditional Use approval for multi-family use along the pedestrian level is consistent with the required findings for approval with the following conditions:

1. Approval of a Development Plan shall be limited to those aspects and qualities expressly depicted in the submittal, either in words or graphics. Approvals of site design, access, and building design, including height and massing, are intended to define minimum and/or maximum acceptable limits and are subject to confirmation at Final Development Plan. Information including, but not limited to, grading and drainage, utilities, building fenestration, landscaping may be depicted and labeled as conceptual only and will be reviewed as such subject to approval at Final Development Plan.
2. Staff has identified building height over the allowable 105' maximum at the 8:12 pitch dormer towards the middle of the west elevation. Changes to the building height in this location must be made prior to approval of a Final Development Plan.
3. The north façade of the east wing does not comply with building massing standards as it does not provide for pedestrian scale articulation and must be further articulated prior to approval of a Final Development Plan approval
4. Compliance with the Base Area Design Standards for public amenities and contributions to URA shall be demonstrated prior to approval of a Final Development Plan.
5. Compliance with all other applicable standards not approved through the Conceptual Development Plan shall be demonstrated prior to approval of a Final Development Plan.
6. An approved Community Housing Plan shall be in place prior to approval of a building permit for the proposed development.
7. Vacation of all easements identified to facilitate the proposed development will be required prior to Grading/Excavation or Building Permit approval.
8. A final plat is required to remove all lot lines created by the condominium plat, to remove outlot lot lines, and show vacated and new easements prior to Grading/Excavation or Building Permit.
9. Public access easements and emergency access easements will be required for all sidewalk and trail areas prior to condominium platting or certificate of occupancy whichever comes first.
10. Prior to any work within the Burgess Creek floodplain a Floodplain Development Permit will be required.
11. No parking is allowed outside of the parking garage for compliance with Emergency Access requirements.

CITY COUNCIL COMMUNICATION FORM

Ptarmigan Inn Condos (Ptarmigan Redevelopment) #DPF-08-05

October 18, 2011

12. The developer shall pay a proportionate share of future traffic improvements as identified in the Base Area Master Traffic Study to be calculated and assigned at Final Development Plan.
13. The ROW Outlot for ingress and egress must be vacated prior to building permit for the proposed building.
14. The proposal depicts grading and utility work that is to be done on adjacent properties and a shared access easement. Approval from the owner of these properties and all parties that hold an interest in the easements must be provided to the City prior to building permit or grading and excavation permit.
15. No horizontal encroachments into easements or adjacent properties are permitted.
16. Documentation from a refuse management company that they will be able to serve the development as configured shall be given to the City prior to Final Development Plan approval.
17. Compliance with sustainable design requirements as listed in the Base Area Design Guidelines must be demonstrated prior to Certificate of Occupancy for the building.
18. Compliance with the snow retention and catchment requirements shall be demonstrated at time of Final Development Plan.
19. The sanitary sewer replacement design is unacceptable as proposed. Designing a manhole approaching 25-feet in depth creates a safety hazard for construction and maintenance workers. Coordinate separate meeting with Mount Werner Water to discuss other options.
20. Various existing sanitary sewer data is incorrect as shown. Revise as needed per separate meeting with Mount Werner Water.
21. Per the 2008 submittal we commented that the sanitary sewer main must be replaced with a 12" PVC. Revise all drawings accordingly.
22. More engineering information is required to determine feasibility, and ultimate approval, for the separation of the proposed storm sewer with the sanitary sewer. Mount Werner Water will not support any project that intends to vacate right-of-way or utility easements which ultimately limit the District's ability to maintain its water and sewer facilities.
23. Add adjacent property information to existing conditions plan, including existing easements on OSP property. Easements shown on OSP are incorrect.
24. Based on the 2008 submittal, Mount Werner Water notified the applicant that in order to provide reliable water supply to the development watermain looping will be required. The preliminary engineering associated with such revealed that looping would be very difficult and costly. In lieu of the above, and to meet the goal of water system reliability, Mount Werner Water and the developer agreed to upsize the watermain in Après Ski Way. Meetings were held with the developer, yet plans were never revised as the economy dampened the project schedule. Revise drawing to include this scope of work.
25. The amenity space as depicted on the parking level floor plan shall be designated for commercial use only. Furthermore, upon condominium subdivision this space shall be designated as a limited common element as to not limit the potential of this space being used as commercial.
26. A staircase shall be added that provides direct access to the northwest lobby level.

CITY COUNCIL COMMUNICATION FORM

Ptarmigan Inn Condos (Ptarmigan Redevelopment) #DPF-08-05

October 18, 2011

II. PLANNING COMMISSION DISCUSSION

Commissioner discussion on the proposal was quite extensive and included the following topics:

- **Conditional Use** - G-2 zone district requires that there be mix of uses and that ground floor level uses (pedestrian frontages) be commercial. The applicant proposed no commercial uses at these locations. The Planning Commission discussed and then recommended a conditional of approval that requires the lower level amenity space adjacent to the proposed promenade extension to be commercial. *See condition #25*
- **Pedestrian Circulation** – The Planning Commission discussed the conceptual pedestrian circulation and recommended a new condition of approval that requires public pedestrian circulation up to the lobby level at the northwest corner of the proposed building. *See condition #26*
- **Building Mass and Scale** – There was discussion regarding how the proposed building meets the Base Area Design Standards in regards to “Development Transitions” how the building steps down to address existing developments. There was also discussion on whether the proposed building provides the necessary step backs of building mass to provide articulation and modulation to south façade. There was no condition of approval to address these concerns and no further action was taken by the Planning Commission.
- **Conceptual Development Plan** – There were some questions as to what exactly is being approved through the conceptual Development Plan. Staff answered these questions by stating that this approval is for the conceptual site planning, pedestrian connectivity, building mass, building scale, variances (although none are proposed through this application) and building height. At the time of Final Development Plan the applicant must demonstrate compliance with all remaining requirements that were not specifically varied through the conceptual Development Plan process.

Please see the attached meeting minutes for more information.

III. PUBLIC COMMENT

There was one member of the public that spoke in opposition of the project citing the following issues: lack of information provided by the applicant to adequately review the proposal, potential drainage concerns, proposed building being too tall and massive, and concerns regarding ski easement and access drive maintenance during construction.

CITY COUNCIL COMMUNICATION FORM

Ptarmigan Inn Condos (Ptarmigan Redevelopment) #DPF-08-05

October 18, 2011

There was also a significant amount of public comment that came in via letter and email prior to the public hearing that is included as an attachment to this document.

Please see attached meeting minutes for more detail.

IV. NEW INFORMATION

There is no new information at this time.

V. LIST OF ATTACHMENTS

Attachment 1 – September 22, 2011 Planning Commission Report

Attachment 2 – September 22, 2011 Planning Commission Draft Minutes

Attachment 3 - Public Comment Letters



PLANNING SERVICES STAFF REPORT

PLANNING COMMISSION AGENDA ITEM # 2:	
Project Name:	Ptarmigan Inn Condos (Ptarmigan Redevelopment) #DPF-08-05
Prepared By:	Bob Keenan, Senior Planner (Ext. 260)
Through:	Tyler Gibbs, AIA, Planning Director (Ext. 244)
Planning Commission (PC):	September 22, 2011
City Council (CC):	October 18, 2011
Zoning:	Gondola Two (G-2)
Applicant:	Bruce Shugart, The Porches, c/o Eric Smith, Eric Smith Associates, 1919 7 th Street, Boulder, CO 80302 (303) 442-5458
Location:	2304 Après Ski Way
Request:	An application to approve a <u>Conceptual Development Plan</u> for a 72 unit 256,097 square-foot multi-family building and associated improvements. Through this application the applicant is requesting approval of a Conditional Use to locate multi-family use along the pedestrian level or other public access frontage.

Development Statistics – Overview G-2 Zone	
Lot Area:	56,192 square feet
Gross Floor Area:	256,097 square feet
Lot Coverage:	0.50
Residential Units:	71
Parking Spaces:	65
Commercial Space	None
Overall Height	105'

Staff Report - Table of Contents		
Section		Pg
I.	CDC –Staff Analysis Summary	2-2
II.	Background	2-3
III	Principal Discussion	2-3
IV	Project Description	2-4
V	Overview of Dimensional & Development Standards	2-5
VI	Project Analysis	2-6
VII	Staff Findings & Conditions	2-17
VIII	Attachments	2-19

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

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:

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: Staff finds that the proposed Conceptual Development Plan for a multi-family building and associated site planning is consistent with the criteria for approval of a Development Plan with conditions.

(Detailed policy analysis is located in Section V; Staff Findings and Conditions are in Section VII)



II. BACKGROUND

The proposed Ptarmigan Redevelopment 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 1.29 acre parcel that includes the existing Ptarmigan Inn that is to be demolished to make way for construction of the proposed project.

The applicant originally submitted a Development Plan/Final Development Plan application to the City of Steamboat Springs in 2008 but did not complete the process due to a variety of reasons. The current proposal is based on the previous submittal but is being processed through a new “trial” process known as the “Conceptual Development Plan”. The intent of the Conceptual Development Plan is to provide conceptual approval of site planning and building massing without a significant initial investment by the applicant. Once the applicant receives conceptual approval of a Development Plan then final engineering, site planning, and architectural review will be required at the time of Final Development Plan.

The Conceptual Development Plan is further described by the following statement:

“Approval of a Development Plan shall be limited to those aspects and qualities expressly depicted in the submittal, either in words or graphics. Approvals of site design, access, and building design, including height and massing, are intended to define minimum and/or maximum acceptable limits and are subject to confirmation at Final Development Plan. Information including, but not limited to, grading and drainage, utilities, building fenestration, landscaping may be depicted and labeled as conceptual only and will be reviewed as such subject to approval at Final Development Plan.”

III. PRINCIPAL DISCUSSION ITEMS

Principal discussion items recommended to Planning Commission include:

1. Compliance with the Mountain Base Area Design Standards- Staff finds that the proposed building and site planning meets all the applicable requirements of the Base Area Design Standards for a Conceptual Development Plan except for one area. Planning Staff finds that the applicant needs to make building articulation modifications to the north façade of the east wing to provide pedestrian scale adjacent to the ski slopes. This is in reference to the Section III.(A)(2)(b)(2):“Stepping Back of Building Mass” standard.
See Section VI for detailed analysis of compliance with the Base Area Design Standards.
2. Use - Conditional Use approval of multi-family use along the pedestrian level. Multi-family use in the G-2 zone district is classified in the CDC as a “Use with Criteria” and one of the criteria states that “multi-family units shall not be located along a pedestrian level or other public access frontage in the G-2 zone”. Where the use criteria cannot be met the applicant may request approval of a Conditional Use

through a Development Plan. The applicant has requested to locate a multi-family use along the pedestrian level. See Section IV for detailed analysis.

3. Building Height - Height, Base Area is defined as follows: “Applicable only for zone districts resort residential one (RR-1), resort residential two (RR-2), Gondola one (G-1), and Gondola two (G-2). Any point on the structure, measured vertically plumb, to the nearest adjacent proposed grade as determined through the development review process (if applicable). The greatest of these measurements is the overall building height. Should a point on a building be equidistant to adjacent grade the lower of the two (2) grades shall be used to determine height.”

Planning Staff has made a determination that the height for ridge 2.2 as shown on the north elevation can be measured, as depicted by the applicant, from that ridge to the interior courtyard grade. The elevation of that courtyard grade matches proposed grade at the entrance to the courtyard (along the ski area) and, therefore, appears as an extension of natural grade. If there were no parking garage below the courtyard staff believes that the applicant would have a finished grade in this area very similar to what exists. Staff finds that this interpretation meets the intent of the building height standard.

The dormer in the middle of the west elevation has been determined to not meet the allowable maximum height. Planning Staff has included a condition of approval that the applicant must make changes to this elevation to comply with maximum height requirements.

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:

The applicant is proposing approval of a 256,097 square-feet, 71 unit multi-family building with underground parking, and indoor and outdoor amenity space. The site planning for this development includes pedestrian connections to Après Ski Way, the newly constructed Promenade, the not yet built soft surface Little Promenade, and improvements to the existing ski easement that is located on the east side of the property. All pedestrian areas are proposed to be completed in accordance with the Base Area Pattern Book.

Ski Times Square Use and Area Table

USE	SQUARE FOOTAGE	# OF UNITS
Whole and/or Fractional Ownership Condominiums	174,575	71

Total Residential	174,575	71
Building Services (circulation, mechanicals)	24,366	
Commercial Space	None	0
Interior Amenities	11,729	
Parking/Driving	29,954	65 spaces
Miscellaneous	15,473	
Project Total	256,097	

Conditional Uses

The applicant is requesting approval of a Conditional Use with this application to allow a multi-family use along the pedestrian frontage. The Community Development Code, through Permitted Use Table, encourages developments within the G-2 zone district to provide retail or entertainment type uses along the pedestrian frontages to help add vitality to the base area.

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.

Staff is supportive of the applicants request as there may be insufficient demand for nonresidential uses in these areas. Forcing unmarketable retail to be located within this development may be detrimental to the development and the base area as a whole.

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	1.29 acres	Yes
Lot Coverage	0.65	No min	0.50	Yes
Building Height	OH – 105 ft.	No Min.	105’	Yes, w/condition of approval.
Setbacks				
Front/Back/Side		Per Mtn Town Sub-area Plan req. to provide public gathering space/ped. corridor	Varies	Yes
Parking	No Max	36 spaces	65	Yes
Open Space	No Max	15%	>15%	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 Ptarmigan redevelopment project complies with and substantially implements the listed policies from the Steamboat Springs Area Community Plan. Below is a listed of the policies that support the proposed project.

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-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.

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 residential use is consistent with the surrounding resort development. The development surrounding the subject lot is as follows: to the east is Chateaux Chamonix condos, to the south is Ptarmigan House condos and Ironwood Condos, to the west is One Steamboat Place, and to the north is the ski area slopes.

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

Staff Analysis: **Consistent;** It is not anticipated that the project will have any adverse impacts to surrounding properties or uses. The building has been designed to step down in height towards the Chateaux Chamonix building and is setback at least 65' from the closest buildings

to the south. Visual impacts have been mitigated through varied use of materials, step-backs in building mass, and changes to roof pitch and roof height.

CDC – Section 26-65 (d)(4) Access

Staff Analysis: **Consistent;** Access is provided by a shared access easement between Ptarmigan Inn and Ptarmigan House from Après Ski Way. This access will also include a six foot sidewalk. The access is also adequate for deliveries to the building and trash/recycling truck access.

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. The applicant is required to comply with the City’s water quality drainage requirements and construction site management to minimize any adverse impacts.

CDC – Section 26-65 (d)(6) Phasing

Staff Analysis: **Consistent;** The applicant is proposing that this project be completed within one phase.

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

Staff Analysis: **Consistent;** Due to the limited level of detail provided under the Conceptual Development Plan review process, the proposal demonstrates that there are not obvious fatal flaws when it comes to compliance with all applicable standards of the CDC. The applicant will be required to show compliance with all applicable standards at the time of Final Development Plan.

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 Ptarmigan redevelopment as proposed provides the level of density anticipated for the G-2 zone district. The proposal provides much needed pedestrian connections through and to the site. With approval of the conditional use for multi-family use along pedestrian level, through this application, will not be providing a multi-use building or ground level retail.

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 proposed building, through compliance with the Base Area Design Standards, will be compatible with the visual character of the area and will not contradict its surroundings.

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

Staff Analysis: **Consistent w/condition of approval;** The Ptarmigan redevelopment, although considerably larger than its predecessor, is designed with appropriate step backs in buildings mass and stepping down to a pedestrian scale along pedestrian frontages. Planning Staff has identified that the north façade of the east wing does not provide for pedestrian scale and must be further articulated prior to Final Development Plan approval. See standard below and condition of approval within staff’s recommended motion.

C) MOUNTAIN BASE AREA DESIGN STANDARDS

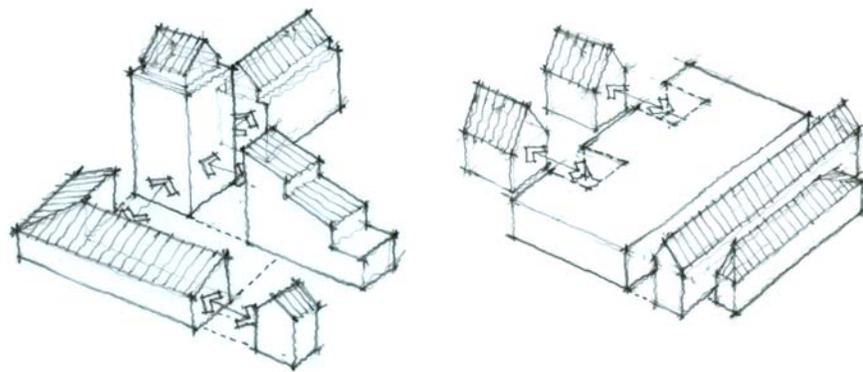
D)

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 proposed building's unique horseshoe shape helps provide the appearance that the building is comprised of an arrangement of smaller-scale connected structures. This is particularly so when viewed from the ski area.

(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) Provide modulation and articulation of large expansive walls;
 - (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 all of the above standards with the condition of approval mentioned above. Staff finds that the building successfully breaks-up large expansive walls with modulation and articulation. The building, through use of change in materials, fenestration, and arcade-like features provides for a human scale along pedestrian areas. These features also provide a transition from pedestrian scale to large scale except along the east wing of the north elevation. Staff finds that this part of the building requires more articulation to meet the standard. A condition of approval has been added to the recommended motion to address this issue.

- (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) The intent of these standards is not to create a "wedding cake" form; however, multiple step backs, or variations in building massing and height in order to meet the objectives stated in standard a., above.

Staff Comments: Staff finds that the proposed building massing complies with the general intent of the step back requirements. The south elevation includes a pedestrian level step back and then another step back at fifth story which is slightly higher than the recommended 45' but is found to be consistent with the intent that they "generally" be located between 12' and 45' above grade. All other elevations provide required step backs that meet the intent of the standard.

(3) Prominent Entry Features

(a) Primary building entrances shall be clearly distinguished through the use of two or more of the following architectural features:

- (i) Covered walkways or arcades;
- (ii) Awnings, canopies, or porches;
- (iii) Portal frame composed of an articulated post-and-beam opening;
- (iv) Projected or recessed building mass; or
- (v) Special window or door elements.

(b)

At least one major entrance and a related public interior space for each building shall be related to the Mountain Base Area's system of pedestrian walkways and public plazas through the use of the above architectural features.

Staff Comments: The primary building entrance is clearly distinguishable and at least 4 of the 5 above listed architectural features. The proposed building provides one main entrance. Further analysis of this standard will occur at time of Final Development Plan.

(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.

(5) Service Areas

- (a) Service areas shall be located away from primary pedestrian walkways and public plazas to the maximum extent practicable, to limit the interruption of the pedestrian environment.

Staff Comments: The projects service areas are located interior to the building and only garage door openings will be visible to the public and these are located away from primary pedestrian areas.

3 b) Relationship to Surrounding Development Design Standards

(1) Four-sided design

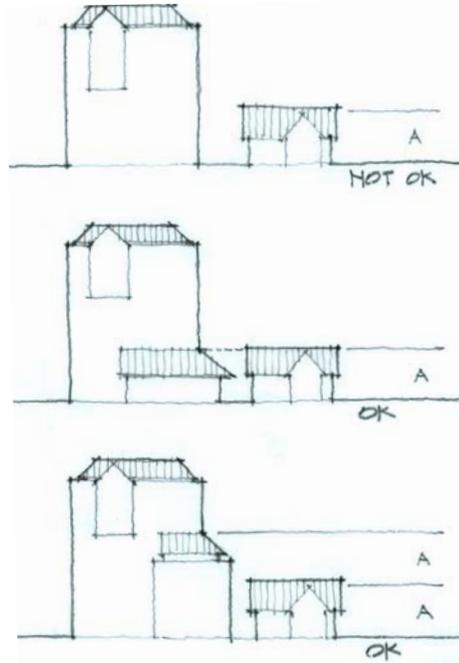
- (a) All building facades shall be designed with a similar level of design detail. Blank walls shall not be permitted.
- (b) Exceptions from the above standard may be granted for those areas of the building envelope that the applicant can demonstrate are not visible from adjacent development and public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

Staff Comments: Final architecture is not approved through this type of application but the applicant's drawings do depict a building with four sided architecture and without blank walls. Compliance with this standard will be further evaluated at the time of Final Development Plan.

(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 Chateaux Chamonix, Ironwood, and Ptarmigan House developments through the use of graduating building height, pedestrian arcades, and through the stepping back of building mass. Compliance with this standard will be further evaluated at the time of Final Development Plan.

(3) Shade and Shadow

(a) To facilitate the safe and enjoyable use of primary public pedestrian spaces in the Mountain Base Area, to the maximum extent practicable, steps shall be taken to minimize shadowing from new development on these spaces.

(b) Any new development or significant additions to existing developments adjacent to major public open spaces (as identified by the Mountain Town Sub-Area Plan Update) shall be required to perform a sun/shadow study of the effects of the development on these spaces from autumn through spring (Sept 21-March 21)

Staff Comments: Pedestrian areas for the proposed development will be located along south and west sides of the building where there will be few late day shade and shadow impacts. It appears that the proposed Ptarmigan building will not cast any shade or shadows along the Promenade in the afternoon or evening hours. The proposed building will cast additional shadow onto the adjoining ski

hill and late day shadows onto the Chateaux Chamonix property. This is expected given the allowed 105' height maximum in the G-2 zone district.

5 b) Sustainable Design – Standards

(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.
- Any other nationally recognized and accepted program that is equal to or greater than the above listed programs in terms of sustainable qualities.

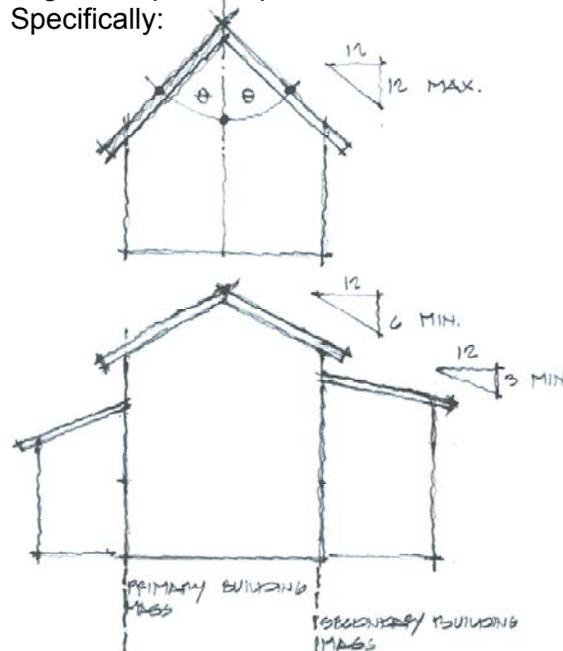
Staff Comments: Compliance with this requirement cannot be demonstrated until the building is complete. Compliance with this requirement has been added as a condition of approval.

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 and 8:12 with smaller shed roofs at 3:12 and 12:12.

- (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 applicant has provided a conceptual pedestrian plan that shows connections to adjacent properties and pedestrian sidewalks and pathways. It appears that the proposal will comply with this standard. Further analysis of compliance with this standards will be done at Final Development Plan.

4 b) Public Spaces/Community Amenities

(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: Compliance with this standard will be demonstrated by the applicant and reviewed by staff at the time of Final Development Plan.

(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: Compliance with this standard will be demonstrated by the

applicant and reviewed by staff at the time of Final Development Plan.

(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: Compliance with this standard will be demonstrated by the applicant and reviewed by staff at the time of Final Development Plan.

VII. STAFF FINDING & CONDITIONS

Finding

The Conceptual Development Plan for the Ptarmigan redevelopment, #DPF-08-05, that includes 71 multi-family units within a 256,097 square-foot building and a Conditional Use approval for multi-family use along the pedestrian level is consistent with the required findings for approval with the following conditions:

1. Approval of a Development Plan shall be limited to those aspects and qualities expressly depicted in the submittal, either in words or graphics. Approvals of site design, access, and building design, including height and massing, are intended to define minimum and/or maximum acceptable limits and are subject to confirmation at Final Development Plan. Information including, but not limited to, grading and drainage, utilities, building fenestration, landscaping may be depicted and labeled as conceptual only and will be reviewed as such subject to approval at Final Development Plan.
2. Staff has identified building height over the allowable 105' maximum at the 8:12 pitch dormer towards the middle of the west elevation. Changes to the building height in this location must be made prior to approval of a Final Development Plan.
3. The north façade of the east wing does not comply with building massing standards as it does not provide for pedestrian scale articulation and must be further articulated prior to approval of a Final Development Plan approval
4. Compliance with the Base Area Design Standards for public amenities and contributions to URA shall be demonstrated prior to approval of a Final Development Plan.
5. Compliance with all other applicable standards not approved through the Conceptual Development Plan shall be demonstrated prior to approval of a Final Development Plan.
6. An approved Community Housing Plan shall be in place prior to approval of a building permit for the proposed development.
7. Vacation of all easements identified to facilitate the proposed development will be required prior to Grading/Excavation or Building Permit approval.
8. A final plat is required to remove all lot lines created by the condominium plat, to remove outlot lot lines, and show vacated and new easements prior to Grading/Excavation or Building Permit.

