

CITY OF STEAMBOAT SPRINGS

AGENDA

Regular Meeting NO. 2011-21
Tuesday, December 20, 2011

5:05 PM

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.

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.**

Liquor Authority Meeting 5:00pm

ROLL CALL (5:05 PM)

PROCLAMATIONS:

1. **PROCLAMATION: Delayed recognition of America Recycles Day.**

COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:

2. **Community Support Allocations. (15 minutes)**
3. **International Fire Code/Residential Fire Sprinklers. (Lindroth)**

**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.

4. **MOTION: A motion approving the appointment of Randall W.Klauzer as a Steamboat Springs Municipal Judge for two days on December 31, 2011 and January 1, 2012. (Franklin)**
5. **MOTION: A motion to approve the amended Memorandum of Understanding for the Yampa River System Legacy Partnership. (DelliQuadri)**
6. **RESOLUTION: A resolution adopting the modification to the Bear River Parcel Master Plan to include a skills Bike Park. (Wilson)**
7. **RESOLUTION: A resolution appointing Trustees to the East Routt Library District Board. (Franklin)**
8. **RESOLUTION: A resolution supporting the application of Mainstreet Steamboat Springs for the Great American Main Street award.**
9. **RESOLUTION: A resolution adopting a Vantagecare Retirement Health Savings Plan for the City of Steamboat Springs Management Team hereafter titled; the City of Steamboat Springs Management Team Retirement Health Savings Plan. (Thrasher)**
10. **RESOLUTION: A resolution establishing the committed and assigned fund balances of the City of Steamboat Springs in accordance with Governmental Accounting Standards Board Statement Number 54 and authorizing the City Manager or his designee to designate the assigned portion of all governmental fund balances for the city financial statements for 2011 and subsequent years. (Hinsvark)**
11. **FIRST READING OF ORDINANCE: An ordinance approving a hangar lease to Civil Air Patrol – Steamboat Springs composite squadron at the Steamboat Springs Airport and authorizing City Council President**

to sign lease documents; repealing all conflicting ordinances; providing for severability; and providing an effective date.

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.

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.

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.

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

PETITION: Final development plan and PUD to demolish the existing historically significant collections house and construct a new collections building and additional display space.

LOCATION: 219 8th Street

APPLICATION: Tread of Pioneers Museum c/o Candice Lombardo Bannister, P.O. Box 772372, Steamboat Springs, CO; 970-879-2214

PLANNING COMMISSION VOTE: Approved 7-0 on December 8, 2011

13. PROJECT: Knoll Subdivision Lot 2 (Knoll Music Tent)

PETITION: Amendment to condition of approval #2 of the Development Plan to approve a temporary structure to be used for a temporary event to be held in January of each year at the Knoll Parking Lot. The proposed amended condition would allow for the temporary event to be reviewed and permitted administratively for a period of 10 years beginning in 2012 and expiring in 2021.

LOCATION: Knoll Parking Lot

APPLICATION: Steamboat Ski & Resort Corporation, c/o Audrey Williams, 2350 Mr. Werner Circle; 970-871-5336.

PLANNING COMMISSION VOTE: Approved 7-0 on November 10, 2011.

- 14. PROJECT: Gondola Square Condos (Hungry Dog Cart)**
PETITION: Development plan and conditional use approval to allow outdoor sales at Gondola Square Condos.
LOCATION: Steamboat Ski Area - Gondola Square
APPLICATION: Hungry Dog c/o Bradley Somers, P.O. Box 776237, Steamboat Springs, CO; 970-819-2224.
PLANNING COMMISSION VOTE: Approved 7-0 on December 8, 2011.
- 15. FIRST READING OF ORDINANCE: An ordinance amending Chapter 26 of the Steamboat Springs revised Municipal Code for text amendments to section 26-92, permitted use table, to allow more uses by right and uses with criteria and to add brewery and brewpub uses to the permitted use table. Text amendments to section 26-402, definitions and use criteria, that updates child care definitions to be consistent with the Colorado revised statutes, creates new definitions for brewery and brewpub, and to add new use criteria to specific uses. (Keenan)**

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.

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

REPORTS

- 16. Economic Development Update**
- 17. City Council**
- 18. Reports**
- a. Agenda Review (Franklin):
1. City Council agenda for January 3, 2012.
 2. City Council agenda for January 17, 2012.
- 19. Staff Reports**

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

ADJOURNMENT

BY: JULIE FRANKLIN, CMC
CITY CLERK

AGENDA ITEM # 0

CITY COUNCIL COMMUNICATION FORM

FROM: Julie Franklin, City Clerk
Steve Hoots, Facilities Manager

DATE: December 20, 2011

ITEM: PROCLAMATION: Recognizing November 15, 2011 as Steamboat Springs' America Recycles Day 2010 (Yampa Valley Recycles)

NEXT STEP: Adopt the attached proclamation.

PROCLAMATION ADOPTION
 INFORMATION

I. REQUEST OR ISSUE:

Staff requests Council adoption of the attached proclamation recognizing November 15, 2011, as America Recycles Day 2011 in Steamboat Springs, Colorado.

II. RECOMMENDED ACTION/NEXT STEP:

Staff recommends adoption of the attached proclamation to be officially presented to representatives of Yampa Valley Recycles (YVR).

III. FISCAL IMPACTS:

None.

IV. BACKGROUND INFORMATION:

Since 1997, communities across the country have come together on November 15 to celebrate America Recycles Day. November 15 2011 is America Recycles Day and is sponsored by the national America Recycles Day (ARD) organization. The City of Steamboat Springs has participated in this event with annual proclamations and other

promotional events in conjunction with YVR for many years. This year YVR and Yampa Valley Sustainability Council (YVSC) partnered to sponsor a special recycling event on Saturday, Oct. 29 as part of American Recycles Day. This event was held at Howelsen Hill and allowed citizens to drop off numerous recyclable materials including yard waste, clothing, bike tires, scrap metal, batteries, phone books, electronics (fees apply), building materials, etc.

This proclamation continues to promote and support recycling in Steamboat Springs and recognizes YVR for all the work they do in our community. This proclamation also recognizes the partnership between the City and YVR for their very successful Pedestrian Recycling Unit (PRU) program, provide educational programs for local schools, new downtown recycling bins, electronic recycling events, zero waste programs, etc.

YVR and YVSC continue to work on more comprehensive ways to promote and expand recycling and other environmental issues in the community.

A major addition to YVR's recycling plan was to provide junk mail recycling at the Sundance Post Office.

YVR will also present awards for "Outstanding Recycler" for 2011. YVR hopes to make a presentation at a City Council meeting to help promote recycling and America Recycles Day 2011.

V. LEGAL ISSUES:

None.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

This proclamation promotes recycling in the Yampa Valley thereby increasing public awareness of recycling and environmental issues. It also recognizes the outstanding public service of YVR and YVSC in our community and the awards for outstanding recyclers help promote recycling to local businesses and organizations. Staff does not foresee any conflicts with the adoption of this proclamation.

VII. SUMMARY AND ALTERNATIVES:

This proclamation acknowledges the City's continued support for environmental issues and efforts to educate the public on the benefits of recycling in our community. We also want to publicly acknowledge and say thank you to YVR and YVSC for their tremendous volunteer work as they continue to promote recycling and sustainability in our region.