9. Public access easements and emergency access easements will be required for all sidewalk and trail areas prior to condominium platting or certificate of occupancy whichever comes first.
10. Prior to any work within the Burgess Creek floodplain a Floodplain Development Permit will be required.
11. No parking is allowed outside of the parking garage for compliance with Emergency Access requirements.
12. The developer shall pay a proportionate share of future traffic improvements as identified in the Base Area Master Traffic Study to be calculated and assigned at Final Development Plan.
13. The ROW Outlot for ingress and egress must be vacated prior to building permit for the proposed building.
14. The proposal depicts grading and utility work that is to be done on adjacent properties and a shared access easement. Approval from the owner of these properties and all parties that hold an interest in the easements must be provided to the City prior to building permit or grading and excavation permit.
15. No horizontal encroachments into easements or adjacent properties are permitted.
16. Documentation from a refuse management company that they will be able to serve the development as configured shall be given to the City prior to Final Development Plan approval.
17. Compliance with sustainable design requirements as listed in the Base Area Design Guidelines must be demonstrated prior to Certificate of Occupancy for the building.
18. Compliance with the snow retention and catchment requirements shall be demonstrated at time of Final Development Plan.
19. The sanitary sewer replacement design is unacceptable as proposed. Designing a manhole approaching 25-feet in depth creates a safety hazard for construction and maintenance workers. Coordinate separate meeting with Mount Werner Water to discuss other options.
20. Various existing sanitary sewer data is incorrect as shown. Revise as needed per separate meeting with Mount Werner Water.
21. Per the 2008 submittal we commented that the sanitary sewer main must be replaced with a 12" PVC. Revise all drawings accordingly.
22. More engineering information is required to determine feasibility, and ultimate approval, for the separation of the proposed storm sewer with the sanitary sewer. Mount Werner Water will not support any project that intends to vacate right-of-way or utility easements which ultimately limit the District's ability to maintain its water and sewer facilities.
23. Add adjacent property information to existing conditions plan, including existing easements on OSP property. Easements shown on OSP are incorrect.
24. Based on the 2008 submittal, Mount Werner Water notified the applicant that in order to provide reliable water supply to the development watermain looping will be required. The preliminary engineering associated with such revealed that looping would be very difficult and costly. In lieu of the above, and to meet the goal of water system reliability, Mount Werner Water and the developer agreed to upsize the

watermain in Après Ski Way. Meetings were held with the developer, yet plans were never revised as the economy dampened the project schedule. Revise drawing to include this scope of work.

VIII. ATTACHMENTS

Attachment 1 – Project narrative

Attachment 2 – Project Packet



Ptarmigan Inn

Development Plan Submittal Project Narrative May 22, 2011 Revised September 8, 2011

Table of Contents

I. Introduction

Project Background
Applicant Contact Information
Property Description

II. Project Description

Project Summary
Project Public Benefit
Site Design
Building Design
Overall Floor Plan Description
Utilities
Grading, Drainage and Water Quality
Floodplain and Wetlands Analysis
Traffic Impact Study

III. Conclusion



I. Introduction

Project Background

On October 30, 2006, Ptarmigan Inn, LLC acquired The Ptarmigan Inn Best Western property at the base of the Steamboat Ski Area.

In July of 2007, The Ptarmigan Inn Team submitted the pre-application for the Ptarmigan Inn Redevelopment to the planning department. The client and design team have met extensively with planning staff to respond to TAC comments generated from the pre-app and to ensure that the planning staffs needs and desires were inclusive throughout the design process. The client and design team also met extensively with the property neighbors to introduce and explain the proposal. These meetings allowed the neighbors to voice their concerns and for the design team to respond and incorporate these concerns.

Based on TAC feedback the project team has elected to resubmit a Development Plan application for the Ptarmigan project.

Applicant Contact Information

Bruce Shugart
The Porches
2024 Indian Summer Drive
Steamboat Springs, CO 80487
P - (970) 945-0147

Property Description

Neighborhood Context

The new Ptarmigan Inn is located on the south side of the Steamboat Springs ski slope immediately adjacent to the Gondola Terminal in the Base Village. Superior Architectural design is the driving force to make this unique premium location the most inspiring and outstanding design for the World Class Resort of Steamboat Springs.



The neighbors to the Ptarmigan Inn include The Steamboat Springs Ski and Resort Area to the North, Chateau Chamonix to the East, The Ptarmigan House and Ironwood Condominiums to the South and Dulany Condominiums to the Southeast. To the west is the new project One Steamboat Place. Burgess Creek flows to the west of the property in a manmade channel in between the Ptarmigan Inn and One Steamboat Place. Additional complexes within the neighborhood are The Phoenix, Sunflower, The Highmark Condos, La Casa, Ski Trail Condos, Ski Inn Condos and Edgemont.

Site Description

Location - The Ptarmigan Inn is located on Lot 6, Block 2, Ski Trail Subdivision Filing No. 3 and an Outlot of Ski Trail Subdivision Filing No. 3. In general, the site lies between 6,890 feet and 6,922 feet on the NAVD29 datum. The site's access drive is located off of Après Ski Way in between the Ironwood Condominiums and the Ptarmigan House. The drive is shared with The Ptarmigan House.

Size - The lot size is 1.29 acres

Existing Use – Currently, the site is fully developed, housing the Ptarmigan Inn Best Western hotel built in 1968 with an addition in 1978. The hotel has 77 units and an unknown number of surface parking stalls.

Zoning – The current zoning for the lot is G2. The adjacent properties on the ski slope except for the Ptarmigan Inn lot are zoned either G2 or RR2.

Guiding Plans and Regulations

- Steamboat Springs Community Development Code
2008 Community Housing Regulations
- Steamboat Springs Area Community Plan
- 2005 Base Area Design Standards
- 2005 Mountain Town Sub-Area Plan Update (Base Area Plan)
- 2009 IBC

II. Project Description

Project Summary



The Ptarmigan Inn is a unique and exciting full service condominium building with amenities at the base of Steamboat Springs Resort. The building is designed to activate the base of the ski slope with its lively facades, alpine landscaping, amenity decks and improved skier, hiker and cyclist connections. The project proposes to improve the existing mountain access path on the east side to Après Ski Way with better grading, new landscaping, and removal of an existing retaining wall. On the southwest corner, the project proposes to create a fire pit with alpine landscaping and site furnishings.

The project includes approximately 71 whole and/or fractional ownership units at a net 174,575 sellable square feet.

Use	Square Feet	Units
Residential – Fractional/Whole Ownership	174,575	71
Indoor Amenity Space (per CDC definition)	11,729	
Building Services (e.g., circulation, mechanicals)	24,366	
Parking / Driving	29,954	65 parking spaces (60 underground and 5 temporary)
TOTAL	256,097	

Project Public Benefits Proposed

Improved All Season Mountain Access – The existing ski back trail on the east side of the property will be improved with the removal of an existing retaining wall, regrading of the slope and new alpine landscaping. The design team proposes to continue this improvement along Ptarmigan House to Après Ski Way. The new trail will be a beautiful new all season mountain connection for the neighborhood, and will include public seating and lighting.

Pedestrian Plaza – A 24’ wide paved and snow-melted pedestrian plaza will replace the existing parking on the south side. This pedestrian plaza includes landscaping, public lighting, public benches and public directional signage to accommodate connections to the Promenade and ski slope.

Fire Pit – A fire pit with seating will be located at the southwest corner of the site.

Hot Beds – The Ptarmigan Inn will provide a convenient and dedicated property management group for owners. This will provide the owners with an easy option to



place their units into a rental service for the convenience of short term visitors to the Steamboat Springs Resort.

Site Design

Overall Site Design Intent

The Ptarmigan site is on located the current Ptarmigan Inn Best Western site and is accessible only via an access road connected to Aprés Ski Way. One of the goals developing the site was to minimize the impact of vehicular circulation and on grade parking as well as to improve pedestrian circulation through and around the site. A subsurface parking garage partially rises out of the ground forming a stone veneered base for the building structure to bear on. The base of the proposed building is eroded away on the west side of the structure in effort to create public trail system with close proximity to the Base Area Promenade.

The building plan configuration was developed to provide every unit a view of the ski slope as well as to define positive outdoor space adjacent to the ski hill. The building mass steps back from the base along the north, west and east sides providing opportunities to develop outdoor landscaped terraced areas. Stepping back the building also reduces the perceived mass of the structure along the north, west and east boundaries of the site.

In the summer of 2007, the ski company performed grading on the ski slope that impacted the northwest corner of our site by raising the grade 6 to 8 feet. The grading put the corner of the existing building into a hole. The impact on the proposed design was to raise certain programmatic elements up to the level of the new grades and create contours that match the ski slope.

Open Space, Community Uses and Pedestrian Circulation Narrative

The Site Design enhances the existing public skier and pedestrian corridors and creates a unique iconic connection to the Base Area Promenade.

Along the east side of the property, an existing ski/hike access trail will be enhanced with the removal of a retaining wall, improved grading and alpine landscaping. In working with the Ptarmigan House HOA, we propose that the improvement of this soft path mountain connection extend to Aprés Ski Way to the benefit of the residents to the south.



Along the west side of the property, the pedestrian experience will be enhanced with a gently sloped hardscape connection to the mountain that includes alpine landscape plantings and public seating and lighting

The south edge will become a unique connection for the public with the removal of an existing 6' fence and the addition of a community park which will be a mix of hardscape plaza and softscape plantings.

For Open Space, the building design and site design create multiple uniquely identifiable locations. Amenity deck plazas are incorporated over the underground parking garage along the east, west and north sides of the building. The west side integrates a pedestrian walkway with areas for the public to sit, relax and overlook the pond and Burgess Creek in summer or passing skiers in winter. The east side of the site is a softscape public mountain access pathway with alpine flowers, shrubs and trees, as well as an all season paved sidewalk. On the south side is a community park, a combination hardscape plaza and alpine plantings that serves as place for the neighborhood residents to meet prior to a walk into the Base Area for shopping and dining. The calculation for open space is 17.8% . The city code requirement is a minimum of 15%.

Snow Management Plan

The Snow Management Plan is a result of Public convenience and needs. The design of our site serves as a hub for neighborhood residents to access the Base Area by foot. In order to maintain this access, the south entry drive and the west hardscape pathway will have a snowmelt system. We also propose to work with the Ironwood and Ptarmigan House HOAs to create a snowmelt system for the drive to Après Ski Way.

Emergency Access

Emergency Service Vehicles can access the building through the site's access drive located off Après Ski Way. The proposed drive to the south of the building has been designed to accommodate the turning movements and needs of a Steamboat Springs fire truck. Foot access to the northerly ski slope is provided at the southwest and southeast corner of site via pathways and the proposed amenity decks. In order to maintain required hose length distances, three building mounted wet fire hose connections are proposed. A looped system supplied off of the main water supply maintains water pressure to these



connections. The linear distance from these connections and the engine staging areas to the building is designed to be less than 150'.

Additionally, the One Steamboat Place and the promenade were designed for fire access to the base of the mountain. The access can be utilized as a secondary route to the Ptarmigan Inn.

Additional Life Safety Improvements

- NFPA 13 Fire Suppression System
- Type I-B High Rise Construction
- Non-Combustible Construction
- Internal Standpipes in the Stairwells

Circulation of Services and Deliveries

Circulation of services and deliveries is readily achieved from Après Ski Way along the drive to the south of the building. Valet services will be from the porte-cochere at the entry lobby. Trash is located in the building and accessible from the south drive area.

Parking

Parking for residential uses is in the lower Garage Level which provides sixty stalls. Five additional short term stalls are provided on the Lobby Level. Guest arrival can park temporarily for unloading purpose either at the Porte Cochere or within the First Level short term stalls. Per the CDC, the parking requirement of underground structured parking is .5 stalls per unit. The design is for approximately 71 units and the parking provided is 65 stalls.

Building Design

The overarching design goal is to create Superior Architecture that is appropriately iconographic to the World Class Resort of Steamboat Springs: a place of full service amenities, high quality material, unique timber-looking details, interior spaces that spill onto large livable decks, and a place with a sense of living that strongly connects with Steamboat Springs.



The building mass is perceived as two buildings that join together with a third. Two wings (one on the east and one on the west) extend out to the north toward the ski hill and are connected back to a third main structure at the south.

The building structure is founded on a stone veneered plinth that is exposed on the north, east and west side of the site. The plinth's primary purpose is to create a human scale transition to the overall building. A pedestrian's primary interface with the building is the plinth so great care has been taken to articulate the plinth with human scaled elements such as stone, heavy timbers, window/door openings, lighting and landscaping. The building structure is further setback from the face of the plinth to reduce the perceived mass of the building structure above. The setback areas along the east and west sides are envisioned to be developed into landscaped terraces for the Ptarmigan residences.

The east and west building wings of the structure define a central amenity plaza that opens up to the ski slope to the north. The central amenity plaza is envisioned to be developed with landscaping, a pool, hot tub and potentially a community fire pit.

The design of the building massing and use of materials was inspired by adjacent ranching and mining vernacular. Veneer stone is the predominant material at the base of the building while the upper floors are a mix of lap, board and batten and shingle siding with some accent elements wrapped with flat seamed metal wall panels. Exposed heavy timber post and beam construction are typically founded on stone veneer column bases and are inspired by historic ranching and mining vernacular. Timber connection details are envisioned to be highly articulated which will provide additional human scaled elements as well as authenticity to the architecture. Balcony railings will be a well designed mix of metal and timber. The main roof is an architectural grade asphalt shingle while secondary and accent roofs are a mix of accent colored asphalt and metal roofing. The overall color palette will be rich earth-tone colors that accent the natural colors inherent in the stone. Timbers will have a natural stain that will allow them to have the well weathered wood finish of the ranching and homesteading vernacular.

Overall Floor Plan Description

The lowest level of the building is a sub-grade parking garage that contains 60 parking stalls. Also located on the garage level are all the necessary mechanical and electrical spaces, pool equipment room, trash room and elevator control rooms. Amenity spaces are located here and look out to Burgess Creek. Likewise, these amenity spaces activate the pedestrian pathway along the west side leading to the ski slope with



human connections in lieu of an exposed garage. These spaces will be designed for future retail uses should this market become feasible in the future.

The main level serves as the primary building arrival level with the porte-cochere and lobby in the middle off the main drive from Après Ski Way. Also serving as guest arrival, at the southeast corner of this level is the garage entry that leads to short term parking on this level and to the ramp to descend down to the garage level. The east and northeast corner of this level are under grade so these edges serve to accommodate the ramp down to the garage level. In the east wing of the main level is an amenity space that opens onto the pool deck in the center of the building. The west wing has another amenity space at the northwest corner with commanding views of and easy access to the ski slopes. This amenity, with its plaza deck, will be vital in activating the ambiance and character of the ski base. Additionally the west side has several residential units that each walk out either to the west amenity deck overlooking Burgess Creek, the pool amenity deck or onto the community park on the southwest corner of the site.

The upper levels are solely residential in program with accessory uses such as mechanical and electrical spaces, elevator lobbies, laundry room and trash rooms. Due to the stepped designed of the building, the unit count changes with practically every floor.

Utilities

This project falls under the jurisdiction of the Mount Werner Water and Sanitary District. Based on the attached fire flow availability and demand work sheets there is adequate capacity in the existing water and sanitary sewer mains in Apres Ski Way to provide service to the planned redevelopment without upgrades to the existing mains.

The existing Ptarmigan Inn building uses a 6" Ductile Iron Pipe (DIP) water service line which runs through the site's access drive from the 8" DIP water main located in Apres Ski Way. With the building's redevelopment, this service line will be removed and replaced with 8" DIP water main. Water services to the building will be provided off the proposed 8" DIP. A new fire hydrant is proposed at the northeastern corner of the Ironwood Development to provide fire service vehicles with direct access to the southern portion of the proposed building.

The existing sewer main, a combination 8" Truss and 8" Vitrified Clay Pipe (VCP), runs east to west through the Ptarmigan Inn's parking lot. In order to accommodate the proposed building and storm sewer infrastructure, this sewer main will be removed and replaced with an 8" Polyvinyl Chloride (PVC) main. Sanitary sewer services should be



able to provide gravity service to all levels of the project except the parking garage which will be pumped. The parking garage drains will be connected to a sand/oil separator which will be pumped to the sanitary sewer systems.

Dry utilities, including electric, gas, cable, and telephone, provide service to the existing Ptarmigan Inn building. Relocation of the dry utilities mains and services and new service locations will be coordinated with the appropriate agencies.

Grading, Drainage and Water Quality

The Ptarmigan Inn site will be graded to maintain a connection to adjacent properties with special consideration for pedestrian and skier access. To the east and west of the site, grades will be constructed so that ski-in/ski out access will be maintained in the winter months and to provide easy access for hikers and bikers during the summer months. In general, site grading has been designed to efficiently convey stormwater away from buildings and paved surfaces and direct it into swales, gutter pans, storm sewers, and culverts.

Generally, the site's proposed grading allows runoff to flow east to west with runoff discharging into Burgess Creek. Historically, offsite flow travels underneath the Ptarmigan Inn property through an existing 18" Corrugated Metal Pipe (CMP). While the outlet of this 18" CMP could not be found, it likely ties into the existing 78" CMP constructed as part of the Steamboat Springs Base Area Redevelopment project. LCI determined that the 18" CMP is undersized, as part of the Ptarmigan Inn Redevelopment this culvert will be removed and replaced with a 48" CMP which will discharge directly into Burgess Creek. Roof drains will direct discharge into the 48" CMP.

Water quality will be provided using a grass buffer located to the west of the project's fire access road. Grass buffers are uniformly graded and densely vegetated areas of turf grass used to remove larger sediment from runoff of impervious areas. The parking garage drains will be connected to a sand/oil separator which will be pumped to the sanitary sewer system. This will eliminate most of the storm water contamination sources typically associated with site parking.

Floodplain and Wetlands Analysis

LCI reviewed FEMA FIRM Number 08107Co883D dated February 4, 2005 and no portions of the property are within the Special Flood Hazard Area (Base Flood or 100-Year floodplain).



Traffic Impact Study

The City of Steamboat Springs has contracted for a master traffic analysis of the entire Base Area. The findings within the study will guide review of the Ptarmigan Inn project.

The current Ptarmigan Inn has 77 units. The proposed new project contains approximately 71 units. Therefore, the anticipated impact on existing traffic patterns should be a net decrease.

III. Conclusion

The Ptarmigan Inn project team as endeavored to create a project that will contribute to the vitality, character and overall sense of place known as the Steamboat Springs base area development. Through improved year-round mountain accessibility, connections to the future promenade, a community park, environmentally sensitive design and an historical interpretive exhibit area the project team strived to make the Ptarmigan Inn a welcomed community asset and a "good neighbor". The project team did not pursue a "themed" design concept but rather was inspired by building massing, materials and details indigenous to the Steamboat Springs and Yampa River Valley region. The architecture seeks to reinforce the local heritage, a sense of place. The project team has consistently challenged itself to create architecture that will be the appropriate design for the Steamboat Springs base area development.

SECTION 2
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OPEN SPACE CALCULATIONS

DESCRIPTION	AREA
TOTAL LOT AREA	1.29 ACRES
BUILDING FOOTPRINT ¹	(0.65) ACRES
ROADWAYS	(0.14) ACRES
SETBACKS ²	(0.27) ACRES
OPEN SPACE	0.56 ACRES
OPEN SPACE % OF PARCEL	43.6%

¹ BUILDING FOOTPRINT AREA REPRESENTS ENCLOSED SPACE ABOVE GRADE.

² THE TOTAL SETBACK AREA IS 0.38 ACRES. THE FIGURE LISTED ABOVE ACCOUNTS FOR AND REMOVES THE PORTIONS OF THE BUILDING AND ROADWAY WHICH ARE LOCATED INSIDE THE SETBACK.

O EN ACE

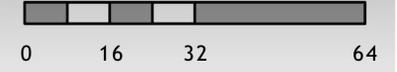
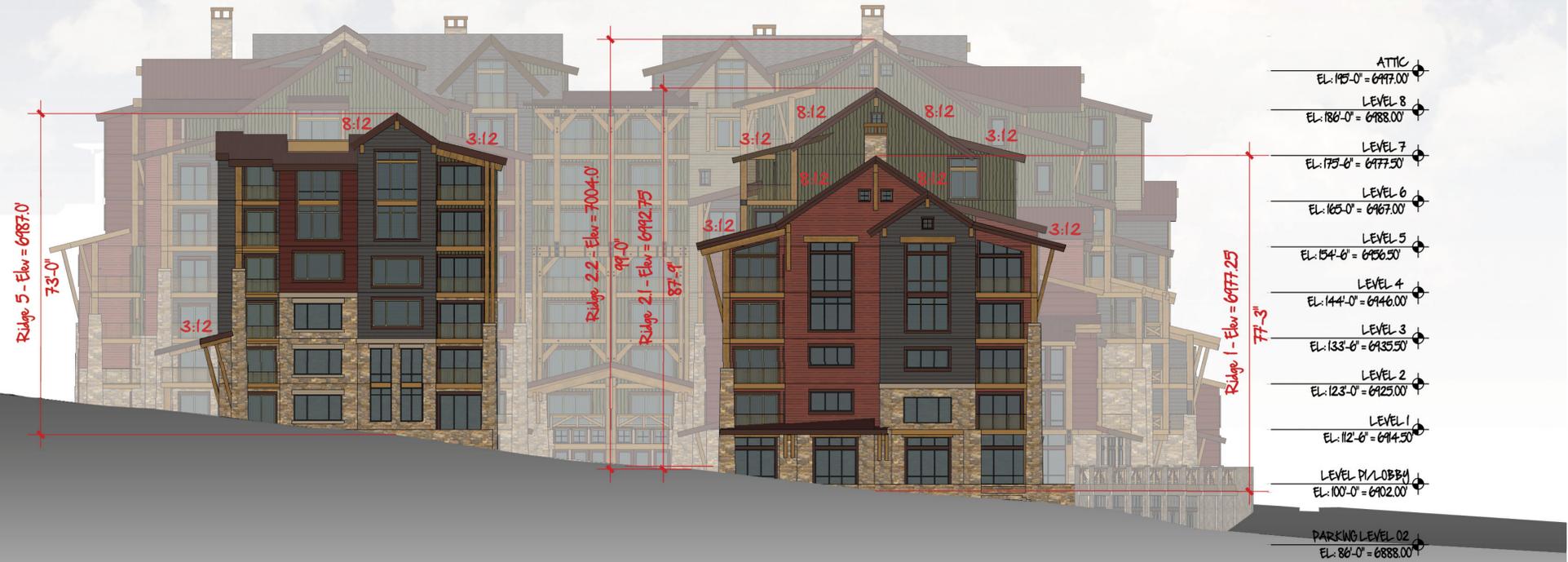
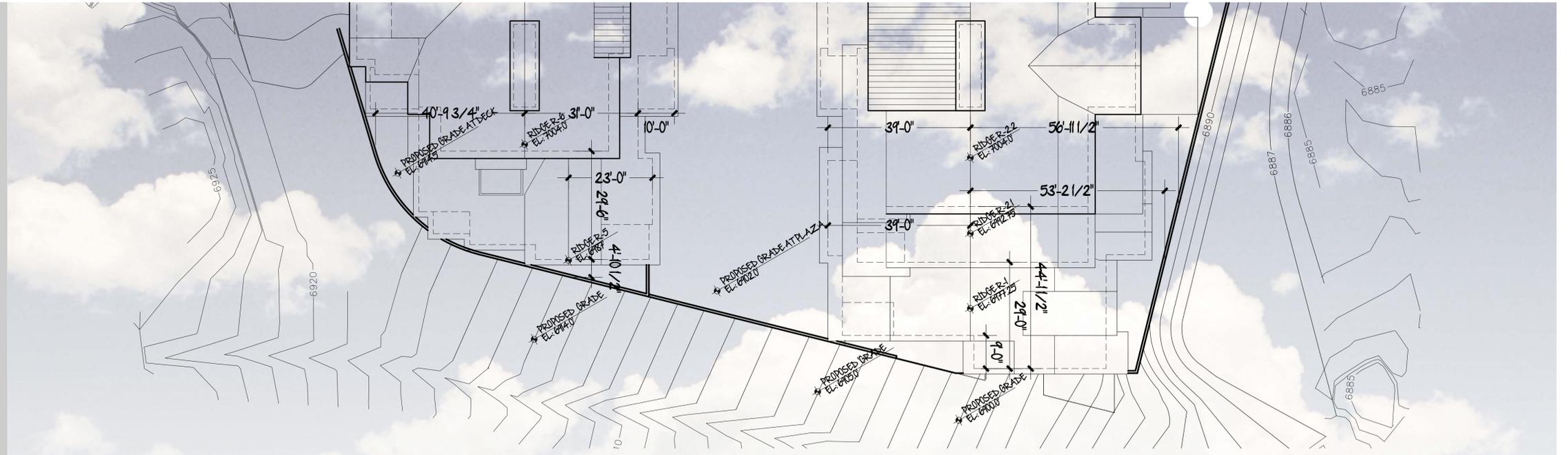


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**SECTION 3
NORTH ELEVATION
BUILDING HEIGHT DIAGRAM**

Overall Height Calculation				12/7/2010
Ridge	Ridge USGS	Grade USGS	Ridge Height	
R-1	6977.25	6900	77.25	
R-2.1	6992.75	6905	87.75	
R-2.2	7004	6905	99	
R-3	7005	6900	105	
R-4	6991.5	6899.33	92.17	
R-5	6987	6914	73	
R-6	7004	6911	93	
R-7	7005	6902	103	
R-8	6991.5	6910	81.5	
G2 Allowable Overall Height			105	

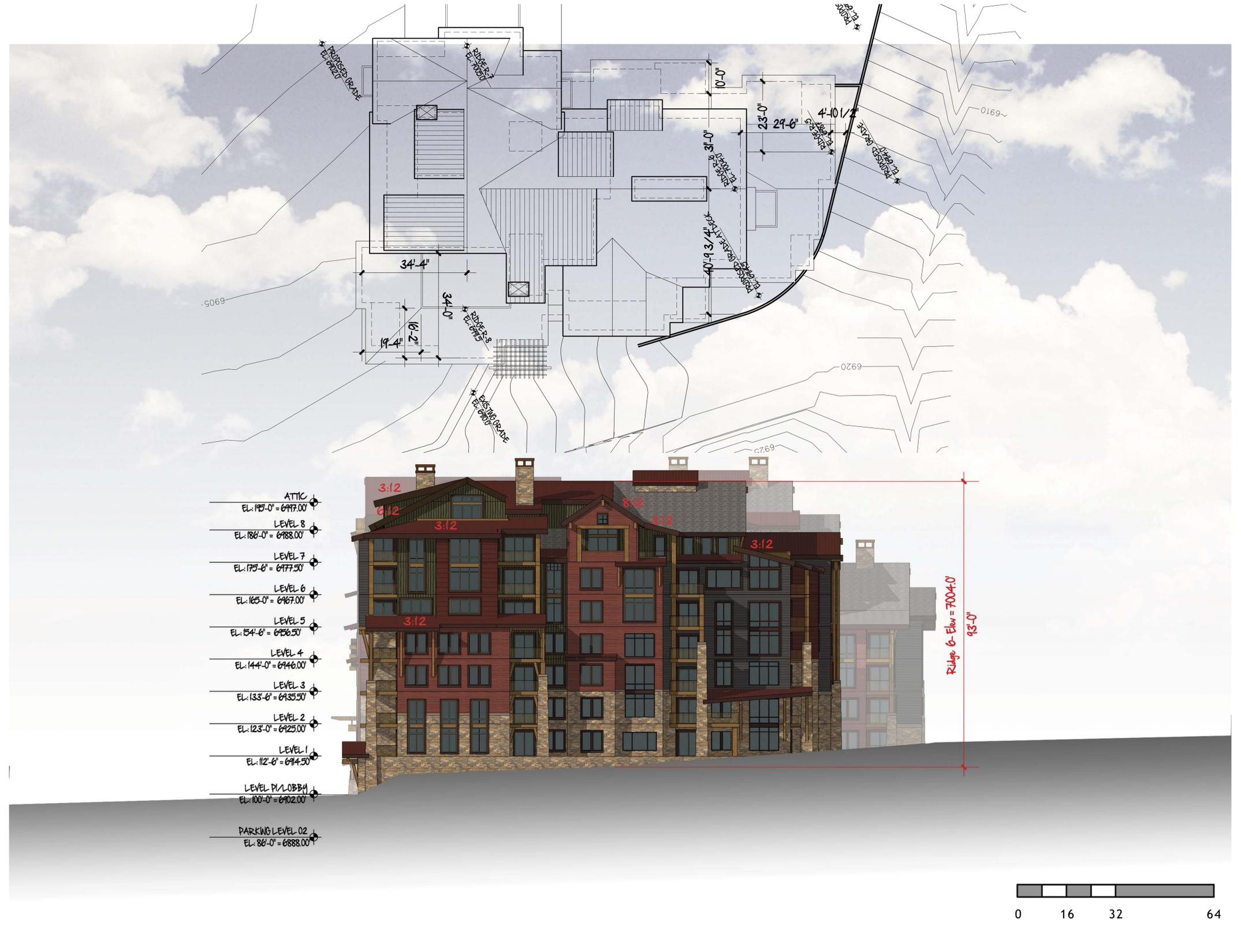
Note: 1. All dimensions in feet



**SECTION 3
EAST ELEVATION
BUILDING ELEVATIONS**

Overall Height Calculation			12/7/2010
Ridge	Ridge USGS	Grade USGS	Ridge Height
R-1	6977.25	6900	77.25
R-2.1	6992.75	6905	87.75
R-2.2	7004	6905	99
R-3	7005	6900	105
R-4	6991.5	6899.33	92.17
R-5	6987	6914	73
R-6	7004	6911	93
R-7	7005	6902	103
R-8	6991.5	6910	81.5
G2 Allowable Overall Height			105

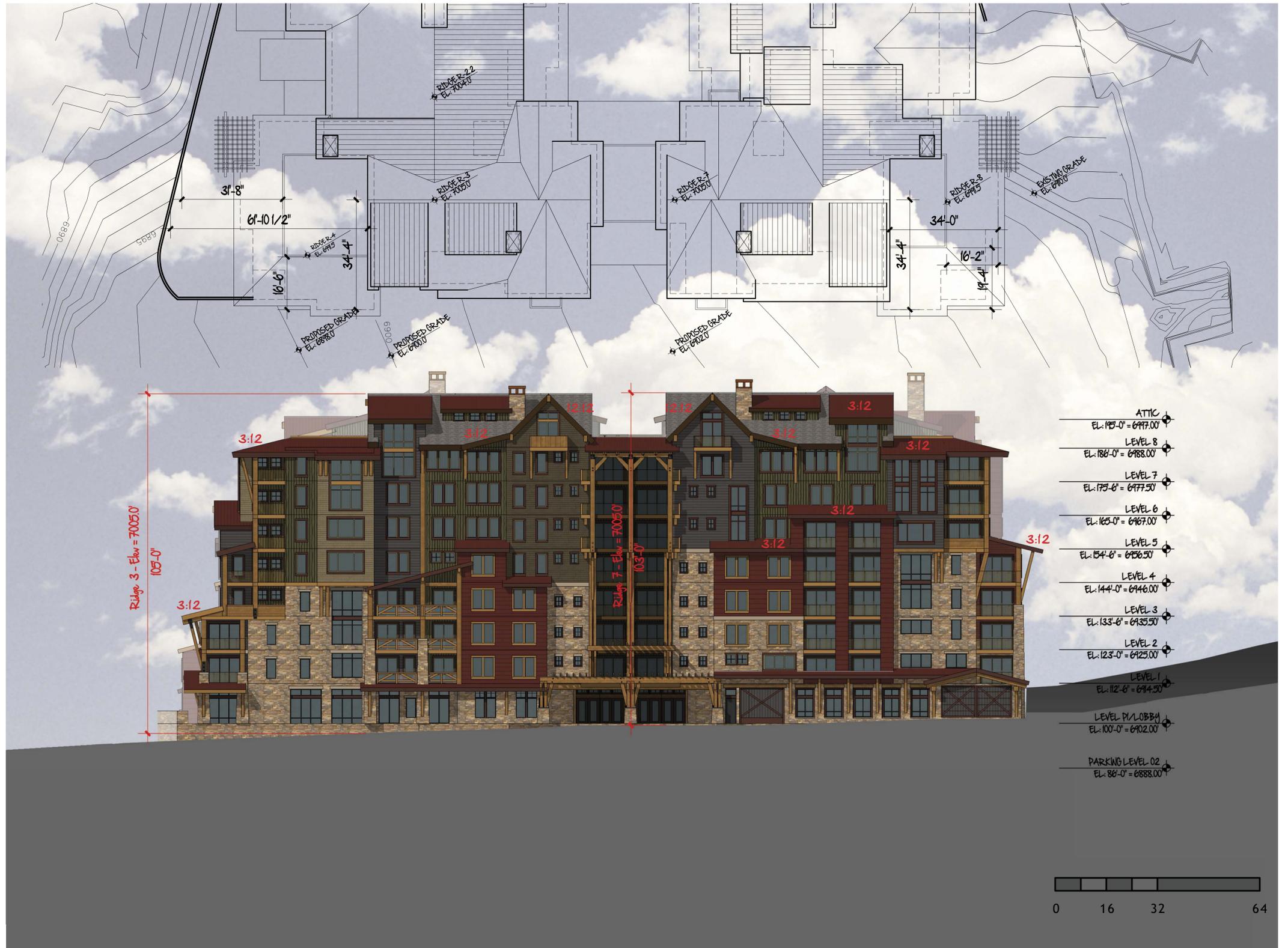
Note: 1. All dimensions in feet



SECTION 3
SOUTH ELEVATION
BUILDING ELEVATIONS

Overall Height Calculation 12/7/2010			
Ridge	Ridge USGS	Grade USGS	Ridge Height
R-1	6977.25	6900	77.25
R-2.1	6992.75	6905	87.75
R-2.2	7004	6905	99
R-3	7005	6900	105
R-4	6991.5	6899.33	92.17
R-5	6987	6914	73
R-6	7004	6911	93
R-7	7005	6902	103
R-8	6991.5	6910	81.5
G2 Allowable Overall Height			105

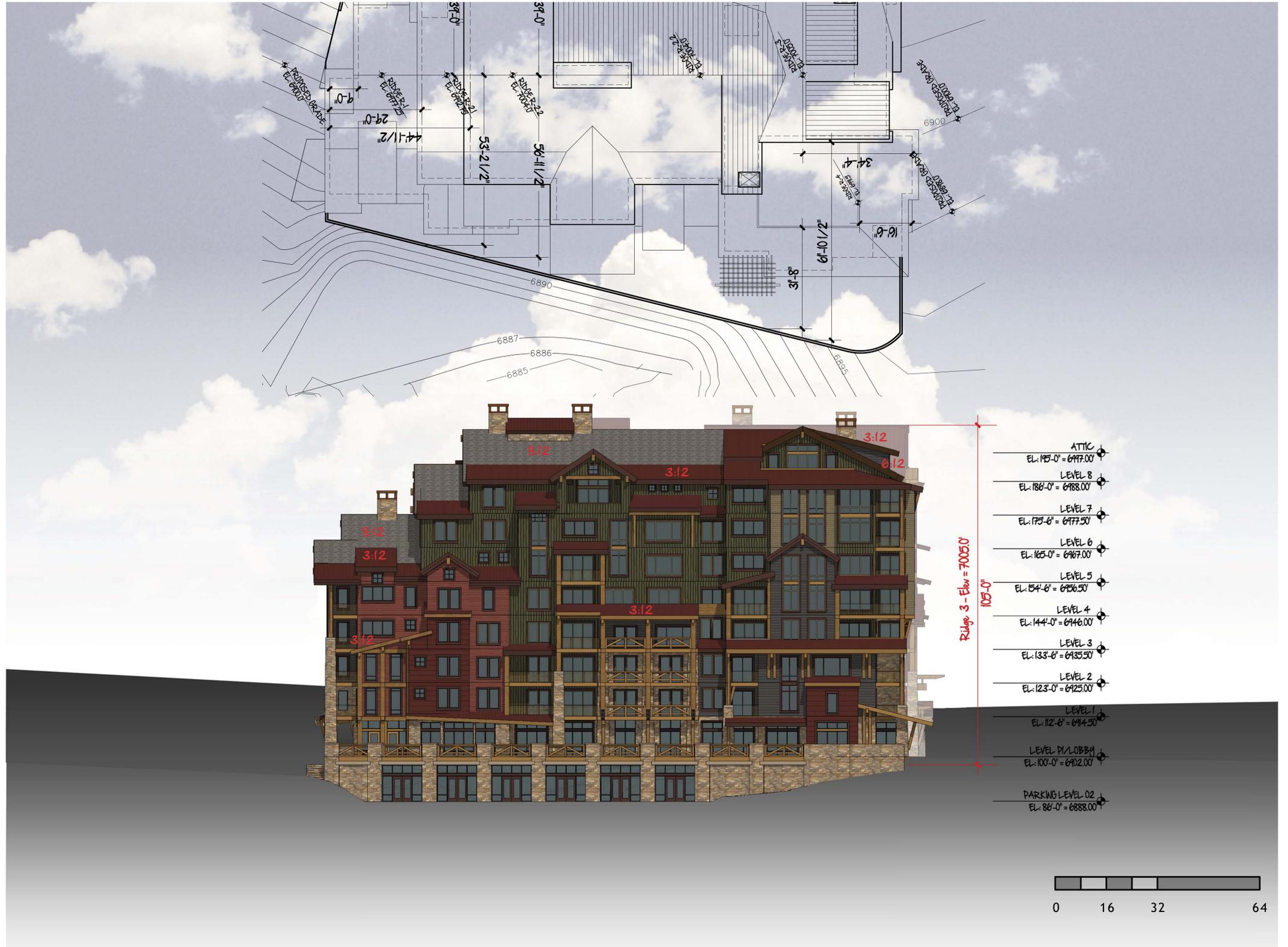
Note: 1. All dimensions in feet



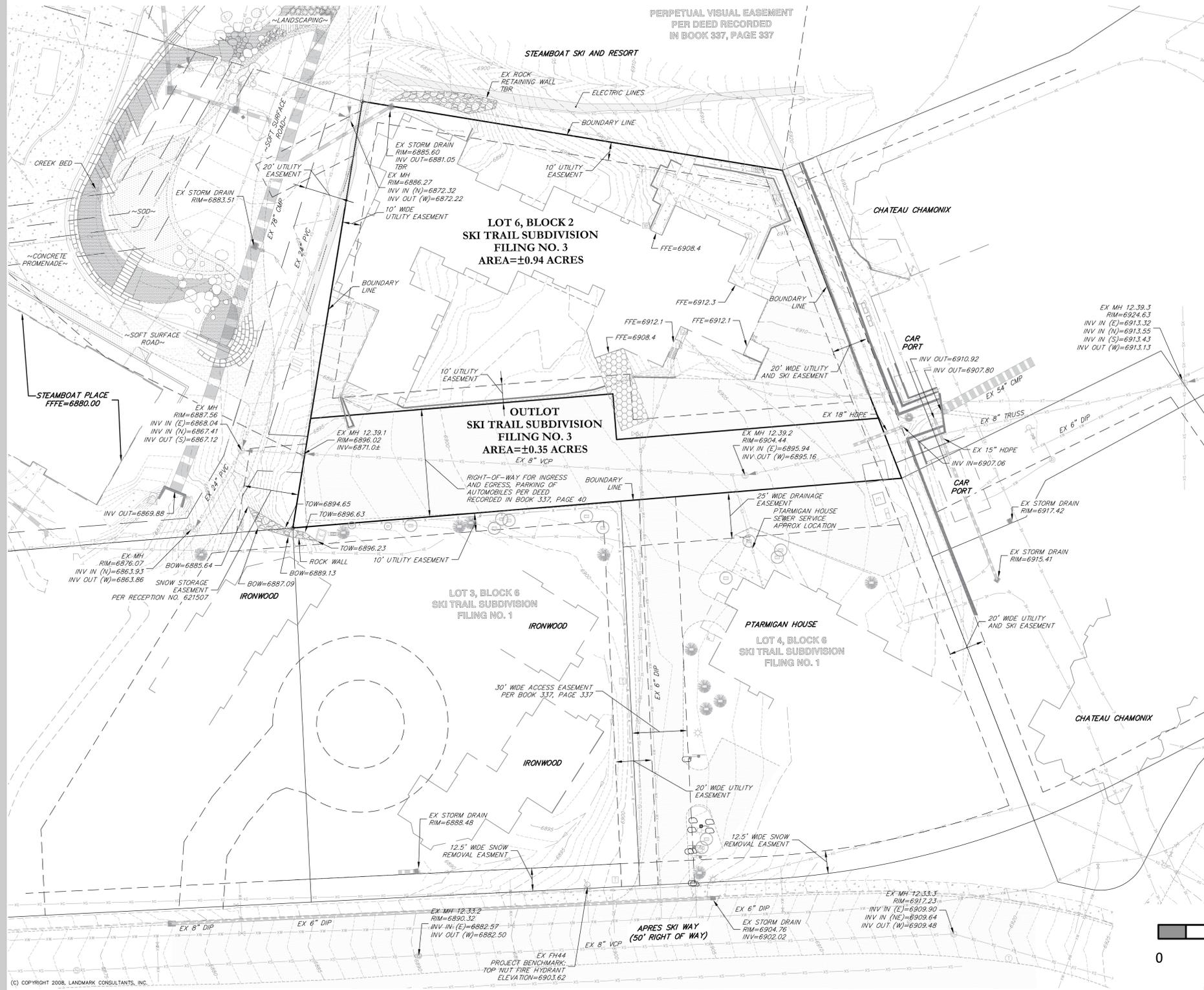
SECTION 3
WEST ELEVATION
BUILDING HEIGHT DIAGRAM

Overall Height Calculation			12/7/2010
Ridge	Ridge USGS	Grade USGS	Ridge Height
R-1	6977.25	6900	77.25
R-2.1	6992.75	6905	87.75
R-2.2	7004	6905	99
R-3	7005	6900	105
R-4	6991.5	6899.33	92.17
R-5	6987	6914	73
R-6	7004	6911	93
R-7	7005	6902	103
R-8	6991.5	6910	81.5
G2 Allowable Overall Height			105

Note: 1. All dimensions in feet



SECTION
 E. I) * I G C D I * I D) & A



LEGEND

	PROPERTY BOUNDARY
	ADJACENT PROPERTY BOUNDARY
	EXISTING EASEMENT
	EXISTING BUILDING
	EXISTING ROOF / BUILDING OVERHANG
	EXISTING DECK
	EXISTING WALL
	EXISTING ROCK WALL
	EXISTING FENCE
	EXISTING BACK OF CURB AND FLOWLINE
	EXISTING EDGE OF GRAVEL
	FUTURE EDGE OF GRAVEL
	EXISTING MAJOR CONTOUR
	EXISTING MINOR CONTOUR
	FUTURE MAJOR CONTOUR
	FUTURE MINOR CONTOUR
	FUTURE SKI LIFT
	EXISTING ASPHALT
	EXISTING CONCRETE
	EXISTING STAIRS
	EXISTING SIGN
	EXISTING FLAG POLE
	EXISTING UNDERGROUND SANITARY SEWER LINE
	EXISTING SANITARY SEWER MANHOLE AND CLEANOUT
	EXISTING UNDERGROUND WATER LINE
	EXISTING WATER MANHOLE AND CURB STOP
	EXISTING GATE VALVE AND FIRE HYDRANT
	EXISTING UNDERGROUND GAS LINE
	EXISTING UNDERGROUND ELECTRIC LINE
	EXISTING ELECTRIC TRANSFORMER AND SECONDARY PEDESTAL
	EXISTING LIGHT POLE AND LIGHT POLE WITH MAST
	EXISTING UNDERGROUND CABLE TELEVISION LINE
	EXISTING CABLE TELEVISION PEDESTAL
	EXISTING UNDERGROUND TELEPHONE LINE
	EXISTING TELEPHONE PEDESTAL AND TELEPHONE MANHOLE
	EXISTING DUCT LINE
	EXISTING FIBER OPTIC CABLE
	EXISTING DITCH / SWALE
	EXISTING CULVERT W/ END SECTIONS AND RIPRAP
	EXISTING STORM DRAINS AND STORM MANHOLE
	EXISTING EDGE OF LANDSCAPING / GARDEN
	EXISTING DECIDUOUS TREE
	EXISTING CONIFEROUS TREE
	EXISTING DECIDUOUS BUSH
	EXISTING CONIFEROUS BUSH
	EXISTING BOULDER
	FUTURE WATER LINE
	FUTURE SEWER LINE

NOMENCLATURE

CMP	- CORRUGATED METAL PIPE
DIP	- DUCTILE IRON PIPE
EX	- EXISTING
FFE	- FINISHED FLOOR ELEVATION
FFE	- FUTURE FINISHED FLOOR ELEVATION
FH	- FIRE HYDRANT
FU	- FUTURE
HDPE	- HIGH-DENSITY POLYETHYLENE
INV	- INVERT
MH	- MANHOLE
ROP	- REINFORCED CONCRETE PIPE
TBR	- TO BE REMOVED
VCP	- VITRIFIED CLAY PIPE

- NOTES**
- THIS DRAWING IS FOR OBTAINING PLANNING APPROVAL ONLY AND IS NOT TO BE USED FOR CONSTRUCTION OR CONTRACTING PURPOSES.
 - FIELD SURVEYING WAS COMPLETED BY D&D, INC. AND SUPPLEMENTED WITH GIS INFORMATION, RECORD PLAN RESEARCH, AND FIELD WORK BY LANDMARK CONSULTANTS, INC.
 - PROJECT BENCHMARK: THE TOP NUT OF FIRE HYDRANT 44 LOCATED AT THE SOUTHEAST CORNER OF LOT 3, BLOCK 6, SKI TRAIL SUBDIVISION FILING NO. 1. PROJECT BENCHMARK ELEVATION=6903.62 AS INDICATED HEREON.
 - TREES NOT SURVEYED.
 - ALL FUTURE IMPROVEMENTS SHOWN ARE PER DESIGN INFORMATION PROVIDED BY CIVIL DESIGN CONSULTANTS AND DREXEL, BARRELL & CO.
 - LO REVIEWED FEMA FIRM NUMBER 081070288D DATED FEBRUARY 4, 2005 AND NO PORTIONS OF THE PROPERTY ARE WITHIN THE SPECIAL FLOOD HAZARD AREA (BASE FLOOD OR 100 YEAR FLOODPLAIN).



(C) COPYRIGHT 2008, LANDMARK CONSULTANTS, INC.