If Council Members have any questions, please do not hesitate to contact Wendy DuBord at ext. 219.

cc: Yampa Valley Recycles

LIST OF ATTACHMENTS

Attachment 1. Advertisements and newspaper/internet articles about recycling and America Recycles Day.

**A PROCLAMATION RECOGNIZING NOVEMBER 15, 2011 AS AMERICA RECYCLES DAY IN STEAMBOAT SPRINGS,
COLORADO.**

WHEREAS, the City of Steamboat Springs is cognizant of the importance of conservation, encourages recycling our resources, and is sensitive to maintaining the health of our environment; and

WHEREAS, thanks to the dedication and commitment of Yampa Valley Recycles, many community recycling and resource conservation efforts are active and successful in Steamboat Springs; and

WHEREAS, through the efforts of the dedicated volunteers of Yampa Valley Recycles, citizens of the City of Steamboat Springs and Routt County have greater opportunities to recycle thereby saving energy, conserving valuable natural resources and protecting the environment; and

NOW, THEREFORE, BE IT PROCLAIMED, by the City Council of the City of Steamboat Springs, Colorado, that November 15, 2011 is recognized as Steamboat Springs' America Recycles Day 2011. With a renewed commitment to "Saving Our Resources Today" and the City Council recognizes the importance of personal, business and community recycling to protecting our environment.

NOW, BE IT FURTHER PROCLAIMED, that the Steamboat Springs City Council acknowledges and thanks the volunteers of Yampa Valley Recycles, Steamboat Ski and Resort Association, Home Resource, and Strawberry Park Elementary Green Team, for their tremendous dedication and ongoing efforts to expand, promote and educate the public on recycling in Steamboat Springs and the Yampa Valley.

ADOPTED AND APPROVED this 20th day of December, 2011.

Attest:

Julie Franklin, CMC
City Clerk

Bart Kounovsky, President
Steamboat Springs City Council



Comprehensive Community Recycling Drop-Off

Saturday, Oct. 29 • 9 am - noon
Howelsen Hill

MATERIALS ACCEPTED:

traditional, single-stream recyclables
electronics*
yard waste
building materials
skis
bikes
bike tires & tubes
gently used shoes
wine corks
printer cartridges
cell phones
gently used children's books
wrappers (candy, bars, etc.)
scrap metal

working appliances
non-working appliances**
phone books
plastic bags
cooking oil*
paint and stain*
motor oil*
shredded paper
vehicle batteries
compact fluorescent light bulbs
fluorescent tube light bulbs(residential only)
clothing and fabric not suitable for reuse
pharmaceuticals
packing peanuts

**fees may apply, some electronics no charge **fees apply for Freon removal*

Visit www.yvsc.org or www.yampavalleyrecycles.org
for a full list of accepted materials and fees.
Residential recyclables only. No commercial materials.

Cash donations greatly appreciated !

RECYCLING PARTNERS:



Grand Futures / Steamboat Springs Police Department/ R E D C
Ski Haus • Sustainable Schools Program • PostNet
CMC • NAPA Auto Parts • Cartridge World • Safeway **1.5**
City of Steamboat Springs

In Recognition of
America Recycles Day,
Yampa Valley Recycles
would like to congratulate:

1.6

Steamboat Ski
& Resort Corp.

Home Resource

Strawberry Park
Elementary
Green Team

for their Outstanding Recycling efforts in 2011!
Thank you for helping to
"Save the West from Waste"



Agenda Item # 2

Community Support 2012 Funding Recommendations

Recommendations for Community Support Funding from the Arts and Culture, Environmental and Human Resources Coalition allocation committees are attached. Please note that HRC 2012 Requested Funding includes requests for Routt County funding, typically split equally between the City and County. The HRC Recommended Funding listed on the report represents half of the total HRC funding with the following exceptions: Boys and Girls Club was solely funded from the City and South Routt Community Center was fully funded by the County.

The Steering Committee believes the Community Support funding process is working well. All three of the Allocation Committees consist of dedicated and knowledgeable individuals who have volunteered many hours to review the grant requests and make difficult decisions on how to effectively distribute City funds to community organizations. These individuals need to be applauded for their efforts and commended for their service to the City and our community.

Members of the Steering Committee have agreed to serve again through next year's cycle and believe the majority of allocation committee members will serve again, too. We welcome the involvement of City Council members at all levels of the process. In the upcoming year, the Steering Committee will be establishing a formal communication process to assist applicants with the Community Support Funding procedures.

Highlights of the process for each of the Coalitions include:

- The **Health Resource Coalition** utilized the Routt Council Health and Human Services Plan as a guideline in reviewing agencies' programs, including how each application aligned with the Plan.
- All applicants within the **Arts and Culture Coalition** utilized the Master Plan of Liability Index to demonstrate the value of their programs against the stated values of our community. There was also evidence of organizations accepting recommendations based on the review process.
- The **Environmental Coalition** evaluated programs and granted fund with programs that demonstrated the greatest community impact receiving priority. During the interviews, all organizations discussed how their programs are consistent with stated community plans.

**Community Support
2012 Funding Recommendations**

Organization	2010 Funding	2011 Funding	2012 Requested Funding	2012 Recommended Funding	2012 vs 2011 Change in Funding
Human Resources Coalition			(City & County)		
Advocates	12,500	12,500	28,000	12,500	0%
Boys & Girls Club of Steamboat Springs	0	2,500	10,000	6,500	160%
Court Appointed Special Advocates Routt County	0	0	10,000	0	0%
Comunidad Integrada/Integrated Community	7,500	7,500	20,000	6,500	-13%
Family Development Center		7,250	18,000	7,250	0%
First Impressions	60,000	52,500	120,000	54,500	4%
Girls Scouts	750	500	750	0	-100%
Grand Futures	2,500	2,000	10,000	2,500	25%
Humble Ranch Education & Therapy Ctr	1,500	1,250	6,000	1,500	20%
Independent Life Center	1,250	1,250	3,000	1,250	0%
NW CO Dental Center	2,500	2,500	5,000	2,500	0%
NW CO Legal Services	2,500	2,000	8,500	2,000	0%
NW CO VNA	37,500	37,500	80,000	37,500	0%
Old Town Hot Springs	0	0	2,500	0	0%
Partners in Routt County	4,000	3,000	12,000	3,000	0%
Planned Parenthood	2,500	2,000	5,000	1,500	-25%
Rocky Mountain Youth Corps	4,000	4,000	14,000	5,250	31%
Routt County Council on Aging	20,000	20,000	42,000	21,000	5%
Routt County Habitat for Humanity	0	1,000	2,000	1,000	0%
Routt County United Way	4,250	4,250	8,500	4,250	0%
South Routt Community Center	1,000	1,000	7,000	0	-100%
Steamboat Mental Health	25,000	25,000	50,000	25,000	0%
Yampa Valley Autism Program	1,750	1,500	7,000	2,000	33%
TOTAL HRC	191,000	191,000	469,250	197,500	3%