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FLOOR PLANS

- AMENITIES
- AMENITY DECK
- LOBBY
- UTILITY / STORAGE
- 2 BEDROOM
- 2 BEDROOM + DEN
- 3 BEDROOM
- 3 BEDROOM + DEN
- 4 BEDROOM + DEN
- 5 BEDROOM



FLOOR PLANS

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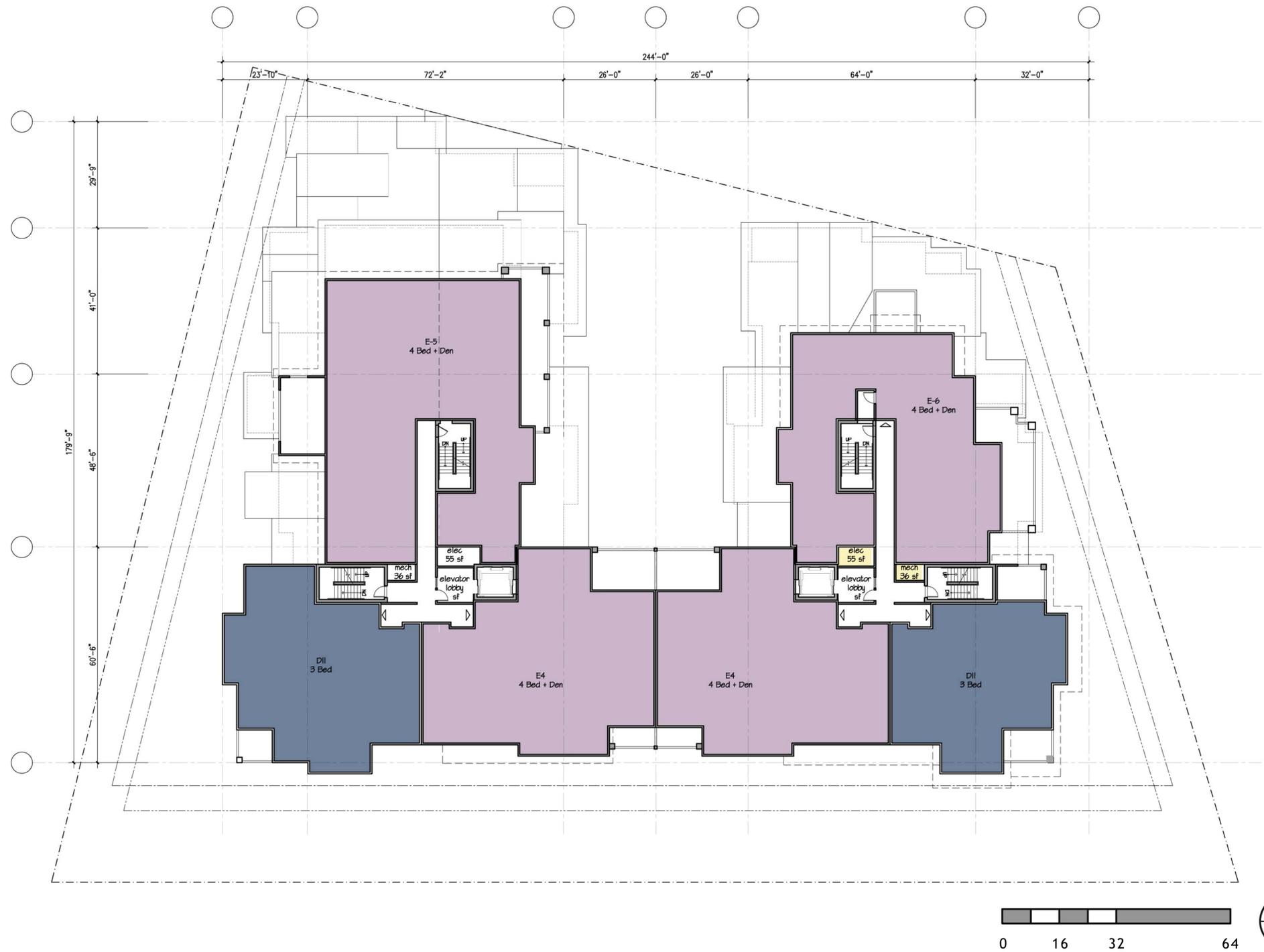
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- 3 BEDROOM + DEN
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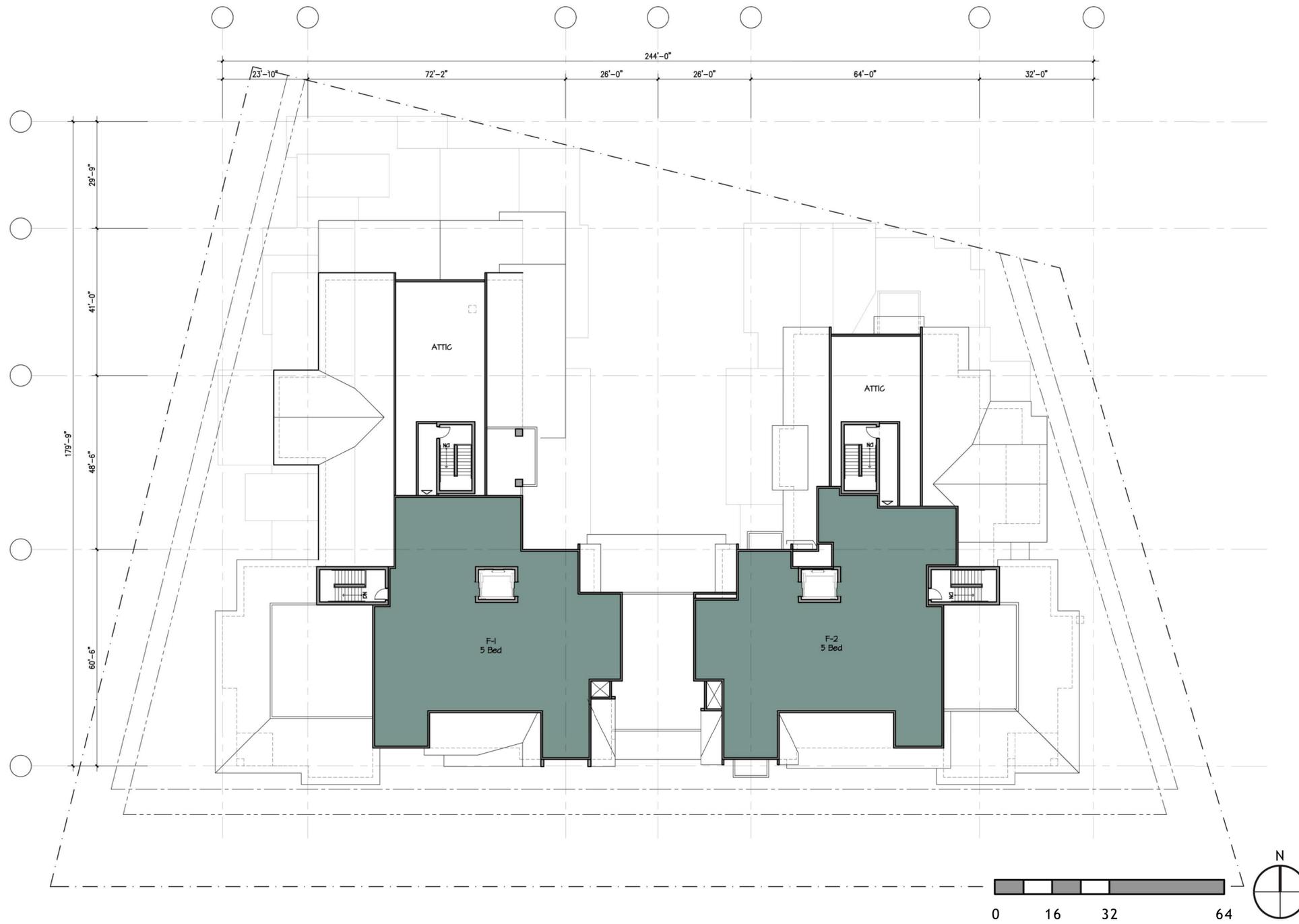
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G2 Allowable Overall Height			105	

Note: 1. All dimensions in feet

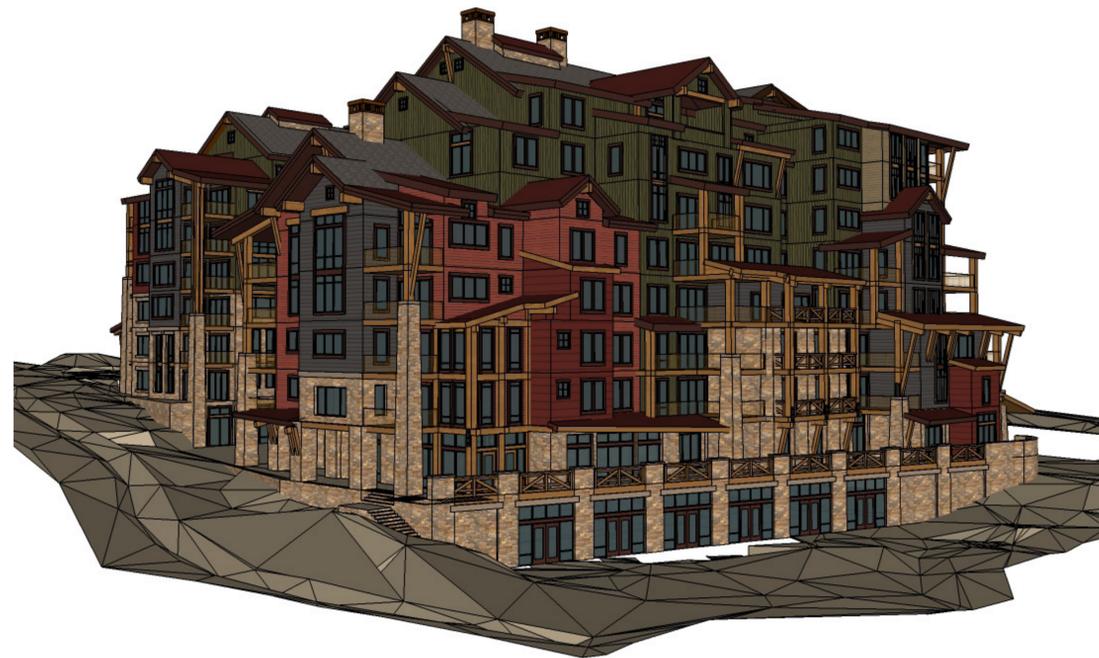


PTARMIGAN INN . STEAMBOAT SPRINGS, COLORADO

56077 . STRUCTURAL ASSOCIATES . DEVELOPMENT PLAN SUBMITTAL . MAY 20, 2011 - RESUBMITTED PER TAC COMMENTS JULY 28, 2011

ROOF PLAN 21

3D VIEWS



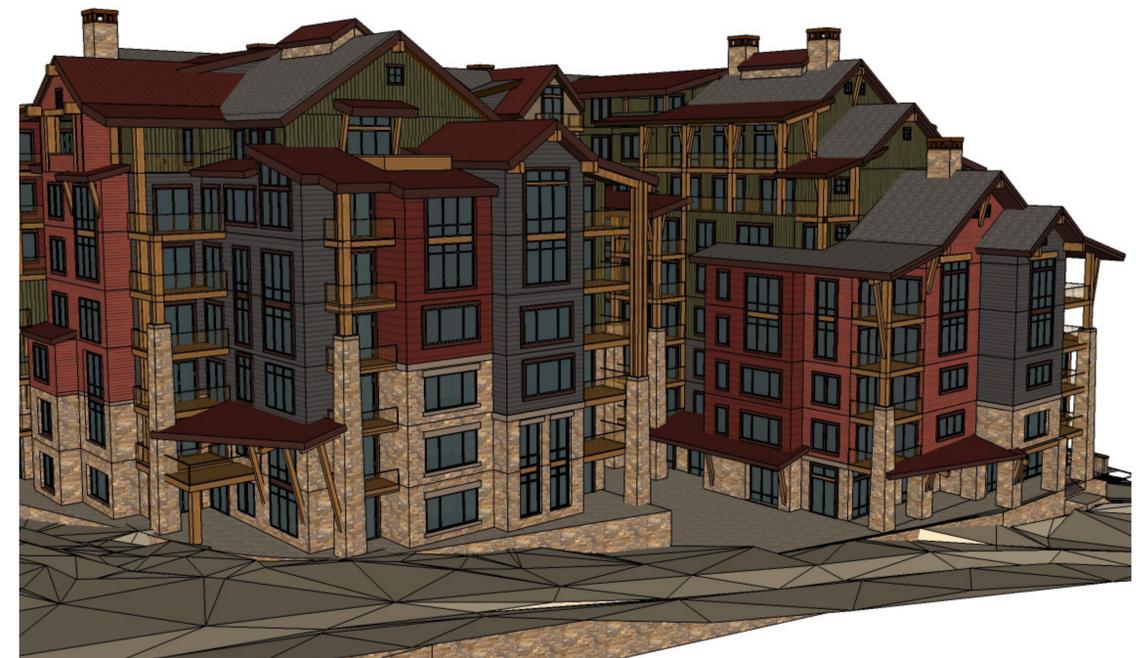
NORTHWEST VIEW



NORTHEAST VIEW (SKI HILL)



NORTHWEST VIEW



NORTHEAST VIEW (SKI HILL)

DRAFT

Ptarmigan Inn Condos Block 2 Lot 6 #DPF-08-05 An application to approve a Conceptual Development Plan for a 72 unit 256,097 square-foot multi-family building and associated improvements. Through this application the applicant is requesting approval of a Conditional Use to locate multi-family use along the pedestrian level street or other public access frontage.

Discussion on this agenda item started at approximately 5:10 p.m.

DISCLOSURE

Commissioner Turek –

I am a social club member of One Steamboat Place. I'm not an equity owner.

Commissioner Meyer –

You feel that you can be fair and impartial?

Commissioner Turek –

Yes.

STAFF PRESENTATION

Tyler Gibbs –

(He gave a background on the purpose of the conceptual development review). The objective is to provide an earlier review of phased approvals of proposed developments. The current DP and FDP review process requires significant expenditures for detailed engineering and design before agreement on the most fundamental issues are confirmed. In order to allow for more appropriate phasing of the review we believe to test this process within the administrative parameters of the code without requiring major code amendments at this time. We're looking at if this project is in conformance with the basic parameters of the adopted zone district. This process encourages conceptual development plans to be submitted within an administratively streamlined list of approval requirements that allow those fundamental parameters of the project to be confirmed and for this to be reviewed by the Planning Commission and City Council. This approval does not excuse the project from fundamental designing and engineering requirements that are typically a part of the FDP phase. It might be worthwhile to read the preamble to the conceptual development plan submittal process. It says 'approval of a DP shall be limited to those aspects and qualities expressly depicted in the submittal, either in words or graphics. Approvals of site design, access, and building design, including height and massing, are intended to define minimum and/or maximum acceptable limits and are subject to confirmation at FDP. Information including, but not limited to, grading and drainage, utilities, building fenestration, landscaping may be depicted and labeled as conceptual only and will be reviewed as such subject to approval at FDP'. This is part of a phased approval project and does not excuse the project from getting every level of scrutiny than any other project normally has at FDP.

Commissioner Robbins –

I know that we approved the conceptual plan as a Planning Commission. Did we codify that somewhere in an ordinance?

Tyler Gibbs –

DRAFT

We have not. As we're doing this administratively it is allowed by the CDC currently. We're trying to get that first look and confirm that there aren't any fatal flaws.

Commissioner Levy –

If there's not going to be a binding vote from Planning Commission then what's the difference between this and a pre-app?

Tyler Gibbs –

We're looking for a vote from Planning Commission and City Council to confirm that the agreement with the staff's review of the project that it does meet the parameters of the adopted zoning.

Commissioner Levy –

There's not a recommended motion in here. I wasn't sure how the wording was. What are we going to be voting on? You mentioned it slightly, but I'm not sure that's concrete enough or if we'll just wing it.

Tyler Gibbs –

Our request would be that your vote would be to confirm that the project conforms to the adopted zoning within the limits of the information given.

Bob Keenan –

The staff findings are on pg 2-17. The applicant is seeking approval tonight of the approval of a DP. That's the criteria that it's being reviewed against. (He gave a background). The applicant is requesting approval of multifamily units along the pedestrian level rather than commercial uses, which are encouraged by the code. This property was originally zoned G-1 and was changed to G-2. There are numerous letters, which we have received and were forwarded to the Planning Commission. The total height is 105' and that is allowed right. There is no negotiation on the height. Staff finds that they do meet the Base Area Design Standards. (He gave a background regarding the height allowance). The ski easement will not go away through this approval. Parking exceeds the requirements of the G-2 zone district. The proposed 24' drive is adequate for life safety issues and has been reviewed by those authorities. That drive is proposed to be snow melted. The drainage will be reviewed at time of FDP. Planning Staff is recommending approval of this DP.

APPLICANT PRESENTATION

Eric Smith –

There were some questions at the Planning work shop addressing some of the connectivity issues and retail issues. (He showed a site map of the project on the overhead). (He mentioned the retail and where it's located on the property). We think that to have retail along the pedestrian walkway would be a mistake since there's no vitality there. We don't feel that the market is there yet.

Commissioner Hanlen –

Where is the soft surface trail that Edgemont was required to put in?

Eric Smith –

(He showed where the soft surface trail is located).

DRAFT

Commissioner Hanlen –

Which side of the proposed ditch line is it on, the ski slope side or closer to the Ptarmigan?

Eric Smith –

It will probably occur on the south side of that drainage.

Commissioner Meyer –

Did I hear you say the applicant is willing to designate one side of the building for future commercial?

Eric Smith –

Yes. (He showed the proposed site plan). The purpose of building a ‘U’ shaped building is to take the mass and to build 2 wings connected by the section in the middle. For access on the ski area as you’re coming down the ski hill this presents itself as 2 separate structures as opposed to a continuous line of building on the ski slope exposure. Currently there’s a 30’ easement that goes from the south line down to Après Ski. We’re proposing to construct a 6’ snow melted sidewalk on the west side of the 24’ access roadway. We’ve got fire and emergency access clearance. We’ve got future connections that will come across the ski way to the promenade. On the east side we’re proposing to construct a sidewalk which will be snow melted. There will be a maintained ski easement that will run alongside the east side of the property. There will be a snow edge on the west side of the building. We have winter and summer connection. (He showed the grading and drainage plan). (He showed the utilities plan). (He showed the open space diagram). (He showed the parking level floor plan, which is the underground parking). (He showed the lobby level floor plan). The lobby area is at or above grade. (He showed the floor plans on each of the different floors all the way up to the top level). We are required to have 2 means of exits, which we have 2 sets of stair towers. (He showed the elevations from different sides of the building). We put a cut into the roof to show the different wings so that we don’t have one continuous roof line. If you take a building and you cut it in half everything from the center line to the left would be measured to the final grade on that side of the structure. Any portions of the building on the right side of the building would be measured to the final grade on that side of the structure. There is a gable that we just caught that does go over the height limit and will be modified. Everything else is to code. (He showed some 3D views of the building). (He showed the promenade and the Ptarmigan layout).

COMMISSIONER QUESTIONS

Commissioner Levy –

Isn’t there a design guideline for breaking up mass?

Bob Keenan –

Yes.

Commissioner Levy –

I didn’t see that. For One Steamboat Place we made them split that up into 2 different buildings. Significantly lower the connector between the 2 buildings to reduce the visual impact of the mass. How do you apply that to this application?

Bob Keenan –

DRAFT

Pg 2-9 in the staff report under mountain base area design standards the 1st one is building composition and then the next one is stepping back of the building mass. Those 2 directly relate to mass, scale, and modulation of the façade of the building.

Commissioner Levy –

The 3D views on pg 2-52 when I look at those I don't see any breaking up of the mass. I understand the horseshoe, but from any point of view that modulation doesn't seem broken up. I'm still not sure since in the packet it shows an amenity space on the ground floor. Are you changing that application to reflect commercial space?

Eric Smith –

There's 12,000 square foot space for amenities and we don't need that much space. We don't want commercial that won't rent, but would love to have commercial if we could.

Commissioner Levy –

I was wondering how it was going to transition. You're not going to leave that space empty if it's not ready for retail. Can we condition that use to be revocable or renewable use for a period of time? That way if the City determines that we need retail there and the noncommercial use of that space at a certain time? Whatever goes in there is going to want to stay there and if that's not commercial then that's a concern for me.

Bob Keenan –

I'm not sure what method we can use to determine that as of a certain date today.

Commissioner Levy –

Can the conditional use be timed and that it at least needs to be reviewed? If we need to create some criteria then so be it. It's a big concern for me and it's a big concern from the comments that I've seen. It's certainly emphasized in the G-2 zoning district.

Tyler Gibbs –

Our concern is that empty retail space would be detrimental to the character of the building. There has to be a market for it in order for our plans intend for it to do.

Commissioner Levy –

As far as our procedures are concerned then it's up to the applicant to prove to me beyond a reasonable doubt that it's not feasible. There's a reason to not put it in there. Just saying that you don't think that it's going to go I'm going to need a little bit more information on that in order to agree with that statement.

Eric Smith –

The provision in the code that requires retail on the ground level of G-2 and the idea that we're going to put viable retail space at Edgemont I think would be a huge mistake. We would be happy to find a commercial tenant in there. We don't want to be forced to have commercial space that's going to be empty.

Commissioner Hanlen –

In our discussions for TND zoning the idea was that we wouldn't be as particular about the use, but we would make sure that the form would allow for flexibility of use later. Would that lower level

DRAFT

have the form to accommodate a commercial tenant at a later date? To prevent what happened with the Steamboat Grand there is interior access? Is that what you would consider adequate access to be able to get to the lower level from the inside of the building? Unlike at the Steamboat Grand where they were isolated and detached and you had to go outside of the building.

Eric Smith –

We do have internal access via the elevators. The west side is set up to accommodate retail uses.

Commissioner Hanlen –

I think it's especially difficult to condition the DP. It's difficult to condition a particular use where we're allowing the flexibility of use based off of a minimum form. I think that provides the future flexibility that you're looking for. I think it's problematic to go in and put triggers or an absolute requirement that "though shall provide retail on a certain date". We'll end up what we see so much of at the base area right now. As long as they feel they've addressed this and we feel that we've addressed adequately what the flexibility of the form is then I think that in theory would meet your concerns.

Tyler Gibbs –

It has to be clear that is commercial viable space when there is a demand for it.

Commissioner Hanlen –

You agree that it is?

Tyler Gibbs –

We agree as long as all of the conditions are there to allow for that conversion.

Commissioner Turek –

Would that western elevation architecturally change if it became residential?

Eric Smith –

They would not be residential spaces.

Commissioner Turek –

The variances are for the level above that?

Eric Smith –

The level above is residential.

Commissioner Turek –

If it's not being used as commercial then what would it be?

Eric Smith –

Until a viable commercial tenant is in there it could be an art studio, etc until we can find a viable tenant.

Commissioner Turek –

Is the variance for the north side?

DRAFT

Bob Keenan –

The amenity space is what it's called right now and that's an accessory to the multi-family use. The code considers an amenity space to be associated with a multi-family. It's not commercial and so that's why they're asking for that conditional use to allow that to be an amenity space.

Commissioner Turek –

As an amenity space it would be part of the common areas, therefore nontaxable?

Bob Keenan –

Correct.

Commissioner Brookshire –

Could you elaborate on the pedestrian on the north side, how that works?

Eric Smith –

The pedestrian plaza that connects the north side is 1 level above the pedestrian plaza on the west side. There's a big grade transition that grades up to the ski hill. There will be stairs that the pedestrians will go up and then cross across the snow. The public circulation goes around 3 sides of the building.

Commissioner Robbins –

I wanted to address 1 of the public comments in regards to the driveway access. It talks about the use of a shared driveway?

Eric Smith –

There is a 30' easement that goes from the street to the property. It accesses all of the parking on the south side of the building. Off of that access there's an access that goes under the Ptarmigan House. There's also another access that comes off of that, that goes to a small surface parking lot. There's an easement for the Ptarmigan Inn. The only thing that we're proposing to change is to add along the west side of that easement to take the 24' and make it 30' so we can add a 6' sidewalk.

PUBLIC COMMENTS

Paul Sachs –

I'm concerned about the process. Ptarmigan house is somewhat at a loss as to how to analyze the proposed 256,000 square foot building. It's being submitted and considered as a conceptual development and there's no codified process for such a submittal. We don't feel that there's enough information to determine if it meets CDC. We wonder if there's enough information for the Planning Commission to review this proposal to make sure that it meets all of the requirements. Does that mean that you'll get more information later? I don't know how long a conceptual approval is good for. One concern that we have is whether drainage issues are being adequately addressed. Without the drainage plan we're concerned that this building will change the underground water flows. I was before you during the zone changes and said that if you up zone this property from G-1 to G-2 and change the height from 57' to 105' then you will have an application in front of you with a proposal of a building that is right at the 105' height limit. Even though this project is at the permissible height we feel that it is too tall and too massive. It completely obliterates the south valley view. Where is the pedestrian oriented environment? Is

DRAFT

the 24' with the 6' sidewalk going to be adequate? We ask that the ski access going between the Ptarmigan and Ptarmigan House remain and be maintained throughout any construction period. If this project does move forward then we would like to see a detail construction management plan that would address noise issues and any inconveniences.

FINAL STAFF COMMENTS

Bob Keenan –

The approval of the DP is good for 2 years.

FINAL COMMISSIONER COMMENTS

Commissioner Levy –

We talked about fire access in the presentation, but has that been analyzed by TAC and been approved? Will we be approving that tonight?

Tyler Gibbs –

It has been reviewed by TAC.

Commissioner Levy –

When you showed the base area promenade it showed it coming right up to your building and in many places we're snow melting the promenade and it's expectation is that the promenade is a 4 season. I believe that your proposal is changing that?

Eric Smith –

Our proposal isn't changing that. (He explained that there's a ski access that they're trying to work out so that hopefully in the future it will all be connected).

Commissioner Levy –

Didn't we talk at the work session that there would be some sort of bridge?

Eric Smith –

Ski Corp was concerned about maneuvering snow cats around it. The other issue is that it raises ADA issues. The sidewalk would be raised to the snow level so that pedestrians won't have to walk up or down a grade to get to the promenade.

Commissioner Levy –

Do we consider travel across snow pedestrian friendly and a pedestrian connection?

Bob Keenan –

It hasn't been final engineered. There is that ski easement.

Commissioner Levy –

We're not approving the pedestrian connection. It's not showing a connection in this drawing. Your packet says that we're approving things that are depicted in drawings. I hear what you're saying, but I don't see that. That is a major concern for me. I don't see pedestrian connection unless that is somehow addressed. I understand that conflict, but I didn't create it.

Tyler Gibbs –

The pedestrian connection goes beyond the control of this project.

DRAFT

Commissioner Levy –

The pedestrian connectiveness is in relation to Apres Ski and not to the base area? That's not on their property and they are designing everything that's on their property. I can understand that may not be in their control. Is that within the pedestrian connection that we can approve?

Bob Keenan –

There's an access easement that goes from Ptarmigan Inn to Ptarmigan House that goes from the Ptarmigan Inn to Apres Ski Way.

Commissioner Robbins –

Did you do a drainage study or anything to show the affects of what will happen with the new culverts?

Eric Smith –

We've done soil tests on this site. We would dewater and pumped through storm drains. (He explained where the surface drainage would drain to).

Commissioner Brookshire –

There's a letter from John Merrill that is an owner in Ptarmigan House. It talks about the shared driveway agreement or easement. Do we have a copy of that? Have you looked at that yet?

Bob Keenan –

We do not have a copy of the easement agreement. We are aware of the shared driveway. It's been added as a condition of approval

Commissioner Brookshire –

Is this existing road across the 30' easement, is that built to a standard to handle the traffic and construction traffic or will the applicant intend to rebuild that section of access road?

Eric Smith –

That will be a 24' road with a 6' sidewalk. We will reestablish the base and sub-base materials so we make sure that we have adequate load carrying capabilities.

Commissioner Brookshire –

When they get to FDP permit that would be more detailed?

Bob Keenan –

All of the final engineer drawings will be looked at for that roadway.

Commissioner Brookshire –

I think there are 72 units proposed. There are numerous places where it says 72 and other places it says 71.

Eric Smith –

The current plan that's been submitted there is 71.

Commissioner Robbins –

That's 71 units without the amenities?

Eric Smith –
That's 71 residential units.

Commissioner Turek –
What we're really deciding today is whether or not to grant the variance. Everything is not subject to the variance except for change of use of the 1st floor, correct?

Bob Keenan –
Correct.

Commissioner Turek –
I think that it would be great if the applicant had shown on the elevations which units were actually affected. It's really unclear looking at your vertical elevation which units are affected. In any future presentation I would recommend those units be highlighted somehow. It looks like it's not the west side building, because you go from grade to 2nd floor. In the staff's recommendation they mention the term pedestrian frontage, but they don't make it clear whether they mean on all sides, just on the north side, etc. The term pedestrian frontage is not clearly defined.

Bob Keenan –
All pedestrian frontages are street front frontages.

Commissioner Turek –
They have an amenity space on a primary level. Is that considered multi-family?

Bob Keenan –
Everything in that development is considered multi-family at this time.

Commissioner Turek –
Technically that should all be commercial. Everything on that lobby level.

Bob Keenan –
Just per code. (He explained where the commercial would go).

Commissioner Turek –
The amenity level would be considered pedestrian frontage. On the north side it would be the level that opens up to the private courtyard. On the south side it would be the entrance to the property. On the east side it wouldn't be applicable, because of the ski way.

Bob Keenan –
Yes. The north side wouldn't apply, because the walkway is interior to the building and isn't a public walkway.

Eric Smith –
The pedestrian walk ways are on the west side below where we showed that amenity space. As you go up the stairs the grade goes up 17%. There's no public pedestrian access on the north side of the building. There's no way to put a pedestrian connection on the east side of the building

DRAFT

due to the garage entrance being on that side. The only pedestrian access is on the west side and the south side of the building.

Commissioner Turek –

There are no external entrances on the south side of the lobby level?

Eric Smith –

There's a retaining wall that separates those units from the pedestrian walkway.

Commissioner Turek –

I think that this should have been shown more graphically because I know that it won't be clear to City Council. You're asking for a variance on what's unclear in this application as to which units are affected.

Commissioner Robbins –

You indicated on the south side there's going to be a retaining wall. On that pedestrian walkway if you're walking there you're just walking next to large retaining walls?

Eric Smith –

(He explained how you would go down in grade dramatically on the south side and so the units will become higher and higher above the pedestrian walkway). The retaining wall is actually the side of the building.

Commissioner Robbins –

The unit C4 is also elevated above the ground level?

Eric Smith –

Correct.

(There was further discussion between the applicant and the Planning Commissioners regarding the retaining wall via the side of the building with the grade change).

Commissioner Levy –

Do you have a picture of your pedestrian circulation? Where that pedestrian line is in front of the building, is that not pedestrian frontage?

Eric Smith –

(He showed where the pedestrian frontage is located).

Commissioner Levy –

(He mentioned the pedestrian frontages in San Francisco on very steep roads). We talked about this lower level on the west side. The pedestrian frontage as noted by the applicant includes the front of the building. Was that analyzed on whether or not it was appropriate to be commercial or as Commissioner Hanlen stated to be designed to accommodate commercial?

Bob Keenan –

The south side was not analyzed to see whether or not it could accommodate any future commercial.

DRAFT

Commissioner Levy –

According to the plan we should be thinking. We're looking at this one spot that I'm not sure is going to be connected to the promenade. I can see that it doesn't all have to be. It seems to me that it is pedestrian frontage and that should be part of the discussion of whether it should be commercial or not.

Bob Keenan –

The code requires businesses to be along that frontage and they are requesting a variance to that.

Commissioner Turek –

What I'm looking at is the degree of the variance. The degree of the variance is not clear from this presentation. That's what we're voting on. We're getting 2 years for that. I understand that you're doing commercial in a ski base area that's separated from the commercial core is always difficult. We don't need to look very far to know that today it's true. Who knows in 3, 4, or 5 years if things will change? I like the idea of having flexibility. The one real issue for the Planning Commission to decide tonight is whether or not to grant a variance. I can't fully comprehend the degree of the variance.

Commissioner Levy –

Your open space calculation seemed to include the driveway port-a-cashare. I thought that we decided that open space can't be paved? Didn't we change that definition?

Bob Keenan –

We did. The applicant's drawing is inaccurate and shouldn't include those areas. Planning staff has reviewed it and there is adequate open space.

Commissioner Levy –

The closest thing is this illustrative grading or anything that is shown green is open space. Can some one show me what that open space looks like instead of pg 2-35, which is supposedly incorrect?

Bob Keenan –

We don't have another drawing for you.

Commissioner Levy –

We talked about open space having to be somewhat programmatic and that it can't be the center of a circle. I know that you say that you've looked at it and you approve of it. I would like to see that included in my packet. It's part of the requirements for approval and I don't see any evidence of that that their open space meets that requirement.

Commissioner Brookshire –

It dawned on me looking at your culvert diagram. Maybe it's in the public right of way, I don't know if those things are contained within a public right of way. If they're not then how do you connect the new culvert on the south side? It looks like to me on the east side where you're proposing a new inlet structure is not on your lot. If that's part of the plan and they're not in a public right of way then how do you get there?

DRAFT

Eric Smith –

There is an easement that goes through there.

Commissioner Levy –

On pg 2-13 of our pack there are some illustrated pictures from the Base Area Design Standards of how the building is supposed to relate to neighboring properties. I was wondering if the applicant could show me how their building façade does that relationship I would assume to the Ptarmigan House. It's pretty illustrative of what the idea is that the closest elevations of 2 smaller buildings need to have some structure articulation that matches pretty closely in height. Can you show me how you've done that?

Eric Smith –

(He explained how this building relates to the neighboring properties).

Commissioner Levy –

What are those step backs? Are they the 8'?

Eric Smith –

They're a minimum of 8' by code.

Commissioner Levy –

What is your step backs? I would like to see the profile of the step back that faces the Ptarmigan House.

Eric Smith –

They vary. (He showed the east elevation).

Commissioner Hanlen –

On condition of approval #3 where staff is stating the north façade of the east wing does not comply with the building massing standards. What would need to be performed to comply with the building massing so that condition of approval isn't too ambiguous?

Bob Keenan –

That would be in regards to pedestrian scale. There is no step back or modulation of the building along the 1st or 2nd story that provides a pedestrian scale along that ski way there. They would have to make some changes to that in order to accommodate that.

Commissioner Hanlen –

You're looking for vertical step backs in addition to the horizontal steps. I thought that on the Thunderhead application that staff had stated that the step-backs could comply both horizontally and vertically where Thunderhead Lodge had several tall vertical elements, but as long as the articulation was occurring at horizontal intervals that that would also meet the intent of the design standards.

Tyler Gibbs –

There could be multiple ways of addressing that.

Commissioner Hanlen –

September 22, 2011

DRAFT

The covered decks you can't interpret that very well in a 2D drawing the way that carves out the corner. How much further do they need to comply just so we're not discussing the nuances of that when they come back for an FDP?

Bob Keenan –

We will have a lot of opportunity to sit down with them to go through that before the FDP.

Tyler Gibbs –

The elevation of the 2 foremost building portions there is a difference between the one on the right and the one on the left. It has some additional articulation at the lower level.

Commissioner Levy –

What would you say is the principle differences between G-1 and G-2?

Bob Keenan –

The requirements for commercial at the pedestrian level and the height difference.

Commissioner Levy –

Do you think that possibly those 2 things are related? The additional height for G-2 is allowed specifically to have commercial on the 1st floor?

Bob Keenan –

Not necessarily. It would be for additional density for the base area since the greater height would allow for more units.

Commissioner Levy –

What are the differences in height between G-1 and G-2?

Bob Keenan –

30'.

Commissioner Levy –

I'm going to assume that you're going to have a ski amenity. That's what I thought that your amenity on the 1st floor was going to be. Is there a place for that in your current plan?

Eric Smith –

It's on the northwest corner.

Commissioner Hanlen –

In the findings it says DPF. Wouldn't this just be DP?

Bob Keenan –

(He explained that this was the original number they used).

Commissioner Robbins –

Are we approving a DP or a conceptual DP?

Bob Keenan –

DP, because we don't have a conceptual DP in the code.

Commissioner Hanlen –
DP with the submittal requirements as determined by the Planning Director.

Bob Keenan –
Correct.

Commissioner Levy –
The amenities requirement is part of the evaluation. That will occur at FDP or has that been conceptually ok right now?

Bob Keenan –
At FDP.

Tyler Gibbs –
We're just making sure there are no fatal flaws for the FDP.

RECOMMEND MOTION

Finding

The Conceptual Development Plan for the Ptarmigan redevelopment, #DPF-08-05, that includes 71 multi-family units within a 256,097 square-foot building and a Conditional Use approval for multi-family use along the pedestrian level is consistent with the required findings for approval with the following conditions:

1. Approval of a Development Plan shall be limited to those aspects and qualities expressly depicted in the submittal, either in words or graphics. Approvals of site design, access, and building design, including height and massing, are intended to define minimum and/or maximum acceptable limits and are subject to confirmation at Final Development Plan. Information including, but not limited to, grading and drainage, utilities, building fenestration, landscaping may be depicted and labeled as conceptual only and will be reviewed as such subject to approval at Final Development Plan.
2. Staff has identified building height over the allowable 105' maximum at the 8:12 pitch dormer towards the middle of the west elevation. Changes to the building height in this location must be made prior to approval of a Final Development Plan.
3. The north façade of the east wing does not comply with building massing standards as it does not provide for pedestrian scale articulation and must be further articulated prior to approval of a Final Development Plan approval
4. Compliance with the Base Area Design Standards for public amenities and contributions to URA shall be demonstrated prior to approval of a Final Development Plan.

DRAFT

5. Compliance with all other applicable standards not approved through the Conceptual Development Plan shall be demonstrated prior to approval of a Final Development Plan.
6. An approved Community Housing Plan shall be in place prior to approval of a building permit for the proposed development.
7. Vacation of all easements identified to facilitate the proposed development will be required prior to Grading/Excavation or Building Permit approval.
8. A final plat is required to remove all lot lines created by the condominium plat, to remove out lot lines, and show vacated and new easements prior to Grading/Excavation or Building Permit.
9. Public access easements and emergency access easements will be required for all sidewalk and trail areas prior to condominium platting or certificate of occupancy whichever comes first.
10. Prior to any work within the Burgess Creek floodplain a Floodplain Development Permit will be required.
11. No parking is allowed outside of the parking garage for compliance with Emergency Access requirements.
12. The developer shall pay a proportionate share of future traffic improvements as identified in the Base Area Master Traffic Study to be calculated and assigned at Final Development Plan.
13. The ROW Out lot for ingress and egress must be vacated prior to building permit for the proposed building.
14. The proposal depicts grading and utility work that is to be done on adjacent properties and a shared access easement. Approval from the owner of these properties and all parties that hold an interest in the easements must be provided to the City prior to building permit or grading and excavation permit.
15. No horizontal encroachments into easements or adjacent properties are permitted.
16. Documentation from a refuse management company that they will be able to serve the development as configured shall be given to the City prior to Final Development Plan approval.
17. Compliance with sustainable design requirements as listed in the Base Area Design Guidelines must be demonstrated prior to Certificate of Occupancy for the building.
18. Compliance with the snow retention and catchment requirements shall be demonstrated at time of Final Development Plan.
19. The sanitary sewer replacement design is unacceptable as proposed. Designing a manhole approaching 25-feet in depth creates a safety hazard for construction and maintenance workers. Coordinate separate meeting with Mount Werner Water to discuss other options.
20. Various existing sanitary sewer data is incorrect as shown. Revise as needed per separate meeting with Mount Werner Water.
21. Per the 2008 submittal we commented that the sanitary sewer main must be replaced with a 12" PVC. Revise all drawings accordingly.
22. More engineering information is required to determine feasibility, and ultimate approval, for the separation of the proposed storm sewer with the sanitary sewer. Mount Werner Water will not support any project that

DRAFT

intends to vacate right-of-way or utility easements which ultimately limit the District's ability to maintain its water and sewer facilities.

23. Add adjacent property information to existing conditions plan, including existing easements on OSP property. Easements shown on OSP are incorrect.
24. Based on the 2008 submittal, Mount Werner Water notified the applicant that in order to provide reliable water supply to the development water main looping will be required. The preliminary engineering associated with such revealed that looping would be very difficult and costly. In lieu of the above, and to meet the goal of water system reliability, Mount Werner Water and the developer agreed to upsize the water main in Après Ski Way. Meetings were held with the developer, yet plans were never revised as the economy dampened the project schedule. Revise drawing to include this scope of work.

MOTION

Commissioner Hanlen moved to approve DPF-08-05 and Commissioner Meyer seconded the motion.

DISCUSSION ON MOTION

Commissioner Robbins –

I'm having a really hard time. I think that we need to say something about the commercial use and availability in the future. If we're going to approve it now I think we need to require commercial use from when this area becomes viable in the future. I can't approve it without that.

Commissioner Hanlen –

Do you have a way to express language to be legally binding that could do that?

Commissioner Robbins –

I don't.

Commissioner Hanlen –

To me it's problematic to try to stamp the DP with something like that. If they wanted to have a private owner's lounge that had a bar, technically would that be commercial or amenity space if it's not open to the public?

Bob Keenan –

Amenity space.

Eric Smith –

Generally an amenity space within a building is defined as GCE (general common element). If this space were restricted and wasn't defined as GCE meaning that you would have to go to the condominium association to get that converted to commercial space. It gives us that flexibility so it doesn't get taken over by the HOA. We want that to be sold, leased, etc as soon as possible.

Commissioner Robbins –

I would be more comfortable if it was commercial space and you came in for a conditional use application to use it for something else.

DRAFT

Eric Smith –

That would be ok as well.

Commissioner Hanlen –

Do we simply prohibit residential use in that space as opposed as requiring a particular commercial use? Would that be an acceptable alternative?

Commissioner Robbins –

Does residential use include amenities for the homeowners?

Commissioner Hanlen –

I'm thinking of an actual unit space. The way it would prevent what I think you're looking for is to put a unit in, it gets sold off and it will never become commercial. If we want to retain flexibility, but not require them to put in something that's unfeasible for the near term, you just prevent a residential unit on that space.

Commissioner Robbins –

I don't know that accomplishes the same goal. Just because it's not a residential unit, but it could be something specific for the unit owners that isn't open to the public. It's not accomplishing the commercial space use.

Eric Smith –

The only issue we're raising is that we can't promise that we'll have a tenant that will lease it and that it will be viable commercial space. We want to avoid it going to an HOA. If you want to call it commercial then you can conditionally.

Bob Keenan –

It's not G-2 from the Ptarmigan Inn all the way up to Edgemont. It's RR.

Commissioner Brookshire –

I agree with the whole point about trying to maintain some kind of commercial space there.

Commissioner Hanlen –

Is it legal to condition a commercial requirement for that?

Commissioner Levy –

One thing that would address at least this particular space is that if it's designated as and taxed as commercial then that gives a better incentive that they're going to make that change. It's not conditionally commercial, it is commercial. We'll conditionally allow them to use it as another space. If it shows on the assessor's map that this is commercial space that will alleviate my worries.

Commissioner Robbins –

They should leave this as commercial and if they want to use it as something else then come back in for a conditional use.

Commissioner Levy –

DRAFT

It is identified as commercial. They can ask to use it differently. It's not identified as such in our presentation.

Commissioner Meyer –

Would someone like to offer some language? I'm amenable to a friendly or condition.

Commissioner Hanlen –

If it's potentially legally binding, then I would be open to a friendly. What I don't want to do is condition something that gets tossed out the second the attorneys get their hands on it.

Commissioner Robbins –

The G-2 requirement requires that everything on the 1st floor be commercial.

Commissioner Hanlen –

With previous applications we've identified that it's appropriate for some areas, but not in others. As opposed to the way the zone standards currently read which is to blanket everything with commercial on the pedestrian level.

Commissioner Robbins –

(The parking level floor plan was shown). That is the level that would have to have commercial correct?

Bob Keenan –

Yes, that's the walkout on the west side to the snow edge.

Commissioner Robbins –

My friendly would be to have that green area be consistent with the G-2 requirements of commercial space.

Commissioner Hanlen –

The northwest corner of the building on the parking level floor plan would be conditioned as commercial use.

Eric Smith –

I think that suggestion is a good one.

Commissioner Robbins –

It doesn't prevent you from coming in and going through the conditional use for something else.

Commissioner Turek –

What you're saying is that an overlay of commercial space satisfies the requirement for commercial for G-2 or are you saying that anything else that might be considered pedestrian level could then be residential?

Commissioner Hanlen –

It would have to go through the public process to use anything other than commercial use. If you comply with the commercial use then it's use by right. Anything other than commercial use would have to go through the public process.

DRAFT

Commissioner Turek –

My problem with this whole review is that I don't know what 1st floor is on this building. As far as pedestrian level and flow goes in reference to commercial I just haven't seen a real analysis of what it would be were it not residential. Because it's a building built on a hillside and not just a flat building and because there are retaining walls and areas that aren't really accessible, but are 1st floor. What is defined as pedestrian facing space is hard to understand. If Commissioner Robbins is comfortable with satisfying, basically let's just wash this all out, by calling that the commercial space then that's one way to go about it. The other way is to have the applicant come back with something that really explains what the pedestrian flow is. As Commissioner Levy said it's not as clear as I would like it.

Commissioner Levy –

I think the pedestrian frontage is what the language says. It's strongly suggested that there should be commercial. That's in the zoning standards. The CDC is where the requirement for having commercial is.

Commissioner Turek –

Ultimately we're trying to plan for base area flow. We're trying to get people to use this base area.

Commissioner Levy –

Pedestrian frontage includes the south façade. I'm willing to let the east façade go, but the south façade does have pedestrian frontage. The current plan is not available to commercial.

Commissioner Turek –

The floor above this amenity space is accessible. Would that be considered pedestrian? That's what we're giving the variance on?

Commissioner Levy –

There are 2 sides of pedestrian frontage. Whether it lines up directly with the floor that is accessible commercial space maybe not, but I didn't design the building. I've seen slopes steeper than this in San Francisco where they did manage commercial on.

Commissioner Turek –

Are we going to say blanket this and everything else is residential or are we saying that there are 4 units that are being given a variance? I'm not clear exactly what is getting the variance.

Commissioner Levy –

I think that the south façade is being given a variance even with this language change.

Commissioner Robbins –

You're thinking the lobby level floor plan?

Commissioner Levy –

The floor plan is irrelevant. What I was looking at was the circulation plan. The pedestrian circulation plan includes coming in through the access drive and walking across the front of their building, the south side, and then walking along the west side. Staff agrees that does make the

DRAFT

south face pedestrian frontage. Whether it connects properly to the inside or not doesn't change the fact that it is pedestrian frontage.

Commissioner Hanlen –

The balance of the variance would be those 2 units on the southwest corner.

Commissioner Levy –

I would say the southwest corner.

Commissioner Robbins –

Do you want to try to add that?

Commissioner Levy –

To make it commercial?

Eric Smith –

I don't think that we could get that leased in my lifetime. I think that getting a variance for those 2 spaces, but getting commercial below that's right on the west side. I'm ok with that motion.

Commissioner Turek –

2 years from now when this approval expires what goes back to commercial?

Bob Keenan –

In 2 years when this application expires then they have to reapply. We would include all of the sides except to the north would be pedestrian frontage.

Commissioner Levy –

I like the direction of making it commercial. That is still not my only concern. I have similar concerns as Commissioner Turek is talking about. On one hand we're using pedestrian circulation to show that we have a pedestrian friendly development. On the other hand we're saying only one area is commercially viable and not counting the other ones as potentially commercially viable. That one I have a little bit of trouble with. I'm not positive about the open space plan. We've seen before some very small un-programmable to be considered as open space. We had a discussion about what open space was. It has to be usable open space. It hasn't been proven to me that we have that. Part of the Base Area Design Standards that require a step down in articulation in building faces to all buildings. Not just to make it pedestrian friendly, because it's 105', but with all of the neighboring buildings this building has to try to, it doesn't have to match it, but if you look at the pictures on pg 2-13 though the drawings are crude the idea is clear. More than just an awning has to be on that façade to give some relationship to the 105' building to the buildings next to it. They haven't shown me that they've done that. Those are the things that make me say that it doesn't meet the zone standards.

Commissioner Robbins –

The 3rd one you addressed about the building mass is that not addressed in the staff findings?

Commissioner Levy –

It is, but I don't see it. They do address it. They say "through graduating building height, pedestrian arcades and stepping back."

DRAFT

Commissioner Robbins –

Staff has already said that the north façade does not comply and that they're going to work with the applicant.

Commissioner Levy –

Are we talking about the same façade?

Bob Keenan –

You're talking about the south, but what Commissioner Robbins is talking about is to the north.

Commissioner Levy –

Each of those is enough to say no.

Commissioner Brookshire –

Is it clear in our conditions? What I'm understanding is that the applicant is going to be liable to rebuild the road. Is that a necessary condition that we address the access 30' easement?

Commissioner Hanlen –

I think that Public Works would hold them to that regardless.

Commissioner Brookshire –

We don't need to say that in here.

Commissioner Hanlen –

It would be part of the FDP.

Commissioner Meyer –

I was comfortable with making the motion, because while this is the 1st project that has come through this conceptual DP. The number of requirements are rather extensive. We're not really approving that much tonight as Tyler Gibbs said. We're really confirming or acknowledging the height, use, and 25 subject to's. I think that we have a lot that has yet to be designed and we will see. I will definitely be concerned about access drainage, final design standards. I think that is still open whether or not they meet all of the design standards. I don't think that we have. I would like to try this. We have to start somewhere if we've talked about not forcing a developer to 100% of the design when there are 1-2 areas of concern to give them an opportunity to come in front of us and get a vote. I think that this is an important 1st step.

Commissioner Levy –

What you say is different than what's in our packets. Staff particularly included Base Area Design Standards and key issue development standards. Are we approving those now or can they be modified at the end?

Bob Keenan –

You are reviewing those now. (He gave a list of the items that will be up for review later).

Commissioner Hanlen –

September 22, 2011

DRAFT

We're not approving a tight architectural plan tonight. The whole idea of the DP light process is the idea that the applicant can come in and ask if the general height is acceptable, site location is acceptable, and have I addressed the majority of concerns. Final massaging and tweaking can occur. If they're not in the ball park then we tell them that tonight. If they're in the ball park, but they have a little bit of work to do that's what we would also be telling them tonight.

Tyler Gibbs –

Correct. Is there anything in here that would appear to be a fatal flaw?

Commissioner Brookshire –

Are you ok with not seeing the easement?

Commissioner Robbins –

Yes, because they will have to comply with that.

Commissioner Brookshire –

I was just wondering if there's a deal killer tonight.

Commissioner Robbins –

If it's a deal killer then the other parties to the easement will step up.

Commissioner Levy –

What Commissioner Hanlen describes is what we're approving the footprint, height, and the general mass. My concerns can't be relieved by fenestrations. Then I might approve it. I think that open space is something that we can look at later. All of those are relatively minor. That's not what I'm hearing and seeing in this proposal. Are we approving the building form more than just the height and footprint? We're approving what we see. It's written in our packet that we're approving anything that's written down and been submitted to us.

Tyler Gibbs –

This is the way the building is being massed. (He listed the conceptualls).

Commissioner Levy –

You know what my concerns are. Are they going to be addressed at FDP or not? Will we have the legal binding to tell them that's what needs to be changed?

Tyler Gibbs –

Yes.

Commissioner Hanlen –

The applicant can provide more information, but there is a limit to what we're approving tonight. Someone can illustrate a very finite level of detail, but we're backing off and looking at the bigger picture and as long as they stay in substantial conformance with that bigger picture that they presented then we can approve the FDP. I would anticipate and not be surprised that there's adjustments made to the architecture. If we feel that they are not in substantial conformance with the DP approval then we get to deny that.

Commissioner Levy –

September 22, 2011

DRAFT

If they had given us a blank building envelope and if they had given us less then we could have approved this. They gave us this (a higher level) level of detail, because this is what they wanted to get approved. If we go to the level that you want it's approvable. I don't think that's what the applicant is asking for. What we used to see when we did the Base Area Design Standards to show me a white block, here's our footprint, and height. I could have approved that. The details that are concerning to me would not come up at FDP. They're not giving us that level of detail; they're giving us a higher level of detail.

Commissioner Robbins –

When we discussed the DP light the idea was that we were approving the general concept of a specific application. I thought that today that was still what we were doing.

Tyler Gibbs –

If you feel that it doesn't meet a requirement of the code. We don't want something in here that would later be asked to be changed that would affect the potential build out.

Commissioner Robbins –

Commissioner Levy had brought up the open space. We don't have what the final open space plan since the current one is inaccurate. We're not actually approving that are we?

Tyler Gibbs –

Staff has stated that even though there are some areas that were incorrectly labeled as open space that the areas that do meet open space do meet the zoning requirements.

Commissioner Robbins –

We can't confirm that. How can we prove that?

Tyler Gibbs –

If that changes at FDP and it's something that would have to be modified then staff would have to come back and say that it no longer meets the zoning requirements.

Commissioner Levy –

Does this go to City Council regardless of our vote?

Bob Keenan –

If the vote is tabled or denied then it doesn't go to City Council.

Commissioner Hanlen –

Like staff put the condition of approval 3 in there referring to the northeast corner of the building if we were to place an additional condition for the southeast corner to further address Ptarmigan House would that be assurance enough that we could allow them to move forward given the back and forth nature of what we're approving tonight? If we place that condition in there that you need to further address the adjacent structure on the southeast corner then you know that it needs to be addressed and you have another crack a the bat.