**Community Support
2012 Funding Recommendations**

Organization	2010 Funding	2011 Funding	2012 Requested Funding	2012 Recommended Funding	2012 vs 2011 Change in Funding
Arts and Culture Coalition					
Friends of the Chief	0	4,000	0	0	
Steamboat Dance Theater	4,000	3,000	4,000	4,000	33%
Great American Laughing Stock Company	2,000	2,500	3,500	3,500	40%
Center for Visual Arts	0	3,000	7,500	7,000	133%
Emerald City Opera	0	5,000	10,000	9,000	80%
Steamboat Art Museum	18,500	10,000	22,000	16,000	60%
Seminars at Steamboat	2,500	1,000	5,000	1,000	0%
Steamboat Springs Arts Council	24,000	18,000	20,000	5,000	-72%
Steamboat Springs Free Summer Concert Series	25,500	24,500	35,000	30,000	22%
Steamboat Orchestra and Youth Program	4,000	5,000	5,000	5,000	0%
Strings Music Festival	21,500	23,000	30,000	16,500	-28%
Perry Mansfield School and Camp	5,000	5,000	3,000	3,000	-40%
TOTAL ARTS AND CULTURE	107,000	104,000	145,000	100,000	-4%

Environmental Coalition					
Yampatika	9,725	8,000	20,000	6,750	-16%
Yampa Valley Recycles	4,750	4,000	6,000	3,750	-6%
Community Agriculture Alliance	7,000	8,000	10,000	8,500	6%
Yampa Valley Land Trust	5,500	3,000	10,500	4,000	33%
Yampa Valley Sustainability Council	8,000	10,475	13,000	9,500	-9%
TOTAL ENVIRONMENTAL	34,975	33,475	59,500	32,500	-3%

AGENDA ITEM # 0
CITY COUNCIL COMMUNICATION FORM

FROM: Ron Lindroth, Fire Chief
THROUGH: Jon Roberts, City Manager
DATE: December 20, 2011
ITEM: Residential Sprinkler Code
NEXT STEP: Provide staff direction

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. ISSUE:

International Residential Code (IFC/IRC) adoption concerning mandatory installation of residential fire sprinklers in new construction (R313).

II. RECOMMENDED ACTION:

Requesting an ad hoc committee is formed to recommend or recommend against adopting the portion of the IRC (R313) requiring residential fire sprinklers within the city of Steamboat Springs. The committee would consist of the fire marshal, a building official, a construction trades representative and two additional community members. The committee would provide a written recommendation to the issue by March 1st, 2012.

III. FISCAL IMPACTS:

No impacts for this step of the process.

IV. BACKGROUND INFORMATION:

The mandatory installation of residential fire sprinklers (R313) is part of the 2009 International Family of Codes. Building Official Carl Dunham approached the Routt County Fire Chiefs and requested input on whether or not the chiefs desired residential sprinklers be included in the code adoption. It was the general consensus of the fire chiefs that residential sprinklers improve life safety, but the improvement comes at a cost. The chiefs recommended withholding this portion of the code until such time that further discourse with the building community was held, as well as significant education on the topic with the public. A meeting with stakeholders was held December 13, 2011 to discuss the pros and cons of implementing section R313 of the code. At the end of the meeting the group agreed that from a safety standpoint, it is impossible to argue that residential sprinklers would not enhance public and firefighter safety. Also, from an economic stance, it would be difficult to argue that there would not be an increased cost per square foot to new residential construction. The committee would be tasked to do an analysis of the subject, provide findings in writing, and attempt to reach consensus as to a course of recommended action.

V. LEGAL ISSUES:

None at this time

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None at this time

VII. SUMMARY AND ALTERNATIVES:

This issue is significant enough that open discussion and dialog with the community at this time is important to be held. Alternatives to this approach would be to table the issue indefinitely and continue to adopt the 2009 International Codes and not adopt section R313 (see attachments); to direct staff to provide a sole analysis on the subject; or recommend adoption of the 2009 International Residential Code to include residential sprinklers.

LIST OF ATTACHMENTS

2009 International Residential Code

SECTION R313 AUTOMATIC FIRE SPRINKLER SYSTEMS

R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in *townhouses*.

Exception: An automatic residential fire sprinkler system shall not be required when *additions* or *alterations* are made to existing *townhouses* that do not have an automatic residential fire sprinkler system installed.

R313.1.1 Design and installation. Automatic residential fire sprinkler systems for *townhouses* shall be designed and installed in accordance with Section P2904.

R313.2 One- and two-family dwellings automatic fire systems.

Effective January 1, 2011, an automatic residential fire sprinkler system shall be installed in one- and two- family *dwellings*.

Exception: An automatic residential fire sprinkler system shall not be required for *additions* or *alterations* to existing buildings that are not already provided with an automatic residential sprinkler system.

R313.2.1 Design and installation. Automatic residential fire sprinkler systems shall be designed and installed in accordance with Section P2904 or NFPA 13D.

AGENDA ITEM # 0

CITY COUNCIL COMMUNICATION FORM

FROM: Julie Franklin, CMC (Ext. 248)
City Clerk

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

DATE: December 20, 2011

ITEM: Motion: A motion approving the appointment of Randall W. Klauzer as a Steamboat Springs Municipal Judge for two days on December 31, 2011 and January 1, 2012. (Franklin)

NEXT STEP: Provide a motion approving the noted appointment.

MOTION
 DIRECTION
 INFORMATION

I. REQUEST OR ISSUE:

To support the appointment of Mr. Klauzer as a Municipal Judge for two days in order to perform a wedding ceremony.

II. RECOMMENDED ACTION:

Staff supports the appointment of Mr. Klauzer as a Steamboat Springs Municipal Judge for December 31, 2011 and January 1, 2012.

III. BACKGROUND INFORMATION:

The Steamboat Springs City Council has historically accommodated such requests for local attorneys to allow them to perform wedding ceremonies for community members and our guests. Mr. Klauzer is a Steamboat Springs attorney.

AGENDA ITEM # 0

CITY COUNCIL COMMUNICATION FORM

FROM: Winnie DelliQuadri, Grants Analyst (Ext. 157)
Chris Wilson (x317)

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

DATE: December 20, 2011

RE: The Amended Yampa River System Legacy Partnership Memorandum of Understanding

NEXT STEP: Approve the amended Memorandum of Understanding for the Yampa River System Legacy Partnership.

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

The City has been a member of the Yampa River System Legacy Partnership and has been the fiscal agent for all Legacy projects since the Partnership was formed through a Memorandum of Understanding (MOU) in 1997. In response to the funding opportunities provided by the America's Great Outdoors Program (AGO), the Legacy Partnership proposes to amend the existing Memorandum of Understanding. Proposed changes will:

- a) Incorporate the AGO concepts of connecting youth and young adults to the natural outdoor environment through expanding the Legacy Partnership scope of work to enable inclusion of projects which provide outdoor jobs and environmental education opportunities for youth;
- b) Expanding community representation on the group to include new representatives for youth education, youth jobs, public lands, and the Yampa River; and

- c) Enabling project partners to select fiscal agent for Legacy approved projects on a project by project basis. This would remove the City as the required fiscal agent for every Legacy project.

II. RECOMMENDED ACTION:

Staff request that city council approve the amended Yampa River System Legacy Partnership Memorandum of Understanding.

III. FISCAL IMPACTS:

There are no costs associated with modifying the existing MOU. The Legacy Partnership does not charge a fee for participation, nor does the MOU require the City to participate in any Legacy sponsored projects or grant applications. Instead, the existing and amended MOU notes that Legacy Partners will work together to apply for and secure GOCO and AGO funds when available and that any joint grant proposal will be based on individual projects proposed by Legacy members. If the City participates in a Legacy project proposal, the City would control its project, project budget, and match amount.