Commissioner Levy –

Staff already thinks that the articulation on that side was satisfactory. For me to say they need more that puts that in staff's hands to address that. Or can we say if it's a condition of approval

DRAFT

that when it comes back before this body again that someone can say I don't think that it meets that condition?

Tyler Gibbs –

The applicant and staff would appreciate some guidance to what we need.

Commissioner Levy –

I would need to see scale. I would need a picture similar to pg 2-13, a picture of Ptarmigan House, the distance apart, and the elevation or profile so that it's similar to what's on pg 2-13. The idea of that step back and that relationship is in scale. That's the wording of the design standards.

Commissioner Hanlen –

As part of the FDP we'll be viewing the computer model. We get to see contextually how it does or does not address adjacent structures. You can put the relatively vague condition in there that says it must address. If you don't feel that it addresses then you can deny based off of it not being in substantial conformance with that condition. Right now we don't see it contextually to even make that assumption of scale.

Commissioner Levy –

Where are we going? I liked your idea and what we originally thought was going to be a DP light. I'm not seeing anything approaching that. I'm not happy with the process. It's not well defined. What is the process and what are the requirements for submitting a conceptual design? Either they have met that or they've exceeded that. If they've exceeded that then we could make the judgment call based off of what the submittal requirements are, but we don't have those. I'm uncomfortable with it. It's a big project and it feels like we're giving it a fair amount of approval.

Commissioner Hanlen –

I'm not proposing a fast track; we're trying to move the change forward. They can get some sense of reassurance that would remotely approve this project as opposed to \$150,000 to find out that I don't like where you put your building.

Commissioner Levy –

There is a remote chance that I would approve it. I'm not approving what's in front of me today.

Commissioner Turek –

There is access to the ski slope from the northwest corner is there not?

Eric Smith –

Yes.

Commissioner Turek –

There are stairs so that people who are coming from the promenade can come around to the northwest corner and be on that lobby level.

Tyler Gibbs –

It doesn't go all the way to the lobby level. You can get up to the snow, but not the lobby level.

September 22, 2011

DRAFT

Eric Smith –
(He explained Commissioner Turek's concern).

Commissioner Turek –
It would be great if there was a way to bring pedestrians around the exterior of the building all the way up to the front and make that northwest corner a potential commercial space.

Tyler Gibbs –
What we're trying to do is to give the applicant some assurance that they're going in the right direction and that they're on track before they invest in the next level of detail. If you can give the applicant some additional information as to how to make their project better.

Commissioner Robbins –
Are you saying that we should table this and have the applicant come back?

Tyler Gibbs –
Since this is the 1st time that we've gone through this process and staff is very willing to work with the Commission as well as the applicant to make this work the way we intended.

Commissioner Hanlen –
Commissioner Levy's point would be to provide less information.

Commissioner Levy –
I would be up for tabling it to provide either less information than what we received tonight which is what a lot of us feel that a conceptual plan should be or they can move it forward as a DP, which it seems like they have 90% of. It seems to me that they're much closer to a DP than a conceptual plan at this point.

Commissioner Levy moved to table the motion to give the applicant a chance to meet the Planning Commission's vision of a conceptual plan or to go through the normal process of a DP review and Commissioner Turek seconded the motion.

Eric Smith –
If you're wanting us to provide less information in order to vote on this then it seems like we've got all of the information we need in order for you to vote on this tonight.

Commissioner Levy –
You have to decide what you want to take off. Because of the language that I've seen in our proposal it says 'what's written down in your packet is what you're approving or not approving'. You know my concerns which are the articulation as it relates to the Ptarmigan House. How are you going to take that away now so you can appease me possibly at your FDP? You have to tell us a conceptual idea. I think that we have more than a conceptual plan here.

Eric Smith –
What we're asking for a conceptual approval on is the building that we've submitted tonight. I think that we're open to a condition on that motion to address the lower level space on the west side of the building. To some extent we could consider the space on the plaza level on the

DRAFT

northwest corner. (He explained that the Ptarmigan House isn't in compliance with what they've got in front of the Commission tonight).

Commissioner Levy –

You haven't shown me that relationship as it's required on pg 2-13. You haven't shown to me how that relationship exists. I believe what you're saying might be true. You haven't proven to me that it's true. I'm a very visual person and your description doesn't satisfy me. Is that something that you're willing to change as well?

Eric Smith –

We're comfortable with the mass as we've presented and we feel that it does address the code issues and staff supports that position.

VOTE

Vote: 0-6

Voting for against the motion to table: Brookshire, Hanlen, Levy, Meyer, Robbins and Turek

Absent: Lacy

One alternate position vacant

Motion to table failed.

Commissioner Levy –

I don't feel that by tabling this motion would meet my intent.

Commissioner Turek –

I think that the applicant's suggestion that they would entertain better connectivity on the north side to the ski slope and would also consider that area to be potential commercial satisfies my request. I think that's a better pedestrian flow to the ski area.

Commissioner Brookshire –

I agree with you, but just what Eric Smith said that when they come back they will address that.

Commissioner Meyer –

The original motion failed so the motion on the table is to approve it with 25 different conditions.

Commissioner Turek –

I would like to amend that motion to include connectivity to north side and the northwest corner to be a potential commercial area.

Commissioner Hanlen –

We're proposing connectivity, but not a requirement of the commercial use.

Commissioner Turek –

Not a requirement, but all 4 of those units on the west side would be potential commercial if we didn't give the variance.

Commissioner Hanlen –

September 22, 2011

DRAFT

Are you anticipating it as improved connectivity, because apparently there's a staircase that comes up from the bottom level?

Commissioner Turek –

They said that it doesn't go all the way up to the pedestrian level.

Commissioner Hanlen –

Condition 26 would be to add the staircase to go all the way up to the lobby level.

Commissioner Turek –

Full pedestrian connectivity all the way up to the ski slope.

(Commissioner Hanlen and Meyer accepted the friendly).

Vote: 5-1

Voting for approval of the motion to approve: Brookshire, Hanlen, Meyer, Robbins and Turek

Voting against the motion to approve: Levy

Absent: Lacy

One alternate position vacant

Discussion on this agenda item ended at approximately 7:24 p.m.

Robert Keenan, CFM

Senior Planner

Steamboat Springs, Colorado

bkeenan@steamboatsprings.net

Regarding: Development Plan/ Final Development Plan 2304 Après Ski Way

Dear Mr. Keenan,

We are homeowners at the Ptarmigan House Condominiums with a direct view of the property at 2304 Après Ski Way. We are very concerned about the project being proposed at the site for the following reasons:

1. Ski easement needs to stay clear and be accessible by all.
2. Safety Access for police, fire engines and ambulance through a tight driveway shared by Ptarmigan House Condominiums.
3. Elevation levels of 105 feet and 10 stories next to a building 50 feet in height and 3 stories.
4. The number of units with regard to the number of parking spaces 1:1 when some of the units are 5 bedrooms.

In 1967, Mount Werner Associates and Steamboat Land Company, created the ski easement. It was then and remains even more so today, a critical component of a positive and enjoyable ski experience for property owners in the Ski Trail Subdivision and beyond.

We hope you take our concerns into consideration in this new conceptual pilot program of the pre-application process and turn down the application for final plan until one can be agreed upon by neighbors of the proposed building.

Regards,

Arnold A. Barnes III and Catherine Drury Barnes

Ptarmigan House #24

526 Concord Ave

Boulder, CO 80304

Bob Keenan

From: iskevin@comcast.net
Sent: Thursday, September 22, 2011 1:14 PM
To: Bob Keenan
Cc: pdelaney@steamboatresorts.com; iskevin@comcast.net
Subject: Fwd: Ptarmigan Inn Condos

Steamboat Springs Planning Commission:

I am an owner in the Dulany Condo Complex, #405. I recently received notice of the Planning Commission meeting and the Ptarmigan Inn Condo redevelopment plans.

As I understand it, the redevelopment project could result in a structure containing 72 condos and built to a height of 105 ft.

As a neighbor I am concerned with the effects on my (neighbor) property value. The "G2" zoning requirements for buildings at the base of the mountain address some of my concerns in that the Ptarmigan Condo building would require that there be commercial space in the building hopefully adding value to the area. I understand there is no commercial space in the proposed structure, ground level or otherwise.

The considerable height of the building would block the mountain view of my condo and several of the other condos owned by Dulany and neighboring buildings built at the base of the mountain.

My thought is that the combination of the blocked view, shadows of the building, non-conforming design to the G2 zoning intended to increase the property value and neighboring property value, I am writing against approval of the Ptarmigan structure as it is currently proposed.

What ever the decisions of the Planning Commission this evening regarding the Ptarmigan Inn I would hope that there be some time limit on the approvals granted so that this redevelopment is not hanging over the properties for more than 2 years.

Sincerely,

Kevin J. Edwards

Paul Sachs, P.C.
35 Fifth Street, Unit 310
P.O. Box 773554
Steamboat Springs, CO 80477
psachs@paulsachspc.com
(970) 879-8600 (970) 879-8601 (fax)

September 22, 2011

Via Hand-Delivery and Email: bkeenan@steamboatsprings.net
Planning Commission
c/o Mr. Bob Keenan, Senior Planner

Re: Ptarmigan Inn Condos (Ptarmigan Redevelopment) #DPF-08-05

Ladies and Gentlemen:

I am writing as counsel to the Ptarmigan House Condominium Association ("Ptarmigan House") in opposition to the above-referenced Application for a Conceptual Development Plan approval.

Preliminarily, Ptarmigan House is at something of a loss as to how to analyze the proposed 256,057 square foot building to be known as Ptarmigan Inn Condos because it is being submitted and considered as a "Conceptual Development Plan" and there is no codified process for such a submittal. Because the plan, as submitted, is lacking the information that would have been available if submitted as a Development Plan under the Community Development Code (such as drainage plans, grading plans, engineering plans, etc.), some of Ptarmigan House's major concerns cannot be adequately analyzed. Ptarmigan House does not understand how Planning Commission can consider approval or disapproval of the proposal given the paucity of information provided. In this regard, we join in the more detailed analysis of this issue presented in the letter submitted on behalf of Chateaux Chamonix Condominium Association, Inc.

Ptarmigan House is very concerned about altering historic drainage patterns in the area. In the past, there have been numerous water and subsurface issues at Ptarmigan House and other buildings in the area that have had to be mitigated at considerable expense. Without detailed drainage plans, soil sampling and similar information, Ptarmigan House is concerned that this massive building will alter underground water flow and potentially cause damage to their property.

The zoning on the Ptarmigan Inn Condos parcel is now Gondola Two (G2) (a recent upzoning that was strongly opposed by Ptarmigan House). The G2 zone district is "intended to provide a quality pedestrian-oriented environment" Where is the pedestrian-oriented environment in this massive residential complex? "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." Where are the public spaces and gathering areas in this proposal? Where are the pedestrian corridors? This is a huge,

massive structure with no significant variation in building height (as required by the Community Development Code (CDC)).

Access to the Ptarmigan Inn Condos is by means of a 30 foot wide ingress/egress easement across the Ptarmigan House property. The applicant proposes placing a 6 foot wide sidewalk on the western edge of that easement, thereby leaving 24 feet for vehicular traffic. Is this adequate for the greatly increased use? Will it adequately accommodate fire and safety vehicles? Will it be snow melted? If not, is there a snow storage plan? Will the sidewalk be a safe passageway for pedestrians?

The 105 foot height, and close proximity to Ptarmigan House, will be akin to looking up at a massive wall from Ptarmigan House. One would expect significant shadowing to occur on Ptarmigan House (there is no sun/shadow study to analyze this). From the ski area, the structure will block some of the last views of the south valley.

There is a 20 foot wide ski access easement between the Ptarmigan Inn Condos and Chateaux Chamonix that continues past the Ptarmigan House and to Apres Ski Way. How will this be impacted by the proposed development? Is it adequately protected?

I will be present at the Planning Commission meeting to elaborate on these concerns if necessary, and I expect other members of the Board of Ptarmigan House and/or Steamboat Resorts will be present as well.

Thank you.

Most Sincerely,



Paul Sachs

Cc: Board of Directors, Ptarmigan House Condominium Association
Patrick Delaney
Becky Turner

September 21, 2011

Planning Commission
City of Steamboat Springs
VIA EMAIL bkeenan@steamboatsprings.net

Re: Ptarmigan Inn Condos (Ptarmigan Redevelopment) #DPF-08-05

Ladies and Gentlemen:

This correspondence is from the Chateau Chamonix Condominium Association, Inc. The Chateau Chamonix project is immediately uphill from and to the east of the proposed Ptarmigan Inn Condos project. The Board is unable to attend your meeting on Thursday and has asked that this letter be entered into the record of the September 22, 2011 Planning Commission Meeting.

This letter is in opposition to the Application for a Conceptual Development Plan approval for construction of a 256,057 square foot multi family building known as the Ptarmigan Inn Condos. Although it is difficult to analyze a Project in accordance with the City of Steamboat Springs Community Development Code, when **there is no codified process for a "Conceptual Development Plan,"** this letter will discuss why the proposed project fails to comply with *established* Steamboat Springs Community Development Code criteria and the Mountain Base Area Design Standards.

The Steamboat Springs Community Development Code. This project is being processed as a Development Plan because **there is no codified process for a Conceptual Development Plan.** A Development Plan, according to Section 26-65(a) of the CDC, "is intended to allow public review of development proposals at a level of detail where informed decisions can be made by the planning commission and city council." This application does not contain a level of detail where informed decisions can be made. The application does not comply with the application requirements for a Development Plan under the CDC, and fails to contain the type of information which would indicate that this type of project is feasible on its proposed site (ie. no drainage plan, grading plans, engineering plans including storm sewer and sanitary sewer, geologic plans regarding existing conditions on adjacent properties). It is of considerable concern to our Association that the construction involved in this project does not alter historic drainage patterns and does not create unstable soil situations and safety hazards. Due to the proximity of the proposed project to our building and others, it is imperative that these issues be addressed prior to approval of such a massive construction project. How can such a project in close proximity to other buildings be "conceptually approved" without addressing all of these important and pertinent issues?

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.***

The project fails to comply with the purpose and intent of the G2 Zone District. The building being proposed is not multi-use. The proposal is strictly for residential use and does not have ground level retail and other active uses. This failure is fatal to the project.

Additionally, Section 26-96 requires that a PUD be approved. Is the uncodedified "Conceptual Development Plan" part of the PUD process?

Because there is no codified process for a Conceptual Development Plan, the application is being analyzed by the Staff and processed as a Development Plan. However, this project cannot possibly be approved because it fails to meet the Development Plan criteria set forth in Section 26-65 of the CDC. It is important to note that "no development plan shall be approved unless the planning commission and the city council find that the development plan meets ALL of the criteria set forth in Section 26-65(d)," which it does not. This failure is additionally fatal to the project.

Section 26-65(d)(1) of the CDC requires conformity with the Community Plan. Community Plan Goal LU-1 states: "Our community will promote a functional, compact, and mixed-use pattern that integrates and balances residential and non-residential land uses." This project is not consistent with this goal. It fails to integrate residential and non-residential land uses. It is purely residential and will not contribute to the vitality sought at the base area. Additionally, Goal ED-1 states: "Steamboat Springs will have a vital, sustainable, and diverse year-round economy." ED1.1 states: "Continue to support tourism-related land uses, businesses, and marketing." Again, a purely residential building without commercial opportunities fails to comply with this goal. Finally, Goal CD-1 states "Our community will preserve its small town character and the image of neighborhoods and the community." CD 1.5 states: "Infill and redevelopment projects shall be compatible with the context of existing neighborhoods and development." The proposed building is massive, with 105 foot (or higher) walls facing the neighbors. It is not compatible with the context of the existing neighborhood and will creating a "looming" effect on all surrounding properties.

Section 26-65(d)(3) of the CDC requires the project to minimize adverse impacts on surrounding uses "considering facts such as setbacks." As previously stated, the proposed building would be located extremely close to the Chateau Chamonix property. There is not

enough information with respect to drainage, grading, geologic hazards and existing conditions on adjacent properties to make a determination that the proposed project minimizes adverse impacts on our use.

Section 26-65(d)(7) of the CDC requires compliance with other standards. The Staff Packet clearly states that there is not enough detail provided. The planning commission, although it must in order to approve this application, CANNOT possibly find that the application meets this criterion.

The proposed project fails to comply with the dimensional standards required of the G-2 Zone District in the CDC. For example, the CDC states, with respect to Height: "Significant variation in building height, including differences of multiple stories is required in an effort to break up the mass of structures." Clearly, the massive walls on the sides and back of the proposed building do nothing to break up the mass of the structure.

The Mountain Base Area Design Standards. The Mountain Base Area Design Standards were developed by the City Council, among other goals, to "establish a more unified character and sense of place for the Mountain Base Area that is unique to Steamboat and will help distinguish it as a 'World Class Mountain Village'." The overall density and massing of the proposed project is inconsistent with this goal. The massiveness of the project certainly does not create a unique and intimate sense of place envisioned for the base area and does not help distinguish Steamboat's base area as a "World Class Mountain Village."

The Mountain Base Area Design Standards intent with regard to relationship to surrounding development is to provide appropriate transitions in height and mass between new development and smaller scale existing development. In achieving this, the design standards require ALL building facades to be designed with a similar level of design detail and suggest techniques to accomplish the proper development transitions. The east and south elevations of the proposed building do not comply with these standards. Techniques suggested, such as graduating building height and mass in step backs should be employed. The mass of the building is such that it fails to appear to be an arrangement of smaller scale connected buildings, but rather a large massive structure surrounded by significantly smaller existing buildings.

The application does not contain a sun/shadow study as required by the Mountain Base Area Design Standards and therefore, it is difficult to evaluate the effects of the development with respect to shadowing. Due to the size of the building, it is expected that there will be substantial shadowing on the pedestrian walkways between the building and the Chateau Chamonix property.

With respect to compliance with remaining standards set forth in the Mountain Base Area Design Standards, the Association echoes all of the concerns of Scott Boyle in his letter on behalf of One Steamboat Place.

In conclusion, for the aforementioned reasons, the Association respectfully requests that the Planning Commission deny the Applicant's application this evening. Thank you for the opportunity to provide these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Infantino", with a long, sweeping flourish extending to the right.

Ray Infantino
President of Board of Managers
Chateau Chamonix

Bob Keenan

From: Jonathan A. Melnick <jamelnick@yahoo.com>
Sent: Wednesday, September 21, 2011 4:00 PM
To: Bob Keenan
Cc: Patrick Delaney
Subject: ptarmigan is tooooo big.....

dear bob, as president of the "dulany homeowners association" i am very concerned that planning look carefully at the proposed ptarmigan development from the standpoint of :

- 1)blocking the view of many existing buildings
- 2)the shadow effects on properties and roads and walkways nearby and the resulting ice hazards associated with these shadows
- 3)the massiveness of the project and how it will look for the "permanent" future of the ski area
- 4)does it ad to the beauty of the mountain or does it detract from the beauty of the mountain
- 5)in 1989 when i purchased at dulany i was told that the planning department is committed to protecting the serenity and beauty of the ski area; not to worry. since then i have seen the grand, one steamboat place and many other overwhelming structures that would have better served the "classic steamboat look" in a scaled down version. not once has planning's review of these projects truly reflected the concerns of the local steamboat population. *please don't let this type of development further obscure the views and serenity of our magnificent ski area.*

thanks for the opportunity to express the views of the "dulany at the gondola" owners. jonathan melnick,
president



ONE
STEAMBOAT
PLACE
SLOPESIDE AT THE GONDOLA

Steamboat Springs Department of Planning and Community Development
124 10th Street
Steamboat Springs, CO 80487
Attn: Bob Keenan

September 19, 2011

Bob –

We would like to thank you for taking time to show us the current submittal for the Ptarmigan Inn. You were very helpful in explaining the submittal and the new changes in the submittal and review process as established recently by the planning department.

Based on the Mountain Base area Design Standards and a closer examination of the “conceptual planning submittal” for the Ptarmigan Inn, we would like to identify some areas of concern:

- The Parking as shown on the plans indicates 60 permanent stalls and 5 temporary stalls. The proposed project incorporates 71 units. This is a ratio of .845 stalls per unit, and would indicate a severe shortage of parking spaces. In contrast, One Steamboat Place provides 186 permanent stalls for 80 units (a ratio of 2.3 stalls per unit).
- The above mentioned parking issues would create additional traffic loads on what are already congested streets, and it would appear that a traffic study should be required before the project moves too far along in the process.
- Are there any requirements for overhead / canopy protection for the retail (amenity) space at the base of the building along the west elevation? Overhead protection would encourage safe pedestrian circulation and also minimize the visual impact of the overall height of the building.
- Are there any requirements for snowmelt along the pedestrian walks? Snowmelt would extend the current pedestrian circulation system in place and encourage a greater level of safety around the base village.
- The drawings indicate a “Future surface summer connection to promenade below snow level” (southwest corner). This connection should not compromise pedestrian safety by creating an interaction with skiers. The proposed connection should include a bridge to allow the ski circulation to remain in an uninterrupted format.
- The Base area design standards indicate a requirement of minimum 8’ step backs. Please confirm that the submittal meets this requirement.
- This building intends to utilize the full extent of the potential massing envelope. A building of this size and density will create a large shadow. A shadow study should be performed to indicate the extent of shadow over the ski school area. A dark and gloomy area for the ski school will reduce the potential value of the property utilized by the ski school.
- The Design Standards encourage a snow retention system to be incorporated into the design elements. This requirement should be incorporated into the project to promote a safe pedestrian environment.

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- The east + south elevations should strive to provide a greater level of 'visual interest' as encouraged in the design standards.
- The design standards indicate that projects with an estimated construction cost exceeding \$250,000 will need to provide Public Spaces / Community Amenities. The proposal does not indicate how this requirement will be achieved.
- The submittal does not indicate enough information to confirm compliance with material selection and lighting standards. This information should be addressed in some format in the current submittal.
- The overall density of the project appears to be in conflict with the primary design intent for the base village ("Establish a more unified character and sense of place for the mountain base area that is unique to Steamboat and will help distinguish it as a 'World Class' mountain village" – page 4).
 - A project with an approximate ratio of 47.3 units per acre does not appear consistent with the human scaled character of a small mountain village.
 - Encouraging this type of density would eventually ruin the unique and intimate sense of place the base village currently embodies.
 - The massing of the west and north elevations should address the scale, character and proportions of a good human scaled environment (under 5 stories).
- The zoning standards should be re-examined to assure more appropriately scaled buildings at the edge of the ski and pedestrian areas. The 105' height limit does not encourage an intimate character or relationship with the ski experience of Steamboat Springs.

We would like to make sure our comments are inserted to the public record for this hearing. We feel that these issues and concerns should be addressed before this submittal is approved.

Sincerely,



Scott Boyie
(Authorized Representative of One Steamboat Place)

Bob Keenan

From: davis2134@comcast.net
Sent: Tuesday, September 20, 2011 2:38 PM
To: Bob Keenan
Subject: Scheduled Public Hearing for Ptarmigan Inn Condos

Dear Mr. Keenan:

As the owners of Ptarmigan House, Unit #38, we have concerns about the massive building plans proposed for replacing the Ptarmigan Inn. As the Pilot article stated, building density of the site should be considered. Ten stories? That height seems way out of proportion for that area and will certainly interfere with our own views of the ski mountain from our 3rd floor balcony. As it is, there is a lot of traffic in and out of the driveway access from Apres Ski Way. It has gotten worse since The Porches took over the property because their shuttle busses from their other Steamboat properties use our common driveway access as a drop-off point at the Ptarmigan Inn for people going skiing, not the Transportation drop-off area near the gondola that all of the other shuttle busses and city busses use. Also, there is always overflow parking from renters of their property using Ptarmigan House parking spots. We will be further crowded out by a massive new neighbor. The Ptarmigan House has been a good neighbor since the 1970's and we feel our needs should be considered. Construction traffic in and out of this narrow access road will make for a very uncomfortable situation. I know that a new building on the site will be approved. We would prefer that it be scaled back so that it is not a monstrosity. If you have not walked or driven from Apres Ski Way to the Ptarmigan Inn, you should do so before the meeting on Thursday to get a personal feel for the ingress and egress to the property. This cannot be done from a blueprint plan of the site.

Thankyou for your consideration.

Dave and Laura Davis

09/20/2011

10-96

Bob Keenan

From: John Merrill [jmerrill@steamboatwireless.com]
Sent: Friday, September 16, 2011 3:54 PM
To: Bob Keenan
Cc: bturner@steamboatresorts.com; Raynor, Vivian; Nancy Louise Hexter Merrill, Nancy Hexter
Subject: public hearing for Ptarmigan Inn condos

Regarding: Scheduled public hearing for Ptarmigan Inn Condos, block 2 lot 6 #DPF-08-05

Dear Mr. Keenan,

I am writing as a surrounding property owner to this project. My wife Nancy and I reside in # 14 of the adjacent Ptarmigan House. We have attended several of the planning commission meetings up until now, but may be unable to attend the planned September 22, 2011 meeting, so wanted to express some of our concerns, in advance of the meeting.

- 1: This construction will be to some depth, and we are concerned this could temporarily, or permanently alter drainage from the mountain. We spent a large sum of money in the 1990's to mitigate basement flooding in the spring, which was completely successful, but which could be undone by the construction.
- 2: We understand that the zoning which was in place to protect the only views of the Flat Top Mountains from the ski slopes is to be bypassed. This is a regrettable decision.
- 3: There is a deeded easement in between the current Ptarmigan Inn and the Chamonix condos. This is our summer hiking/biking access to the ski area, and our winter ski access. We want to keep this intact, all year around during the construction, and not narrowed by the extent of the planned construction envelope.
- 4: One major concern, due to safety, is about what will be both the construction access to this project, and the access for the increased numbers of people who will use the new Ptarmigan Inn. This access has never been a "road," but is a shared driveway, only. It is, now, a narrow fire lane, at all times. It would be a dangerous mistake to narrow it further, even temporarily, or to make the potential turns a fire engine might have to make any more difficult than they are, now. There is a shared driveway agreement, now, but some adjustment, by the Ptarmigan Inn because of their project, must be planned for. How does the Ptarmigan Inn plan to maintain the driveway during the heavy equipment construction phase, and subsequently with the expectation of increased traffic in the future to the enlarged building of the completed project?

We do hope to be at the meeting to present additional concerns to you and your staff. Thank you.

John Merrill
2322 Apres Ski Way
Ptarmigan House # 14
Steamboat Springs, Co, 80487

jmerrill@steamboatwireless.com
Home (970) 879 4998
Cell (970) 291 9021

John M. Merrill
Nancy H. Merrill

Bob Keenan

From: David Josfan [josfan@springsips.com]
Sent: Saturday, September 17, 2011 1:39 PM
To: Bob Keenan
Cc: thevivian2@aol.com
Subject: Ptarmigan Inn Development

Mr. Robert Keenan,

We are owners of a unit in the Ptarmigan House.

My wife, family and I are very concern about the new proposed development of the Ptarmigan Inn and the size and mass of the building.

We are concern with the new building shadowing our building and blocking a view that we have paid so much of our savings for.

We are concern about the driveway that will need to accommodate a lot more traffic than it does now.

We are not so sure that the road that is proposed has enough snow storage area as well as enough room to accommodate such a large expansion of the project and added traffic. There were no details available for us to look at.

I would urge you to please consider people like us that have made a substantial family financial investment in Steamboat and to make sure that we are protected and that our building is not compromised because of the new proposed (giant) new building.

I have checked the planning department internet site and found the paper work associated with this project but no detailed plans of the building, no site plan, no details of the road or parking were in the package.

Thank you
The Josfan Family

09/19/2011

10-98

Bob Keenan

From: c3ebarnes@comcast.net
Sent: Monday, October 10, 2011 8:46 PM
To: Bob Keenan
Subject: Ptarmigan Inn Opposition Letter

10 October 2011

Steamboat Springs City Council

Re: Ptarmigan Inn Conceptual Development Proposal

Dear Council Members,

As owners of Ptarmigan House Condominium unit #24, we are writing in opposition to the Ptarmigan Inn Conceptual Development Proposal. If the base area continues to be built up with massive buildings, it will generate a tunnel or canyon like atmosphere in the area. This will significantly detract from the openness of the rest of the Steamboat ski area and the town. The Ptarmigan Inn proposal with its massive looking faces and no step backs, not only adds to the massiveness of buildings already in the base area, but significant degrades the views from the Ptarmigan House.

In addition, the confusing nature of the Conceptual Development Process has been very disappointing as it is not clear through this new process how the views and concerns of those other than the developers are heard. We understand the need to continue improvement of the base area, but believe that this proposal is too high density, too massive and is not in keeping with the openness we should strive to maintain in the base area.

Please do not approve the Ptarmigan Inn conceptual Development Proposal as it is being proposed, and also reconsider the overall approach to development of the base area, which could significantly detract from the overall experience of visitors as well as locals.

Sincerely,

Arnold A. Barnes III and Catherine D. Barnes

Bob Keenan

From: faoa@optonline.net
Sent: Friday, October 07, 2011 9:42 AM
To: Bob Keenan
Cc: bturner@steamboatresorts.com; psachs@paulsachspc.com
Subject: The Ptarmigan Inn Conceptual Development Proposal

Frank A. Ocwieja

One Clubway Hartsdale, NY 10530 U.S.A.
Tel: (914) 472-7131
e-mail: ocwieja@optonline.net

TO: City of Steamboat Springs
ATTN: Mr. Bob Keenan, Senior Planner
COPY: Ms. Becky Turner
Mr. Paul Sachs
DATE: October 7, 2011

Dear Sir:

I and my wife, Susan Pearson, own one of the condominium apartments in Ptarmigan House, across the parking lot from the current Ptarmigan Inn. We have learned of the plans to replace the Inn with a new multi-storey development, as presented in The Ptarmigan Inn Conceptual Development Proposal that is being considered by the Planning Commission.

The creation of a canyon of tall buildings surrounding the Steamboat ski area base will harm the open space that is among the most important charms of the resort. There are a number of lower-rise residential buildings, including not only Ptarmigan House, that will be overshadowed by the replacement of Ptarmigan Inn as presented in the Conceptual Development Proposal. This will impact both the views from the ski resort base area into the valley as well as the view up the mountain from the buildings that currently dot Apres Ski Way and other residences in the vicinity.

I believe that the Planning Commission must limit the new development to rise no higher than the current profile of Ptarmigan Inn. Thank you for giving this principle of protecting the character of the Steamboat Resort due consideration.

Sincerely,

Frank A. Ocwieja

Regarding: Scheduled public hearing for Ptarmigan Inn Condos, block 2 lot 6
#DPF-08-05, On October 18, 2001

Dear Mr. Keenan,

I am writing as a surrounding property owner to this project. My wife Nancy and I reside in # 14 of the adjacent Ptarmigan House. We have attended several of the planning commission meetings up until now, but were unable to attend the September 22, 2011 meeting. It is our understanding that the "conceptual process" was completely baffling to most present, except for the project proposal team. In fact they may have used the confusion to embellish this ill-conceived proposal. So we wanted to express some of our concerns, in advance of the upcoming meeting, Tuesday, October 18.

Our principal concern is the massive building façade that will face our building. There is also not a mention of any set backs that could mitigate this effect upon our building. Our other concerns are as follows.

- 1: This construction will be to some depth, and we are concerned this could temporarily, or permanently alter drainage from the mountain. We spent a large sum of money in the 1990's to mitigate basement flooding in the spring, which was completely successful, but which could be undone by the construction.
- 2: We understand that the zoning that was in place to protect the only views of the Flat Top Mountains from the ski slopes is to be bypassed. This is a regrettable decision.
- 3: There is a deeded easement in between the current Ptarmigan Inn and the Chamonix condos. This is our summer hiking/biking access to the ski area, and our winter ski access. We want to keep this intact, all year around during the construction, and not narrowed by the extent of the planned construction envelope.
- 4: One major concern, due to safety, is about what will be both the construction access to this project, and the access for the increased numbers of people who will use the new Ptarmigan Inn. This access has never been a "road," but is a shared driveway, only. It is, now, a narrow fire lane, at all times. It would be a dangerous mistake to narrow it further, even temporarily, or to make the potential turns a fire engine might have to make any more difficult than they are, now. There is a shared driveway agreement, now, but some adjustment, by the Ptarmigan Inn because of their project, must be planned for. How does the Ptarmigan Inn plan to maintain the driveway during the heavy equipment construction phase, and subsequently with the expectation of increased traffic in the future to the enlarged building of the completed project?

We do hope to be at the meeting to present additional concerns to you and your staff. Thank you.

John Merrill

2322 Apres Ski Way
Ptarmigan House # 14
Steamboat Springs, Co, 80487

jmerrill@steamboatwireless.com
Home (970) 879 4998
Cell (970) 291 9021

John M. Merrill

Nancy H. Merrill

Bob Keenan

From: karen arnett <karnett12@gmail.com>
Sent: Saturday, October 08, 2011 1:34 PM
To: Bob Keenan
Subject: Ptarmigan Inn Conceptual Development Process

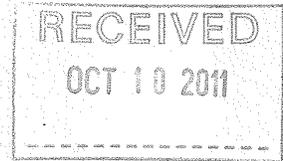
Dear Bob,

I am writing regarding the Ptarmigan Inn project and my confusion regarding the nature of the Conceptual Development Process. It is not at all clear how this works, what result is expected, why it even exists, or how the impact on other home/condo owners is taken into consideration. Furthermore, the massive building façade facing the Ptarmigan House and the lack of any step-backs to mitigate that mass are major concerns.

I would ask that you relook the Conceptual Development proposal for a solution that is amenable to those directly affected by the decisions of the city council. This seems like the only right way to handle this situation. You represent all of us in the community, not just one special interest group.

Respectfully,
Karen Arnett
Ptarmigan House unit 34

Paul Sachs, P.C.
35 Fifth Street, Unit 310
P.O. Box 773554
Steamboat Springs, CO 80477
psachs@paulsachspc.com
(970) 879-8600 (970) 879-8601 (fax)



October 10, 2011

Via Hand-Delivery
City Council

Re: Ptarmigan Inn Condos (Ptarmigan Redevelopment) #DPF-08-05

Ladies and Gentlemen:

I am writing as counsel to the Ptarmigan House Condominium Association ("Ptarmigan House") in opposition to the above-referenced Application for a *Conceptual* Development Plan approval.

What Is a Conceptual Development Plan Application?

At the Planning Commission hearing on this matter, over two hours were spent in discussing what exactly the Planning Commission was being asked to approve. I would submit that they were never given a clear answer and that it was manifestly uncertain as to what it was they actually voted on. Director Gibbs, following repeated questioning regarding this issue, stated that they were being asked whether the proposal "conforms to the applicable criteria *within the limits of the information provided.*" I take it that means that based on the information provided by the applicant the Planning Commission was being asked for their preliminary opinion as to whether the application is in conformance with the criteria for the applicable zone district. Of course, that is only my interpretation of this confusing statement. But, if this is a correct interpretation, it begs the question as to whether the application will conform to the applicable criteria when all of the information required to be submitted is actually submitted. I raise the question raised at the Planning Commission meeting; namely, if this is the case, what is the point? Why allow the applicant to only provide limited information which by its very nature doesn't allow informed discussion on the application?¹

Planning Commission seemed similarly at a loss and ultimately moved to table this proposal in order to get clarification on what it was they were being asked to approve. The applicant's representative, Eric Smith, stated that they would not know what to do if the application were tabled since they had already provided more information than

¹ It was brought up at Planning Commission that the members were under the impression that a conceptual development plan submittal would be very limited (i.e., size of building, siting, mass) in its detail. This could allow an applicant to get a preliminary opinion on the broad outlines of a development proposal before spending a lot of money on the required engineering and related studies required for a complete application. The problem with this submittal is that it has more information than Planning Commission was anticipating under a conceptual application but falls short of what is required under the CDC for a development plan. So, what exactly is it and what purpose is it serving?

seemed necessary for the “conceptual” plan process. Of course, that pointed to the exact problem. Given that the applicant had provided more than just a rough sketch of its proposal, but less than what is required under the Community Development Code (CDC) for an actual development plan application, what was the Planning Commission (and now City Council) being asked to approve? Unfortunately, since the applicant wasn’t agreeable to the tabling, the Planning Commission moved to pass this matter on to City Council.

As stated at Planning Commission, Ptarmigan House was, and remains, at something of a loss as to how to analyze the proposed 256,057 square foot building to be known as Ptarmigan Inn Condos because, as discussed above, it is being submitted and considered as a “Conceptual Development Plan” and there is no codified process for such a submittal. Because the plan, as submitted, is lacking the information that would have been available if submitted as a Development Plan under the CDC (such as drainage plans, grading plans, engineering plans, etc.), some of Ptarmigan House’s major concerns cannot be adequately analyzed. Ptarmigan House does not understand how Planning Commission or City Council can consider approval or disapproval of the proposal given the incomplete nature of the information provided. In this regard, we join in the more detailed analysis of this issue presented in the letter submitted on behalf of Chateaux Chamonix Condominium Association, Inc. to the Planning Commission (attached hereto so as not to be redundant).

Drainage Issues

Ptarmigan House is very concerned about altering historic drainage patterns in the area. In the past, there have been numerous water and subsurface issues at Ptarmigan House and other buildings in the area that have had to be mitigated at considerable expense. Without detailed drainage plans, soil sampling and similar information, Ptarmigan House is concerned that this massive building will alter underground water flow and potentially cause damage to their property. At the Planning Commission meeting, Eric Smith addressed these concerns by positing, hypothetically, that the massive size of the Ptarmigan Inn Condos would likely cause groundwater to migrate toward it and away from Ptarmigan House. Admittedly, this would be a nice result if it does in fact occur, but there are no studies to support this statement (as would be required if the applicant had to provide all the information required by the CDC).

G-2 Zoning Criteria

The zoning on the Ptarmigan Inn Condos parcel is now Gondola Two (G2). As you know this was due to a relatively recent upzoning that was strongly opposed by Ptarmigan House. In fact, a little over two years ago, in July of 2009, I stood before City Council and reiterated what I’d said to Planning Commission, if you upzone the Ptarmigan Inn Condos parcel to Gondola Two (G2) and at the same time change the permissible height limit from 57 feet to 105 feet, then “you will no doubt have an application before you in short order for the redevelopment of the Ptarmigan Inn parcel that will be at the 105 foot height threshold.” It took slightly longer than we thought, but

here it is. Even though permitted by the new zoning, this building is simply too tall and too massive. *What was, until just two years ago, a site that would only have permitted a 57 foot building, now is being asked to accommodate a 105 foot building!* It presents a wall to the Ptarmigan House owners that face it and obstructs the last remaining views of the south valley and the Flat Tops from the base of the ski area. To compound this tragedy, as discussed by Planning Commission members, it has virtually no “step-backs” to mitigate this mass. In addition, one would expect significant shadowing to occur on Ptarmigan House (but, of course, there is no sun/shadow study to analyze this).

The G2 zone district is “intended to provide a quality pedestrian-oriented environment” Where is the pedestrian-oriented environment in this massive residential complex? “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.” Where are the public spaces and gathering areas in this proposal? Where are the pedestrian corridors? This is a huge, massive structure with no significant variation in building height (as required by the CDC).

Access Via An Easement

Access to the Ptarmigan Inn Condos is by means of a 30 foot wide ingress/egress easement across the Ptarmigan House property. The applicant proposes placing a 6 foot wide sidewalk on the western edge of that easement, thereby leaving 24 feet for vehicular traffic. Is this adequate for the greatly increased use? Will it adequately accommodate fire and safety vehicles? Will it be snow melted? If not, is there a snow storage plan? Will the sidewalk be a safe passageway for pedestrians? Again, because the submittal was not complete, Eric Smith responded to these questions at Planning Commission by stating they would be fully addressed during the final development plan process. But, if that is the case, then why not address them now? *And, more importantly, what is the significance of this conceptual permit approval when the applicant returns with more detailed information later?*

Ski Access Easement

There is a 20 foot wide ski access easement between the Ptarmigan Inn Condos and Chateaux Chamonix that continues past the Ptarmigan House and to Apres Ski Way. How will this be impacted by the proposed development? Is it adequately protected?

Summary

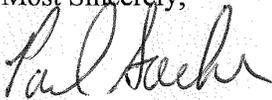
To summarize, Ptarmigan House urges City Council to disapprove of this application until such time as the “conceptual development plan” process is codified so that the applicant, the Planning staff, the Planning Commission, the City Council, and, most importantly, the public, knows and understands what is actually occurring under this process. In that manner, all of the foregoing entities will also be able to fully address the

issues raised above (and the many additional ones raised by Planning staff, Planning Commission, and members of the public).

I will be present at the City Council meeting to elaborate on these concerns if necessary, and I expect other members of Ptarmigan House will be present as well.

Thank you.

Most Sincerely,

A handwritten signature in cursive script, appearing to read "Paul Sachs".

Paul Sachs

Cc: Board of Directors, Ptarmigan House Condominium Association
Patrick Delaney
Becky Turner

September 21, 2011

Planning Commission
City of Steamboat Springs
VIA EMAIL bkeenan@steamboatsprings.net

Re: Ptarmigan Inn Condos (Ptarmigan Redevelopment) #DPF-08-05

Ladies and Gentlemen:

This correspondence is from the Chateau Chamonix Condominium Association, Inc. The Chateau Chamonix project is immediately uphill from and to the east of the proposed Ptarmigan Inn Condos project. The Board is unable to attend your meeting on Thursday and has asked that this letter be entered into the record of the September 22, 2011 Planning Commission Meeting.

This letter is in opposition to the Application for a Conceptual Development Plan approval for construction of a 256,057 square foot multi family building known as the Ptarmigan Inn Condos. Although it is difficult to analyze a Project in accordance with the City of Steamboat Springs Community Development Code, when **there is no codified process for a "Conceptual Development Plan,"** this letter will discuss why the proposed project fails to comply with *established* Steamboat Springs Community Development Code criteria and the Mountain Base Area Design Standards.

The Steamboat Springs Community Development Code. This project is being processed as a Development Plan because **there is no codified process for a Conceptual Development Plan.** A Development Plan, according to Section 26-65(a) of the CDC, "is intended to allow public review of development proposals at a level of detail where informed decisions can be made by the planning commission and city council." This application does not contain a level of detail where informed decisions can be made. The application does not comply with the application requirements for a Development Plan under the CDC, and fails to contain the type of information which would indicate that this type of project is feasible on its proposed site (ie. no drainage plan, grading plans, engineering plans including storm sewer and sanitary sewer, geologic plans regarding existing conditions on adjacent properties). It is of considerable concern to our Association that the construction involved in this project does not alter historic drainage patterns and does not create unstable soil situations and safety hazards. Due to the proximity of the proposed project to our building and others, it is imperative that these issues be addressed prior to approval of such a massive construction project. How can such a project in close proximity to other buildings be "conceptually approved" without addressing all of these important and pertinent issues?

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.***

The project fails to comply with the purpose and intent of the G2 Zone District. The building being proposed is not multi-use. The proposal is strictly for residential use and does not have ground level retail and other active uses. This failure is fatal to the project.

Additionally, Section 26-96 requires that a PUD be approved. Is the uncodedified "Conceptual Development Plan" part of the PUD process?

Because there is no codified process for a Conceptual Development Plan, the application is being analyzed by the Staff and processed as a Development Plan. However, this project cannot possibly be approved because it fails to meet the Development Plan criteria set forth in Section 26-65 of the CDC. It is important to note that "no development plan shall be approved unless the planning commission and the city council find that the development plan meets ALL of the criteria set forth in Section 26-65(d)," which it does not. This failure is additionally fatal to the project.

Section 26-65(d)(1) of the CDC requires conformity with the Community Plan. Community Plan Goal LU-1 states: "Our community will promote a functional, compact, and mixed-use pattern that integrates and balances residential and non-residential land uses." This project is not consistent with this goal. It fails to integrate residential and non-residential land uses. It is purely residential and will not contribute to the vitality sought at the base area. Additionally, Goal ED-1 states: "Steamboat Springs will have a vital, sustainable, and diverse year-round economy." ED1.1 states: "Continue to support tourism-related land uses, businesses, and marketing." Again, a purely residential building without commercial opportunities fails to comply with this goal. Finally, Goal CD-1 states "Our community will preserve its small town character and the image of neighborhoods and the community." CD 1.5 states: "Infill and redevelopment projects shall be compatible with the context of existing neighborhoods and development." The proposed building is massive, with 105 foot (or higher) walls facing the neighbors. It is not compatible with the context of the existing neighborhood and will creating a "looming" effect on all surrounding properties.

Section 26-65(d)(3) of the CDC requires the project to minimize adverse impacts on surrounding uses "considering facts such as setbacks." As previously stated, the proposed building would be located extremely close to the Chateau Chamonix property. There is not

enough information with respect to drainage, grading, geologic hazards and existing conditions on adjacent properties to make a determination that the proposed project minimizes adverse impacts on our use.

Section 26-65(d)(7) of the CDC requires compliance with other standards. The Staff Packet clearly states that there is not enough detail provided. The planning commission, although it must in order to approve this application, CANNOT possibly find that the application meets this criterion.

The proposed project fails to comply with the dimensional standards required of the G-2 Zone District in the CDC. For example, the CDC states, with respect to Height: "Significant variation in building height, including differences of multiple stories is required in an effort to break up the mass of structures." Clearly, the massive walls on the sides and back of the proposed building do nothing to break up the mass of the structure.

The Mountain Base Area Design Standards. The Mountain Base Area Design Standards were developed by the City Council, among other goals, to "establish a more unified character and sense of place for the Mountain Base Area that is unique to Steamboat and will help distinguish it as a 'World Class Mountain Village'." The overall density and massing of the proposed project is inconsistent with this goal. The massiveness of the project certainly does not create a unique and intimate sense of place envisioned for the base area and does not help distinguish Steamboat's base area as a "World Class Mountain Village."

The Mountain Base Area Design Standards intent with regard to relationship to surrounding development is to provide appropriate transitions in height and mass between new development and smaller scale existing development. In achieving this, the design standards require ALL building facades to be designed with a similar level of design detail and suggest techniques to accomplish the proper development transitions. The east and south elevations of the proposed building do not comply with these standards. Techniques suggested, such as graduating building height and mass in step backs should be employed. The mass of the building is such that it fails to appear to be an arrangement of smaller scale connected buildings, but rather a large massive structure surrounded by significantly smaller existing buildings.

The application does not contain a sun/shadow study as required by the Mountain Base Area Design Standards and therefore, it is difficult to evaluate the effects of the development with respect to shadowing. Due to the size of the building, it is expected that there will be substantial shadowing on the pedestrian walkways between the building and the Chateau Chamonix property.

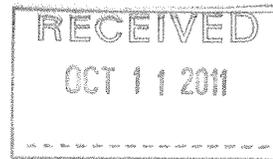
With respect to compliance with remaining standards set forth in the Mountain Base Area Design Standards, the Association echoes all of the concerns of Scott Boyle in his letter on behalf of One Steamboat Place.

City Council
May 27, 2009
Page - 4 -

In conclusion, for the aforementioned reasons, the Association respectfully requests that the Planning Commission deny the Applicant's application this evening. Thank you for the opportunity to provide these comments.

Sincerely,

City Council
May 27, 2009
Page - 1 -



October 11, 2011

City Council
City of Steamboat Springs
VIA EMAIL atribble@steamboatsprings.net

Re: Ptarmigan Inn Condos (Ptarmigan Redevelopment) #DPF-08-05

Ladies and Gentlemen:

This correspondence is from the Chateau Chamonix Condominium Association, Inc. The Chateau Chamonix project is immediately uphill from and to the east of the proposed Ptarmigan Inn Condos project. The Board respectfully requests that this letter be entered into the record of the October 18, 2011 City Council Meeting.

This letter is in opposition to the Application for a Conceptual Development Plan approval for construction of a 256,057 square foot multi family building known as the Ptarmigan Inn Condos. Although it is difficult to analyze a Project in accordance with the City of Steamboat Springs Community Development Code, when **there is no codified process for a "Conceptual Development Plan,"** this letter will discuss why the proposed project fails to comply with *established* Steamboat Springs Community Development Code criteria and the Mountain Base Area Design Standards.

The Steamboat Springs Community Development Code. This project is being processed as a Development Plan because **there is no codified process for a Conceptual Development Plan.** A Development Plan, according to Section 26-65(a) of the CDC, "is intended to allow public review of development proposals at a level of detail where informed decisions can be made by the planning commission and city council." This application does not contain a level of detail where informed decisions can be made. The application does not comply with the application requirements for a Development Plan under the CDC, and fails to contain the type of information which would indicate that this type of project is feasible on its proposed site (ie. no drainage plan, grading plans, engineering plans including storm sewer and sanitary sewer, geologic plans regarding existing conditions on adjacent properties). It is of considerable concern to our Association that the construction involved in this project does not alter historic drainage patterns and does not create unstable soil situations and safety hazards. Due to the proximity of the proposed project to our building and others, it is imperative that these issues be addressed prior to approval of such a massive construction project. There is no modeling to show how the massing of the proposed building affects the adjacent properties. The impact on the Chateau Chamonix from shadowing could be tremendous. How can such a project in close proximity to other buildings be "conceptually approved" without addressing all of these important and pertinent impacts and issues?

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.”*

The project fails to comply with the purpose and intent of the G2 Zone District. The building being proposed is not multi-use. The proposal is strictly for residential use and does not have ground level retail and other active uses. This failure is fatal to the project.

Additionally, Section 26-96 requires that a PUD be approved. Is the uncoded “Conceptual Development Plan” part of the PUD process?

Because there is no codified process for a Conceptual Development Plan, the application is being analyzed by the Staff and processed as a Development Plan. However, this project cannot possibly be approved because it fails to meet the Development Plan criteria set forth in Section 26-65 of the CDC. It is important to note that “no development plan shall be approved unless the planning commission and the city council find that the development plan meets ALL of the criteria set forth in Section 26-65(d),” which it does not. This failure is additionally fatal to the project.