The financial benefit of amending the MOU to incorporate the missing AGO concepts is that it will position the City and other Legacy partners for funding from the AGO initiative. At present, the City Council has approved \$300,000 in the 2012 CIP budget for Bear River Park, with the expectation that the city funds will leverage \$1,500,000 in grant funding for Bear River Park and Yampa River Restoration projects. City staff are targeting both Great Outdoors Colorado and the America's Great Outdoors Initiative for these grant funds. To be eligible, the City and the other Legacy Partners need to approve the amended MOU.

IV. BACKGROUND INFORMATION:

The original and revised Memorandums of Understanding (MOU) are attached. The City has been a signatory to the existing MOU for the Legacy Partnership since its inception in 1997. Through its participation, the City has been able to work regionally to leverage over \$21.5 million in funding for Legacy projects, including approximately \$4 million for City sponsored projects.

V. LEGAL ISSUES:

None at this time. The MOU is nonbinding and the City can choose to resign at any time. The existing MOU remains in place until all partners have approved the amended MOU.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None at this time.

VII. SUMMARY AND ALTERNATIVES:

The Legacy Partnership proposes to amend the existing Memorandum of Understanding which governs the Partnership. Staff recommend that City Council approve the amended MOU as it will position the City and Legacy Partners for funding for locally proposed projects from the America's Great Outdoors Initiative. As the original and amended MOU are nonbinding, City Council may choose to end City participation at any time.

YAMPA RIVER SYSTEM LEGACY PARTNERSHIP

MEMORANDUM OF UNDERSTANDING

Approved August 29, 1997

Amended, Restated and as Approved November 09, 2011
(including input and revisions drafted July 2005 and July 2007)

A NON-BINDING UNDERSTANDING BETWEEN

Original 1997 Legacy Partners: MOFFAT COUNTY (MC); ROUTT COUNTY (RC); BUREAU OF LAND MANAGEMENT (BLM); COLORADO PARKS AND WILDLIFE (CPW; pka CDOW and CSP); CITY OF CRAIG (COC); CITY OF STEAMBOAT SPRINGS (COSS); TOWN OF HAYDEN (TOH – follow-on partner); THE NATURE CONSERVANCY (TNC); YAMPA VALLEY LAND TRUST (YVLT); TWO (2) AGRICULTURE REPRESENTATIVES (AR – one from Routt County and one from Moffat County); ONE (1) BUSINESS REPRESENTATIVE (BR); AND ONE (1) RECREATION REPRESENTATIVE (RR); *with the 2011 Legacy Partner Additions (expanded to incorporate AGO concepts) of:* ONE (1) YOUTH AND OUTDOOR EDUCATION REPRESENTATIVE; ONE (1) YOUTH AND OUTDOOR JOBS REPRESENTATIVE; ONE (1) PUBIC LANDS REPRESENTATIVE; AND ONE (1) YAMPA RIVER REPRESENTATIVE; ALL OF THE ABOVE COLLECTIVELY, THE YAMPA RIVER SYSTEM LEGACY PARTNERS, HEREINAFTER THE “PARTNERS”.

The Partners would like to continue collaboration of efforts originally initiated in 1995 by executing the following amended and restated non-binding 2011 Memorandum of Understanding (MOU). This amended MOU is drafted to continue to remain positioned for funding from Great Outdoors Colorado (GOCO) and other funding sources while expanding to also be positioned for future funding by incorporating certain concepts and partners from the 2010/2011 America’s Great Outdoor Initiative (AGO).

In no event shall the term “Partners” mean a legal partnership, created or implied.

All of the Partners must reside in either Routt County or Moffat County.

Article 1. Appointment of Partners

Individual representatives of the above referenced governmental and non-profit Partners shall be appointed by the associated governing body (and if desired and/or determined necessary by each Partner’s governing body, an alternate) – this includes Moffat County, Routt County, BLM, Colorado Parks and Wildlife, City of Craig, City of Steamboat Springs, Town of Hayden, The Nature Conservancy and Yampa Valley Land Trust (collectively the “Original 1997 Governmental and Non-Profit Legacy Partners”). The Agricultural, Business, Recreation, Youth and Outdoor Education, Youth and Outdoor Jobs, Public

Lands and Yampa River Representatives, along with “alternates” for those positions, if any, shall be appointed by the Original 1997 Governmental and Non-Profit Legacy Partners.

With respect to the BLM, the authorizing authority is the Federal Land Policy and Management Act of 1976 (FLPMA), 43 USC 1737, Sections 307 (a) and 307 (b).

Article 2. Mission, Goals and History

The Partners continue to engage in comprehensive, multi-year, plans and projects that contribute to the “Yampa River System Legacy Partnership” (YRSLP).

The Partners approve and support the following mission statement:

The Yampa River System Legacy Partnership is a voluntary, collaborative, incentive- based project designed to protect and enhance the health of the Yampa River and its tributaries; adjacent agricultural lands and ecosystems; and the wildlife supported by these lands and waters. The YRSLP advances this mission through land conservation activities while providing recreational opportunities compatible with the natural environment of the Yampa Valley. This Legacy mission is closely aligned to and consistent with the recently announced America’s Great Outdoors Initiative and is herein updated and revised to address AGO’s expanded focus on connecting youth to the natural environment through jobs, environmental education and outdoor experiences along with AGO’s focus on river restoration – all of which are more fully described in Article 3 of this MOU.

The Partners recognize the productivity of working together, which to date has enabled accomplishing more than any individual Partner might have accomplished alone. Therefore, the Partners agree to continue its partnership and to continue securing and expending funds to achieve the goals of the Yampa River System Legacy Partnership.

The Partners agree that in order to advance the goals of the YRSLP that it is beneficial for the Partners to meet at least annually, until a point in time when the Partnership is significantly funded, unless otherwise determined by the Partnership. The Partners can agree to call and set the agenda for meetings, which may include the assistance of Administrative Staff (as defined herein).

BRIEF HISTORY

- 1995 – With GOCO’s announcement of funding for Legacy projects and a request for concept papers, a small group of individuals (ultimately from the original YRSLP) convenes to draft the original YRSLP concept paper, which is then submitted to GOCO. Subsequently, YRSLP is selected to move forward with a full Legacy grant proposal (subsequently submitted 1996.03.26).
- 1996 – YRSLP awarded a first-round of Legacy grant funding (~\$6+m)
- 1997 – Original YRSLP members draft an MOU, expand the Partnership (to include representatives from the agricultural, business and recreational communities). MOU signed by the Partners 1997.08.29.
- 2005 – The MOU is revisited and redrafted with input from the Partnership (however not signed).
- 2007 – The MOU is revisited and redrafted with input from the Partnership in anticipation of follow-on grant funding from GOCO (second round of Legacy grant funding). Limited grant funding is received however a redrafted MOU was not needed at that time.
- A total of approximately \$11m in GOCO grant funding to date (2011) has leveraged over \$60m in Legacy projects.
- 2010/2011 – Announcement of AGO by the President and Department of Interior. The Yampa River Basin is identified as one of three AGO priority project areas in the State (joint announcement by DOI/Salazar and Colorado/Hickenlooper).
- 2011 – Announcement of GOCO’s River Corridor Initiative large project grant round. YRSLP submits a concept paper to GOCO (2011.10.14).
- 2011 – The AGO priority areas are narrowed down to two project areas per state and the Yampa River Basin remains as one of two AGO areas within Colorado.
- 2011 – The YRSLP approves this amended and restated MOU at its November 9th meeting.

Article 3. Scope of Work

The YRSLP will function as a forum for its Partners and will assist the Partners in seeking funds and leveraging resources to accomplish the goals of the YRSLP.

The Partners agree that this MOU is intended to reiterate continued commitment to existing YRSLP projects and to establish ongoing commitment to advance the YRSLP mission through future projects. This MOU does not commit any individual member to provide any specific funds or tasks. The Partners intend to negotiate and establish individual projects for which grant agreements between the individual Partner(s) and funder(s) are entered into for those individual projects. This MOU does not prohibit, discourage or constrain the individual Partners from pursuing funding for individual projects outside of this Partnership. The Partnership should at all times consider support for individual Partner projects that meet the mission and intent of the YRSLP.

The major components of the scope of work for the YRSLP, and to which the Partners agree, are as follows:

- Continue to protect wetlands, riparian areas, flood plains, water resources, uplands along with habitat for the diverse and unique species that utilize this area, all of which are a part of our natural legacy and important to the Yampa River watershed, by utilizing voluntary, incentive-based land conservation tools, including conservation easements, which maintain private ownership and management of the land and to include other conservation and restoration projects (such as tamarisk and Russian olive control and eradication).
- Continue to protect riparian areas, wetlands, wildlife habitats, and open spaces along the Yampa River and its tributaries through acquisitions of land from willing sellers and/or donors.
- Continue to promote appropriate recreational use of the Yampa River, its tributaries, and recreational use reservoirs that are available for public access, through consistent management of existing public access; and, where appropriate and when funds are available, develop and manage additional access facilities.
- Continue to integrate public access and conservation on sites which protect the Yampa River and its major tributaries in areas experiencing substantial development pressure and/or intense use.

With the introduction of the 2011 AGO Concepts:

- Continue to address the Legacy goals and mission which are aligned with the AGO Initiative.
- Expand the Legacy mission to incorporate support for the AGO concept of connecting youth and young adults to the natural outdoor environment by supporting programs that provide outdoor jobs along with environmental education opportunities and experiences.

Article 4. Term of MOU

This MOU:

- Represents the entire understanding between the parties and there are no oral or collateral agreements or understandings.
- However separate, reflects a continuation of the Partners' collaborative efforts initiated in 1995, followed with the 1997 Memorandum of Understanding.
- Remains in effect as long as the parties to this MOU are willing to work toward the accomplishment of the goals set forth in this MOU.

Article 5. Partner Termination

The Partners enter into this MOU in a spirit of cooperation to carry out the YRSLP. However, in the case where a Partner is not able to continue its participation for whatever reason, as determined by the Partner, their participation in this MOU may be terminated, with sixty (60) days prior written notice to the others of their intent to terminate. The termination of one Partner does not terminate the MOU with the remaining Partners.

Article 6. Assignment

The Partners shall not assign or delegate their participation in this MOU without the approval of the Partners as documented in the minutes from a regularly scheduled meeting.

Article 7. Additional Partners

Upon agreement of the Partners and with a written amendment of this MOU, other Partners may be added, deleted, or replaced. There may be other "partners", who are not signatories to the MOU but who will serve in an ad hoc advisory capacity related to specific projects (see list following signatories).

Article 8. Decision Making/Dispute Resolution

Nothing in this MOU will be construed as affecting the authorities of the participants.

A simple majority of the Partners is required for a quorum.

During the term of the MOU decisions will be made by consensus of the Partners in attendance at an official meeting. However, where consensus cannot be reached, Partners may need to move forward on their projects independent of the YRSLP Partners as a whole.

Article 9. Funding and Grant Agreements

It is hereby understood and acknowledged by the Partners that:

- YRSLP and its Partners intend to apply for GOCO Funds and AGO Funds (generally multi-year funding) when they become available to advance the goals of the YRSLP.
- YRSLP and its Partners may apply for other funds when they become available in order to advance the goals of the YRSLP.

- There will be separate contracts (grant agreements), when required, between various Partners relative to specific project implementation and funding requirements.
- It is the responsibility of each Partner to comply with the provisions of any grant agreements related to that Partner's specific project, which may include matching funds, management plans, operations/maintenance plans and reporting obligations.
- A Partner may request support from the Partnership for projects within the scope of the YRSLP.
- Each Partner shall deal with specific fiscal management issues within that Partner's fiscal management policies/procedures, which shall not be preempted in any manner by this MOU.

Article 10. Appointment/Hiring of YRSLP Administrative Staff

Until funding is secured (or undertaken) the current YRSLP Administrative Staff may be one of the Partners. The YRSLP may hire Administrative Staff at a future point in time (most likely through one of its Partners). Any Partner functioning as Administrative Staff should be aware of the possibility of conflict of interest, and must avoid, at all times, any actual or perceived conflict of interest.

Administrative Staff is responsible to the YRSLP Partners; should have knowledge of and understand the priorities of the various Partners; and must be a proponent of the YRSLP Mission Statement and the projects of the Partners.

Administrative Staff will work at the direction of the Partners and will be responsible for overall project administration including coordination of accounting for expenditures and receipts for reimbursement requests and coordination between the various Partners and funders where coordination is necessary. The position of Administrative Staff in no way reduces the responsibility of the other Partners for the application, management, and completion of the Partners individual projects as approved per this MOU. It is the responsibility of each Partner to manage, communicate with funding partners and account for the expenses and receipts, and other aspects associated with their specific projects.

The Administrative Staff shall have no authority to act/speak on behalf of or to bind any of the Partners without the express prior written consent of the individual Partner to be bound.

Article 11. Confidentiality

The YRSLP shall comply with the Colorado Open Meetings Law (CRS 24-6-402) however it is understood by the Partners that certain projects may be confidential in nature and may

need to be discussed in executive session. All Partners agree to keep those discussions, documents, negotiations, etc. confidential. Any confidential discussions shall take place after the committee officially votes to adjourn to executive session. The minutes of the committee meeting shall document the time of such executive session and purpose (eg 'to discuss confidential real estate transaction').

Notwithstanding the foregoing, this provision is not intended to prohibit any Partner from discussing confidential matters in executive session.

Article 12. Equal Opportunity Clause

During the performance of this MOU, the participants will not discriminate against any employee or applicant for employment and/or program participants and/or program beneficiary because of race, color, religion, age, sex, disability or national origin. Partners will take affirmative action to ensure that applicants are employed and are treated during employment without regard to their race, color, religion, age, sex, disability, or national origin. Such action shall include but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Partners agree to post in conspicuous places, available to employees and applicants for employment, notice to be provided by an agency of the federal government, setting forth the provisions of the Equal Opportunity Laws.

Where applicable, Partners shall be in compliance with the applicable provisions of the Americans with Disabilities Act of 1990 as enacted, and from time to time amended, and any other applicable federal, state, or local laws and regulations.

Article 13. Non-Binding Intent

It is clearly understood by the Partners that this MOU sets forth an agreement in principle only, is not binding on the parties hereto, may not be relied upon as the basis for an agreement by estoppel, and that no party shall be bound except through their specific project grant agreements. The Partners further understand and acknowledge that the Partners' guiding boards, commissions and councils must approve any specific project, workplan, funding agreement and/or budget, etc.

Article 14. Amendment

This MOU may be amended only by an instrument in writing signed by the parties.