Section 26-65(d)(1) of the CDC requires conformity with the Community Plan. Community Plan Goal LU-1 states: “Our community will promote a functional, compact, and mixed-use pattern that integrates and balances residential and non-residential land uses.” This project is not consistent with this goal. It fails to integrate residential and non-residential land uses. It is purely residential and will not contribute to the vitality sought at the base area. Additionally, Goal ED-1 states: “Steamboat Springs will have a vital, sustainable, and diverse year-round economy.” ED1.1 states: “Continue to support tourism-related land uses, businesses, and marketing.” Again, a purely residential building without commercial opportunities fails to comply with this goal. Finally, Goal CD-1 states “Our community will preserve its small town character and the image of neighborhoods and the community.” CD 1.5 states: “Infill and redevelopment projects shall be compatible with the context of existing neighborhoods and development.” The proposed building is massive, with 105 foot (or higher) walls facing the neighbors. It is not compatible with the context of the existing neighborhood and will creating a “looming” effect on all surrounding properties.

Section 26-65(d)(3) of the CDC requires the project to minimize adverse impacts on surrounding uses "considering facts such as setbacks." As previously stated, the proposed building would be located extremely close to the Chateau Chamonix property. There is not enough information with respect to drainage, shadowing, grading, geologic hazards and existing conditions on adjacent properties to make a determination that the proposed project minimizes adverse impacts on our use.

Section 26-65(d)(7) of the CDC requires compliance with other standards. The Staff Packet clearly states that there is not enough detail provided. The City Council, although it must in order to approve this application, CANNOT possibly find that the application meets this criterion.

The proposed project fails to comply with the dimensional standards required of the G-2 Zone District in the CDC. For example, the CDC states, with respect to Height: "Significant variation in building height, including differences of multiple stories is required in an effort to break up the mass of structures." Clearly, the massive walls on the sides and back of the proposed building do nothing to break up the mass of the structure.

The Mountain Base Area Design Standards. The Mountain Base Area Design Standards were developed by the City Council, among other goals, to "establish a more unified character and sense of place for the Mountain Base Area that is unique to Steamboat and will help distinguish it as a 'World Class Mountain Village'." The overall density and massing of the proposed project is inconsistent with this goal. The massiveness of the project certainly does not create a unique and intimate sense of place envisioned for the base area and does not help distinguish Steamboat's base area as a "World Class Mountain Village."

The Mountain Base Area Design Standards intent with regard to relationship to surrounding development is to provide appropriate transitions in height and mass between new development and smaller scale existing development. In achieving this, the design standards require ALL building facades to be designed with a similar level of design detail and suggest techniques to accomplish the proper development transitions. The east and south elevations of the proposed building do not comply with these standards. Techniques suggested, such as graduating building height and mass in step backs should be employed. The mass of the building is such that it fails to appear to be an arrangement of smaller scale connected buildings, but rather a large massive structure surrounded by significantly smaller existing buildings.

The application does not contain a sun/shadow study as required by the Mountain Base Area Design Standards and therefore, it is difficult to evaluate the effects of the development with respect to shadowing. Due to the size of the building, it is expected that there will be substantial shadowing on the pedestrian walkways between the building and the Chateau Chamonix property.

City Council
May 27, 2009
Page - 4 -

With respect to compliance with remaining standards set forth in the Mountain Base Area Design Standards, the Association echoes all of the concerns of Scott Boyle in his letter on behalf of One Steamboat Place which was included in the Planning Commission packet.

In conclusion, for the aforementioned reasons, the Association respectfully requests that the City Council deny the Applicant's application for Ptarmigan Inn Condos (Ptarmigan Redevelopment) #DPF-08-05 on October 18, 2011. Thank you for the opportunity to provide these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray [unclear]", written in a cursive style.

October 12, 2011

TO: City Council
City of Steamboat Springs, CO

I am a current owner of C-326 in the Chateau Chamonix Condominium Complex, which is next to the proposed Ptarmign Inn Condo project. The Conceptual Development Plan as proposed fails to comply with established Steamboat Springs Community Development Code criteria and the Mountain Base Area Design Standards. The application does not comply with the application requirement for a Development Plan under the CDC, and fails to contain the type of information, which would indicate that this type of project is feasible on this site. This project does not comply with the purpose and intent of the GZ Zone District.

The proposed building is massive, with 105-foot walls facing the neighbors. It is not compatible with the context of the existing neighborhood. The massiveness of the project does not fit into the overall appearance of the surrounding structures. Due to the size of the proposed building there will be substantial shadowing on the pedestrian walkways between the building and the Chateau Chamonix building creating a dangerous and hazardous situation.

I was the developer of the Chateau Chamonix Condo Project and I was held to strict compliance with the Steamboat Springs Community Development Code Criteria being mindful of height restriction, shadow effects, drainage and effects to neighboring structures.

I respectfully request that the City Council deny the applicant's application for Ptarmigan Inn Condo Redevelopment #DPF-00-05 on October 18, 2011.

Sincerely,

E. J. Chupik

EJC:gt

N:/EJC/Chateau/2011Files/Citycouncil101211

AGENDA ITEM # 11

Economic Development

There is no report.

Agenda Item # 12a

Anja Tribble

From: Walter Magill [mailto:wnmpepls@gmail.com]
Sent: Tuesday, October 11, 2011 12:11 PM
To: 'Debra Hinsvark'; 'Julie Franklin'
Cc: 'Cari Hermacinski'
Subject: City - Community Funding

Folks,

I am going to request we re-open the community funding discussion next week at our October 18, 2011 City Council meeting. My request is to provide an additional \$7500 for the Rodeo board to continue to provide ten weeks of Rodeo with the City of Steamboat Springs as the signature sponsor and taking this money from the Bike Town USA group. The rodeo had over 30,000 in attendance this past summer. The Board and myself understand that the City also contributes greatly with in-kind labor but I believe the rodeo is part of the heritage of Steamboat Springs and an important part of our summer activities.

Thank you and see you next week.

Walter N. Magill, PE & PLS
Four Points Surveying and Engineering
440 S. Lincoln Ave, Suite 4B
P.O. Box 775966
Steamboat Springs, CO 80487
Office (970)-871-6772
Mobile (970)-819-1161
www.FourPointsSE.com

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.1831 / Virus Database: 2090/4548 - Release Date: 10/12/11

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.1831 / Virus Database: 2090/4549 - Release Date: 10/13/11

COMMUNITY SUPPORT FUNDING APPLICATION

Due Aug. 25, 2011

Press Tab key to move between data points. Please do not alter the application.

FISCAL YEAR: 2012
 DATE SUBMITTED: August 30, 2011
 AMOUNT REQUESTED: \$70,000
 AMOUNT FUNDED LAST YEAR: ~~\$30,000~~ 60,441

*mngt team
recommendation
\$54,000*

**CITY OF STEAMBOAT
SPRINGS
COLORADO**

PROJECT INFORMATION

A PROJECT: Steamboat Springs Bike Town USA Initiative
 PROJECT DATE: _____ to _____ **ONGOING**
 LOCATION OF CITY EVENT: within the corporate limits of Steamboat Springs
 NUMBER OF PEOPLE BENEFITTING FROM THIS PROJECT: community-wide

ORGANIZATION INFORMATION

*** ELIGIBLE APPLICANTS MUST BE A NON-PROFIT OR NOT-FOR-PROFIT ORGANIZATION ***

B ORGANIZATION: Steamboat Springs Bike Town USA Initiative
 DIRECTOR: Betsy Nauman Cook, Project Coordinator
 CONTACT PERSON: Grant Fenton, Executive Committee
 MAILING ADDRESS: PO Box 775908
 PHYSICAL ADDRESS: 1041 Lincoln Ave. 310, Steamboat Springs, CO 80487
 PHONE NUMBER: 970-871-0300 FAX NUMBER: 866-550-8081
 E-MAIL ADDRESS: betsy@steamboatbiketown.com
 WEB ADDRESS: www.steamboatbiketown.com
 NAT'L AFFILIATION: NA
 FEDERAL TAX ID #: NA ANNUAL BUDGET: \$ \$150,000

DESCRIPTION OF ORGANIZATION

Provide a brief overview of your agency or organization in the space below. Describe the purpose or mission of your organization, what other activities or projects that your organization is currently undertaking, and how the proposed project fits into your organization's purpose.

C The Mission of the Steamboat Bike Town USA Initiative is to promote community enhancement, safety and economic benefit through cycling. We are in the process of becoming our own freestanding 501(c) 3 and will continue to operate as a grassroots, community-wide organization. The Bike Town Initiative Committee represents the breadth of our local biking community and clubs (Routt County Riders and the Steamboat Springs Winter Sports Club) and include participants from industry (Trek Bicycles and Moots), City of Steamboat Springs, Routt County, U.S. Forest Service, Division of Wildlife, Bureau of Land Management, Steamboat Ski and Resort Corporation and Steamboat Springs Chamber Resort Association.
Bike Town priorities for 2012 include:
 1) COMMUNITY CYCLING PLAN: The Community Cycling Plan for Cycling will includes proposed routes, lanes and trails for four key cycling segments: recreational/commuter, mountain biking/cross country, downhill/free ride and road/tour; and will be the centerpiece of the 2011 Bike Summit. The volunteer Bike Town Executive Committee and Project Coordinator will continue to serve as a catalyst for action in 2012 by initiating the projects identified and prioritized in 2010 and 2011 by stakeholders, continuing to work with partners and stakeholders to leverage project funding, and by engaging the community members and organizations involved in project implementation of the Community Cycling Plan.
 2) COMMUNITY ENGAGEMENT: Hosting the 3rd annual Steamboat Springs Bike Summit in 2012.

BENEFITS TO THE CITY OF STEAMBOAT SPRINGS

D

What benefits will the City of Steamboat Springs and its residents receive if this proposal is funded? (Number and type of events, populations served, critical needs met, etc.)

Cycling-related efforts will continue to leverage existing assets while implementing the projects identified in the Community Cycling Plan. Critical needs for better connectivity, signage, maps and safety with emphasis on projects creating safe environments for children cycling. Working in partnership with all related stakeholders, we can build on the successes of 2011 and continue to assist in Steamboat Spring's evolution to a safer place to ride, a better place to live and a place which attracts cycling tourist dollars. All residents will benefit. This proposal includes funding for the 3rd annual Steamboat Springs Bike Summit, open to 200+ attendees, including non-cyclists. During the Summit, guest speakers provide residents with expertise and fresh perspective about cycling opportunities and challenges in other communities. Summit participants attend breakout sessions and discussions Friday, and hands-on activities like trail building, group rides and bike maintenance lessons on Saturday to come away with a deeper understanding of their personal relationship to cycling while helping us continue to identify community needs and projects to meet them. All of these activities address critical needs identified in the Complete Streets Plan and the Community Cycling Plan.

Cycling and cycle friendly infrastructure are identified as a key driver in the economic development plans of the City of Steamboat Springs, the Steamboat Chamber and Resort Association and Mainstreet Steamboat. These entities recognize that cycling related events and tourism in June 2011 contributed to measurable increases in sales tax revenue; and are certain a significant increase has occurred in August resulting from the USA Pro Cycling Challenge Race.

E

PROPOSED USE OF CITY FUNDS

F

What is the proposed use of city funding?

Detail Items	Cost
1) Community Cycling Plan implementation	
Steamboat Springs Bike Town USA Initiative Project Coordinator	\$ 50,000
2) Steamboat Springs Bike Summit 2012	\$ 10,000
\$3,000 Steamboat Grand – meeting space	
\$6,000 – food and beverage service	
\$5,000 Marketing and event-related media	
\$4,000 Speaker honorarium	
\$2,000 Transportation and lodging for guest speakers	
*We will raise the other \$10,000 for this event.	
3) Safety improvements/education- including wayfinding signage,	\$10,000
Safe Route enhancements at Strawberry Park, skill training	
areas for children, attendance at educational events	
Total	\$ 70,000

If more space is needed, please attach a separate sheet.

PROPOSED IN-KIND CONTRIBUTIONS OR SERVICES TO THE CITY AND ITS CITIZENS

What commitment is your agency or organization willing to make in assisting or providing services to the City of Steamboat Springs and its citizens? This should include details and specific items that the agency or organization is committed to accomplish with city funding.

OTHER FUNDING SOURCES

G The Steamboat Springs Bike Town USA Initiative is a grass-roots committee, with members contributing time for scheduled monthly meetings, as well as ongoing communications and correspondence between meetings. Having a part time paid project coordinator has allowed us to expedite the process and maximize our volunteer driven organization as evidenced by completion of the Community Cycling Plan and the success of the 2010 Bike Summit. Bike Town activism has resulted in significant gains in local biking safety through striping and participation in the Safe Routes programming. Bike Town has served as a conduit and catalyst in numerous local bike projects including the Bike Guide, the trail connection at Hwy. 40 and Mt. Werner Road, and the tunnel trail connection under Fish Creek Falls Road. We have also been a partner in measurable increases in biking events, like the new Steamboat Stinger Race and membership increases in programs like the SSWSC summer cycling program. Community Cycling Plan development occurring in 2010 and 2011 has involved investments of time and expertise by representatives from organizations involved in the Bike Town committee and other stakeholders from throughout the community. Continuing implementation in 2012 will depend heavily on ongoing participation by all related stakeholders, many of whom are volunteering their time in support of these efforts. Bike Town intends to use its 501 (c) 3 status to apply for grants, accept donations and work toward a stronger self-funded organizational structure in 2012. To facilitate this change in organization and continue to effect change, a full time director is needed.

H Identify other sources of funding that will be used to accomplish this proposal. Include sources such as: revenues generated internally, contributions from other governmental agencies, other contributions, grants, etc. (Also list the status of each funding source.) In addition, please list if your organization receives *required* funding from the county, and if so, in what dollar amount.

Source of Funds	Status of Funds*	Dollar Amount
Based on successful momentum for fundraising in 2010 and 2011, Bike Town will pursue funding from the following sources in 2012		
City of Steamboat Springs	Requested	\$70,000
Government and private foundation grants	Proposed	\$50,000
Individual donors	Proposed	\$20,000
Business sponsorship	Proposed	\$10,000
Total		\$150,000

*Status: Requested/Approved/Expected

If more space is needed, please attach a separate sheet.

MISCELLANEOUS

I Please provide any additional information or comments that you feel is relevant to your request.

Community Support Funding for the Steamboat Springs Bike Town USA Initiative builds upon the successes of the last two years. Events like the Pro Cycling Challenge and Bike Summit, projects like Safe Routes and the Bike Guide, continued community engagement and participation show our continued investment in the promotion of economic development, lifestyle enhancement and tourism through cycling.

REQUIRED ATTACHMENTS

K Submit the following required documents as attachments to your funding request:

- 1) A detailed budget for the project(s) for which you are requesting city funding
- 2) Most recent financial statement

- 3) W-9 form
- 4) A copy of your 990-tax form (if applicable)
- 5) A list of your current board members

SUBMITTING THE APPLICATION

Completed applications must be received by 5:00 pm, Thursday, Aug. 25, 2011.

By Mail: City of Steamboat Springs
 PO Box 775088
 Steamboat Springs CO 80477-5088
 Attn: Kim Weber

In-Person: Steamboat Springs City Hall
 137 10th Street
 Steamboat Springs CO 80477-5088
 (Deliver to the Front Desk)



 Signature of Applicant

CITIZEN

 Title

8/30/11

 Date

Agenda Item # 13a1

*****TENTATIVE AGENDA FOR TUESDAY, NOVEMBER 8, 2011*****

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

CITY OF STEAMBOAT SPRINGS

AGENDA

REGULAR MEETING NO. 2011-19 TUESDAY, NOVEMBER 8, 2011

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, or on our website at http://steamboatsprings.net/city_council/council_meetings. The e-packet is typically available by 1pm on the Friday before the meeting.

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

1. **Oath of Office for new City Council Members.** (Franklin)
2. **Selection of President and President Pro-Tem.** (Franklin)

*******TENTATIVE AGENDA FOR TUESDAY, NOVEMBER 8, 2011*******
This agenda is tentative and the information is subject to change until the agenda is finalized.

3. Discussion of Retreat/New Council Orientation. (Franklin)

5:15-5:45 Brief reception honoring outgoing Council Members.

4. HPC Semi-Annual update. (Casale)

B. PROCLAMATIONS:

5. PROCLAMATION: Recognizing City Engineer Janet Hruby for her work on the City's application to receive "gold status" as a Bike Friendly Community. (Shelton)

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

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.

6. RESOLUTION: Change MOU with Legacy Partnership. (DelliQuadri)

7. FIRST READING OF ORDINANCE:

D. PUBLIC HEARING: ORDINANCE SECOND READINGS

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

4. SECOND READING OF ORDINANCE: An ordinance amending Section 25-223 of the City of Steamboat Springs Revised Municipal Code by updating income limit standards relating to water and wastewater charge discounts for elderly and disabled persons and revising accounting procedures for wastewater discounts; providing an effective date; and setting a hearing date. (Foote)

8. SECOND READING OF ORDINANCE: An ordinance adopting the budget and setting appropriations for the City of Steamboat Springs, Colorado, for and during the period beginning the first day of January, 2012, and ending the thirty-first day of December, 2012, creating a Rodeo Fund, renaming the Iron Horse Fund,

*******TENTATIVE AGENDA FOR TUESDAY, NOVEMBER 8, 2011*******
This agenda is tentative and the information is subject to change until the agenda is finalized.

eliminating the Municipal Surcharge Fund and forgiving the Main Street Steamboat Springs BID creation debt. (Weber)

- 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.**
-

F. PLANNING COMMISSION REPORT

- G. 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.**

- 9. PROJECT:**
PETITION:
LOCATION:
APPLICANT:
PLANNING COMMISSION VOTE:
-

H. PUBLIC HEARING – PLANNING COMMISSION REFERRALS

PUBLIC HEARING FORMAT:

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

- 10. PROJECT:**
PETITION:
LOCATION:
APPLICANT:
PLANNING COMMISSION VOTE:

- 11. SECOND READING OF ORDINANCE:** An ordinance amending Chapter 26 of the Steamboat Springs Revised Municipal Code by

*******TENTATIVE AGENDA FOR TUESDAY, NOVEMBER 8, 2011*******
This agenda is tentative and the information is subject to change until the agenda is finalized.

amending Table 26-92, Table of Permitted Principal Uses, Section 26-139, Parking and Loading Standards and Section 26-402, Definitions and Use Criteria to permit outdoor storage as a Use with Criteria in the Industrial zone district and amend use criteria for Warehouse with Outdoor Storage; providing for severability; providing an effective date; repealing all conflicting ordinances; and setting a hearing date. (Peasley)

I. REPORTS

12. Economic Development Update.

13. City Council

14. Reports

- a. Agenda Review (Franklin):
 - 1.) City Council agenda for November 15, 2011.
 - 2.) City Council agenda for December 6, 2011.

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 2011-17, October 4, 2011.
 - b. Regular Meeting 2011-18, October 18, 2011.
-

K. ADJOURNMENT

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

Agenda Item # 13a2

***** Tentative Agenda *****
STEAMBOAT SPRINGS
REDEVELOPMENT AUTHORITY
AGENDA
MEETING NO. SSRA-2011-07
TUESDAY, NOVEMBER 1, 2011
4:45 P.M.

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

A. ROLL CALL (4:45 P.M.)

B. BASE AREA REDEVELOPMENT

1.

C. APPROVAL OF MINUTES

2. MINUTES:

- a. Steamboat Springs Redevelopment Authority Regular Meeting
SSRA-2011-06, October 18, 2011.
-

D. ADJOURNMENT (5:00 P.M.)

BY: JULIE FRANKLIN
CLERK TO THE BOARD

Agenda Item # 13a3

*****TENTATIVE AGENDA FOR TUESDAY, NOVEMBER 15, 2011*****

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

CITY OF STEAMBOAT SPRINGS

AGENDA

REGULAR MEETING NO. 2011-20 TUESDAY, NOVEMBER 15, 2011

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, or on our website at http://steamboatsprings.net/city_council/council_meetings. The e-packet is typically available by 1pm on the Friday before the meeting.

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. PROCLAMATIONS:

1. **PROCLAMATION:** Recognizing Janet Dunham. (Gibbs)

*******TENTATIVE AGENDA FOR TUESDAY, NOVEMBER 15, 2011*******

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

C. COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:

- 2. Update from Kathy Connell, District 6 Commissioner, Colorado Transportation Commission. (10 minutes)**
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D. CONSENT CALENDAR: MOTIONS, RESOLUTIONS AND ORDINANCES FIRST READINGS

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. FIRST READING OF ORDINANCE:**
-

E. 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.

- 4. SECOND READING OF ORDINANCE:**
-

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

H. 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.**

- 5. PROJECT:
PETITION:
LOCATION:
APPLICANT:**

*******TENTATIVE AGENDA FOR TUESDAY, NOVEMBER 15, 2011*******

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PLANNING COMMISSION VOTE:

I. 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.**

6. PROJECT:

PETITION:

LOCATION:

APPLICANT:

PLANNING COMMISSION VOTE:

J. REPORTS

7. Economic Development Update.

8. City Council

9. Reports

- a. Agenda Review (Franklin):
 - 1.) City Council agenda for December 6, 2011.
 - 2.) City Council agenda for December 20, 2011.

10. Staff Reports

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

K. ADJOURNMENT

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

AGENDA ITEM # 14a

City Attorney's Report

A report will be provided at the meeting.

Agenda Item # 14b

City Manager Report

To: City Council President and Members
From: Jon Roberts, City Manager
Date: October 18, 2011
Subject: City Manager Update: Sept. 7 – Oct. 13

City Council Meeting Follow Up- Sept. 6, Sept. 20, Oct. 4 meetings:

- Budget Retreat Oct. 4
- Meeting with Katherine Carson re: plastic bag ordinance (Staff contact Anne Small and Steve Hoots)
- Congratulations letter sent to new Transportation Commissioner Kathy Connell
- Investigating resources/costs to televise Parks and Rec. and Planning Commission meetings to provide easier/better access for the public and Council to these meetings.
- Management Staff working on additional revenue possibilities (i.e. fees, etc.), contracting/outsourcing services, reorganization, consolidation, etc.

City Manager Meetings/Activities:

- Weekly Rotary Meetings
- Weekly meetings with the press: Jack Weinstein
- Meetings with City Council Candidates
- Regular 1-1 meetings with Dept. Heads
- Meetings with each Dept. to finalize 2012 Budget
- Monthly meetings with County Manager Tom Sullivan
- Sept. 8- Pat Carney and Gary Cogswell- Old Town Hot Springs
- Sept. 12- Carl Dunham to discuss FBO project
- Sept. 13- Mainstreet Meeting
- Sept. 14- Bob DelValle- Civil Air Patrol
- Sept. 14- RCEDC meeting- Routt County
- Sept. 16- LMD meeting
- Sept. 17- Ribbon Cutting at Orton Property
- Sept. 21- Tom Fox, Wendy, Philo re: Sunlight Subdivision access issues
- Sept. 22- Management Team/Supervisor Retreat
- Sept. 29- Meeting with Ken Brenner re: Friends of the Yampa

Economic Development:

- Working with various Dept. Heads on several projects: Business visitations, Airport FBO, Smartwool coordination, ICMA report re: Fire Dept. and Consolidation.
- SSEDC meeting: Sept. 28
- Meet with LMD: Sept. 16
- Sept. 22- Airline Seat Ballot issue informational meeting
- USA Pro Cycling 2012 RFP work beginning
- Sept. 27- Meeting with Steve Weinland of Aces High re: recycling glass change to City recycling ordinance
- Sept. 28- Steamboat Springs Economic Development Council Meeting

- Sept. 28- Follow-up meeting with staff, Tom Fox re: “Sunlight” development
- Sept. 28- Chamber Mixer
- Sept. 30- Bike Summit- GOLD Bike Friendly Award presentation

Finance/Budget:

- City Manager and Finance Director meeting with each Dept. to finalize budgets in detail
- Management Team review of CIP for proposed 2012 CIP
- Deb and Jon working with the 2012 Community Support Coalitions
- Deb, Jon, Wendy working with ICMA consultant on Fire Dept. evaluation/consolidation
- Numerous meetings with Deb re: budget, ambulance revenues/options,

Fire:

- The ICMA Consultants draft report and meeting: Final report due mid-October
- Fire/EMS staff Recruitment
- 2012 Budget

General Services:

- Numerous RFPs, Bids and Contracts in process
- Normal insurance claims, litigation, Risk Management activities
- Report on ytd RFPs, Contracts, Purchase Orders in next report.

Parks & Rec.:

- USA Pro Cycling
- 2012 Budget

Personnel:

- Recruiting for Deputy City Manager (internal recruitment)
- Normal Human Resources activities
- Retirement parties for Bob Litzau and Wendy DuBord

Planning:

- Continuing work on the Community Plan Update
- Ty is working with a citizens group to begin work on revisions to the CDC and the Development Plan “lite” process.
- 2012 Budget
- Continuing to work with the CDC User Advisory Group to update CDC

Public Works/Utilities:

- USA Pro Cycling 2012 RFP
- Airport FBO project- Permits received, contractor selected, work begun
- Numerous utility projects are under design and construction- several compliments from downtown merchants and Mainstreet on success of the utility project.
- Janet Hruby continues to coordinate the URA project, updates are sent to Council on a regular basis.

Police:

- USA Pro Cycling 2012 RFP
- Normal law enforcement, code enforcement, nuisance complaints, etc.
- Police Officer Recruitment