IN WITNESS THEREOF, the Parties hereto have executed this 2011 Amended and Restated Memorandum of Understanding for the Yampa River System Legacy Partnership:

Routt County

Moffat County

by:

by:

City of Steamboat Springs

City of Craig

by:

by:

Town of Hayden

Bureau of Land Management
(also Federal Agency Liaison)

by:

by:

Colorado Parks and Wildlife

Colorado Parks and Wildlife
(also State Agency Liaison)

by: (Wildlife Representative)

by: (Parks Representative)

Yampa Valley Land Trust

The Nature Conservancy

by:

by:

Representative: Agriculture (Routt)

Representative: Agriculture (Moffat)

by:

by:

Representative: Recreation

Representative: Business

by:

by:

Representative: Youth and
Outdoor/Environmental Education

Representative: Youth and Outdoor
Environmental Jobs

by:

Representative: Public Lands

by:

Representative: Yampa River

by:

by:

With supporters from the following non-voting state and federal agency partners/advisors (which, as projects warrant, at some future point in time may become formal voting partners):

US Forest Service

Dinosaur National Monument

by:

US Fish and Wildlife Service

by:

USGS

by:

US Bureau of Reclamation

by:

CO Department of Natural Resources

by:

Northwest Colorado Watershed Partnership

by:

Vets Green Jobs

by:

by:

AGENDA ITEM # 0

CITY COUNCIL COMMUNICATION FORM

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

THROUGH: Jon Roberts, City Manager (Ext. 228)
Parks and Recreation Commission, Jack Trautman Chair

DATE: December 20, 2011

ITEM: A resolution to adopt the modification of the "Comprehensive Plan for the Bear River Parcel" to include a skills bike park.

NEXT STEP: Adopt the Resolution

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

A resolution to adopt the modification of the "Comprehensive Plan for the Bear River Parcel" to include a skills bike park as shown in Master Plan Alternative D (see attached).

II. RECOMMENDED ACTION:

City Council to make a motion to adopt a resolution to adopt the modification of the "Comprehensive Plan for the Bear River Parcel" to include a skills bike park as shown in Master Plan Alternative D

III. FISCAL IMPACTS:

Proposed Expenditure: Staff time to process.
Funding Source: 2011 Budgeted Funds

IV. BACKGROUND INFORMATION:

Community support among families and their children along with youth and adult riders for a skills bike park has been on-going. Parks and Recreation Commission's commitment to eradicate the illegal Willett Heights bike park also hinge on the development of a new venue.

After the Whistler Park location was passed on the Parks and Recreation Commission had a field trip as part of its work session to review possible City sites. Although investigations will be ongoing at several of these sites Directional Development Foundation believes that the Bear River site best fits its timing for a bike skills park.

The Bear River Park is approximately an 18 acre site that previously housed city sewage lagoons. The Yampa River runs along the southerly edge and a substantial wetland is included in the western third of the property. A Great Outdoors Colorado Planning Grant helped develop the "Comprehensive Plan for the Bear River Parcel" which was adopted by the Parks Recreation Commission and ultimately City Council.

Master Plan Alternative C (see attached) was adopted and did not include a bike skills park. Given the present request a consensus was reached between the proponents and the Parks and Recreation Commission. A subsequent unanimous vote from the Parks and Recreation Commission, at their regular meeting, on the motion recommending to advise City Council to adopt a resolution for the modification of the "Comprehensive Plan for the Bear River Parcel" to include a skills bike park as shown in Master Plan Alternative D. If this modification is supported then Directional Development Foundation will move forward through the design development process at subsequent Parks and Recreation Commission meetings. The recommended plan and its operation and maintenance will finally be reviewed and approved by City Council.

V. LEGAL ISSUES:

As the Bear River Parcel Master Plan was adopted via Resolution Number 2004-38 as drafted then this modification required public review with the Parks and Recreation Commission and ultimately City Council action.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

This Bike Skills Park is strongly supported and compliments the ultimate park design as seen in the new Master Plan Alternative D.

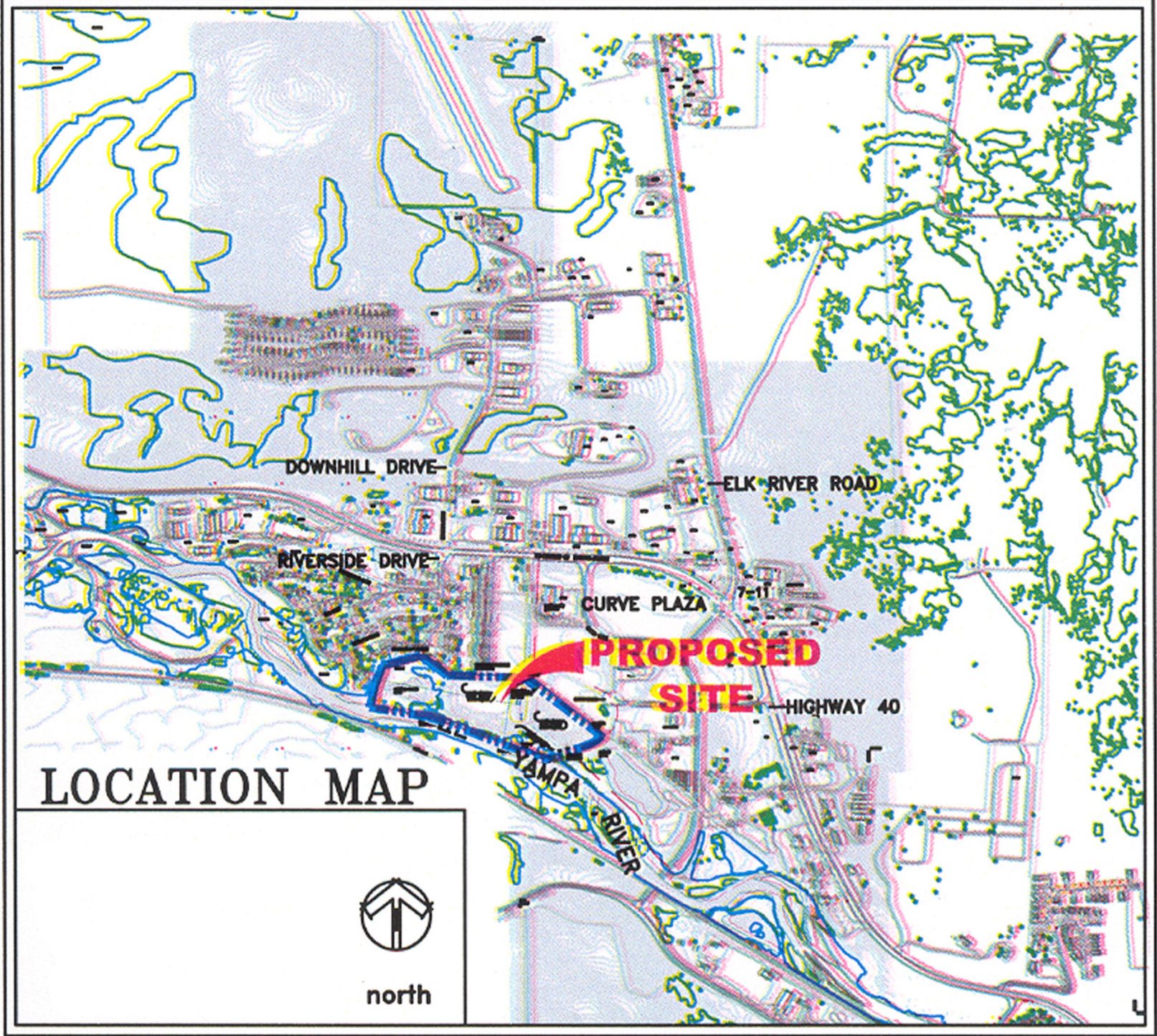
There are no environmental issues on this site as a reclaimed sewage lagoon.

VII. SUMMARY AND ALTERNATIVES:

In summary the Parks and Recreation Commission recommends City Council make a motion to adopt via the resolution to adopt the modification of "Comprehensive Plan for the Bear River Parcel" to include a skills bike park as shown in the Master Plan Alternative D .

Alternatives include:

1. A motion to adopt a resolution approving the modification of the "Comprehensive Plan for the Bear River Parcel" to include a skills bike park as shown in the Master Plan Alternative D.
2. A motion to adopt a resolution approving the modification of the "Comprehensive Plan for the Bear River Parcel" to include a skills bike park as shown in the Master Plan Alternative D with conditions.
3. Not adopt a resolution approving the modification of the "Comprehensive Plan for the Bear River Parcel" to include a skills bike park as shown in the Master Plan Alternative D and table until changes can be made.



LOCATION MAP



north

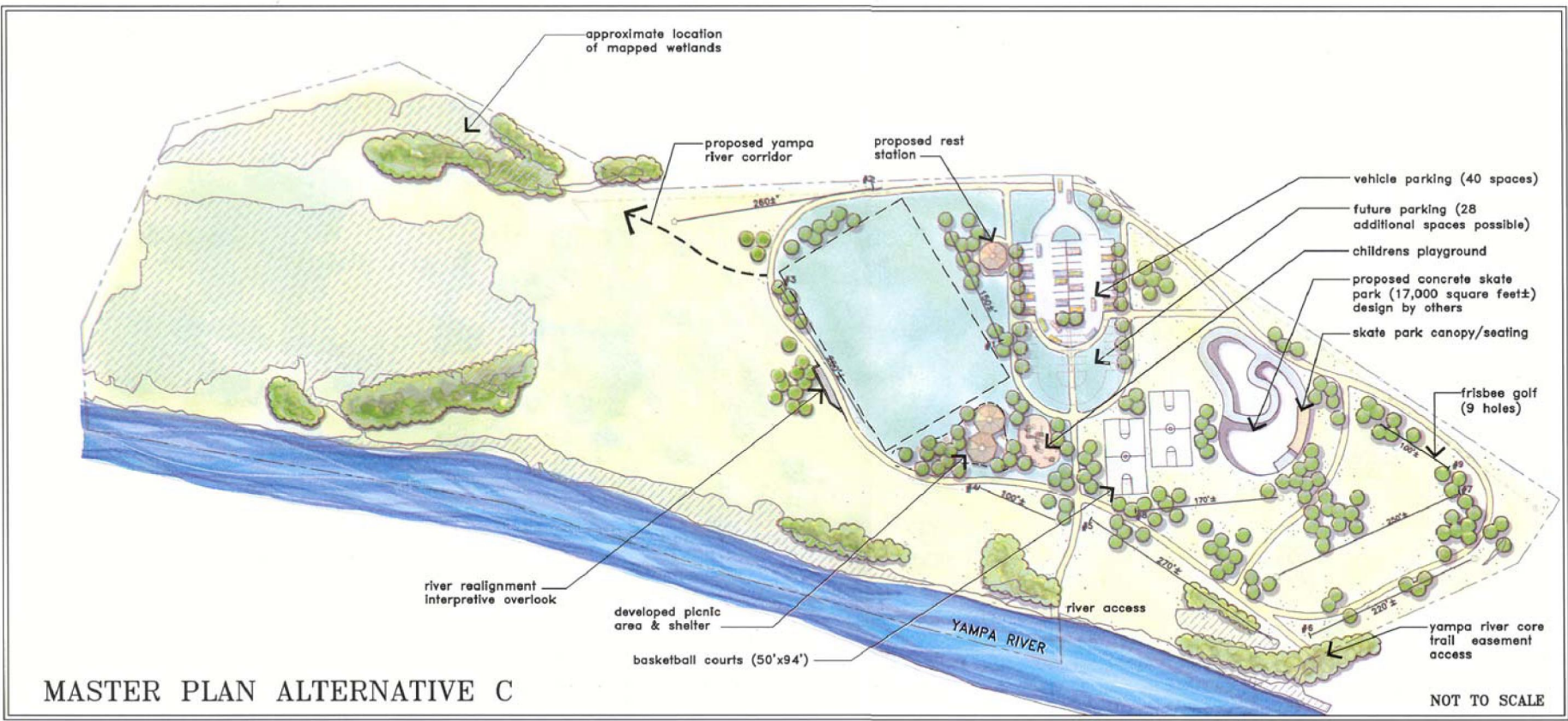
Bear River Park
November 8, 2011

MASTER PLAN ALTERNATIVE C
 -River Realignment
 -Unorganized Field
 -Frisbee Golf
 -Playground
 -Picnic Area w/shelter
 -Skate Park
 -Basket Ball Courts
 -River Access



6.5

Plan is not to scale



MASTER PLAN ALTERNATIVE C

NOT TO SCALE

LEGEND

	soft surface trail
	proposed vegetation
	existing vegetation
	frisbee golf basket
	bank fill area
	bank cut area

SITE INVENTORY

18.5± acres total site
8.5± acres usable park
9.5± acres river realignment
.17± acres picnic area
.45± acres skate park
.48± acres parking
.40± miles around perimeter trail

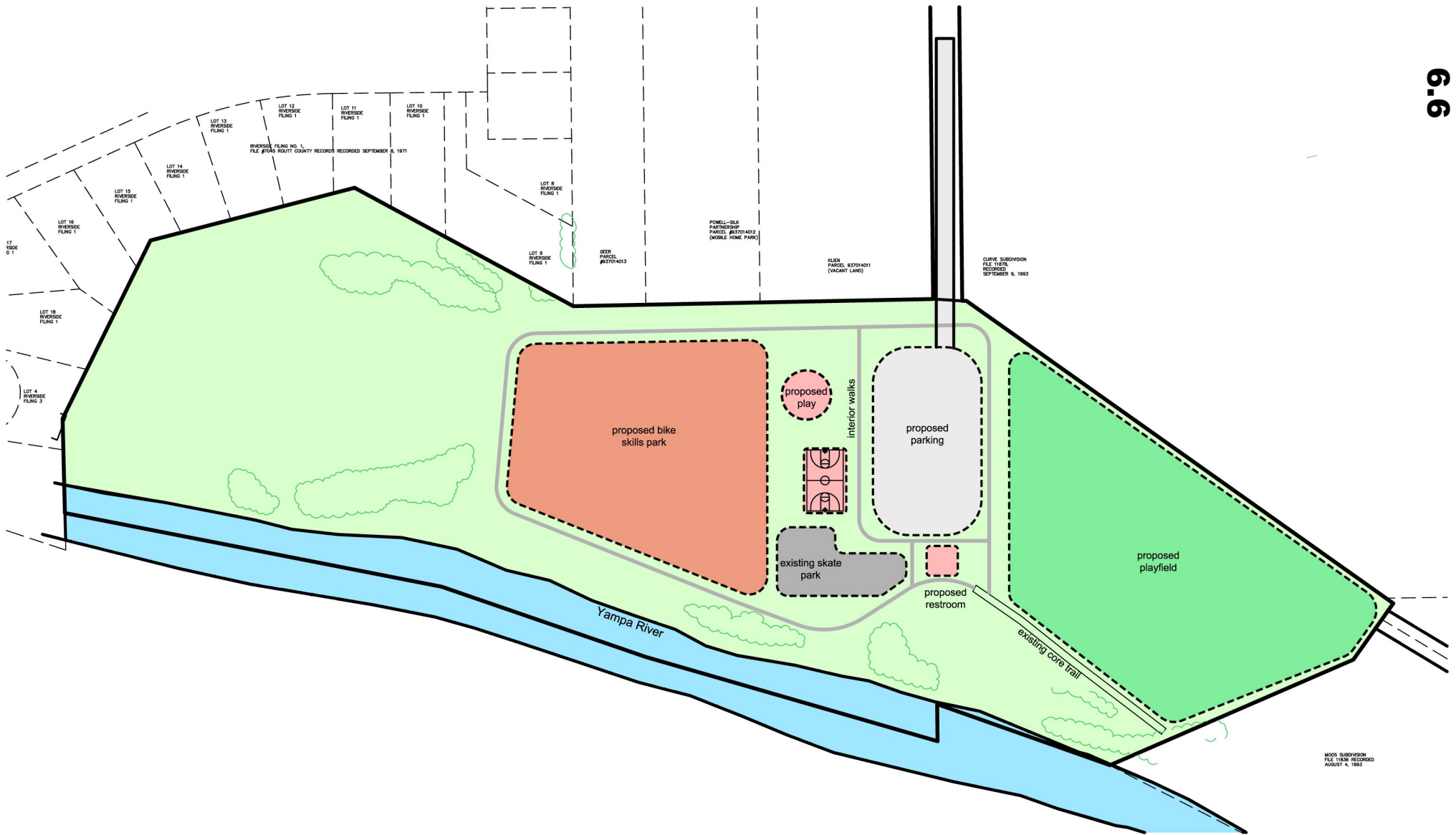
NOTES

1. River realignment information based on Yampa River Realignment Study prepared for City of Steamboat Springs Parks & Recreation. Prepared by Basin Hydrology, Inc. on February 26, 2001.
2. Maintained area may contain irrigated sod and or mowed native grasses.
3. Developed picnic area to contain shelter, tables (8±), barbecues and trash receptacles.

BEAR RIVER PARCEL
 STEAMBOAT SPRINGS, COLORADO

Bear River Park
 November 8, 2011





Bear River Park

Master Plan Alternative D

November 8, 2011



MGC DESIGN, INC.

LANDSCAPE ARCHITECTURE
SITE DESIGN
WATER USE in LANDSCAPE
P.O. Box 773522
Steamboat Springs, CO 80477
(970) 879-7740

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE MODIFICATION TO THE BEAR RIVER PARCEL MASTER PLAN TO INCLUDE A SKILLS BIKE PARK.

WHEREAS, protection of the Yampa River and all its associated parcels within the City limits while allowing appropriate levels and types of recreational use is in the community's best interest; and

WHEREAS, the 2004 Bear River Parcel Master plan (BRPMP) recommends specific alternatives and actions for balancing recreational uses and environmental protection; and

WHEREAS, the Parks and Recreation Commission was charged with developing the plan, including the community in general, unanimously adopted the BRPMP, in December 2003; and

WHEREAS, the Parks and Recreation Commission unanimously recommended adoption of the modification to the BRPMP, to include a skills bike park in November 2011.

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

The city hereby adopts the modification to the Bear River Parcel Master Plan as drafted in Master Plan Alternative D, and directs staff to implement this plan as directed by City Council.

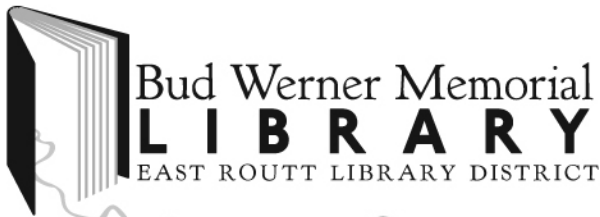
PASSED, ADOPTED AND APPROVED this ___ day of _____, 2011.

**Bart Kounovsky, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

AGENDA ITEM #7



MEMORANDUM

TO: Routt County Board of Commissioners
Steamboat Springs' City Council
Steamboat Springs RE-2 School Board

FROM: Chris Painter, Director
Bud Werner Memorial Library
970-367-4904

DATE: November 28, 2011

RE: Appointment of Trustees to the East Routt Library District Board

The Board of Trustees respectfully requests your consideration of the attached resolution to reappoint Barb Ross to the East Routt Library District Board of Trustees. Please send signed copies to my attention, cpainter@steamboatlibrary.org. Bud Werner Memorial Library, 1289 Lincoln Ave, Steamboat Springs, CO, 80487. Thank you.

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. _____

**A RESOLUTION APPOINTING TRUSTEES TO THE EAST
ROUTT LIBRARY DISTRICT BOARD**

WHEREAS, the management and control of the East Routt Library District is vested in a Board of not fewer than five (5) nor more than seven (7) trustees (C.R.S. 24-90-108 (1)); and

WHEREAS, the appointment of trustees shall be ratified by the legislative bodies of each of the participating governmental units upon recommendation of the Board of Trustees of the East Routt Library District (C.R.S. 24-90-108(2c)) and

WHEREAS, a Trustee shall be appointed for a five year term in accordance with the by-laws of the East Routt Library District Board (C.R.S. 24-90-108 (3a)); and

WHEREAS, the terms of office of Barb Ross expires December 31, 2011.

NOW THEREFORE BE IT RESOLVED, that Barb Ross be re-appointed to the East Routt Library District Board of Trustees for terms beginning January 1, 2012 and ending December 31, 2016.

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

**Bart Kounovsky, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

AGENDA ITEM # 0

CITY COUNCIL COMMUNICATION FORM

FROM: Wendy DuBord, Special Projects Manager (Ext.219)

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

DATE: Dec. 20, 2011

ITEM: Resolution supporting Mainstreet Steamboat Springs' application for the Great American Main Street Award (DuBord/Barnett)

NEXT STEP: Approve Resolution to be included in the application by Mainstreet Steamboat Springs

INFORMATION
 RESOLUTION

I. REQUEST OR ISSUE:

Staff recommends Council Motion: Approval of the attached resolution at the request of Mainstreet Steamboat Springs.

II. FISCAL IMPACTS:

None

III. BACKGROUND INFORMATION:

Mainstreet Steamboat Springs was established in 2004. Since that time, City Council has supported the organization with funding, meeting space, participation on the Board of Directors, etc. Mainstreet is a finalist in the Great American Mainstreet Award competition. It is a great honor to get this far in the process. Mainstreet Executive Director Tracy Barnett requested a resolution from the City Council supporting their application.

IV. LEGAL ISSUES:

None associated with this issue or communication.

V. CONFLICTS OR ENVIRONMENTAL ISSUES:

None associated with this communication

VI. SUMMARY AND ALTERNATIVES:

City Council has the following alternatives:

1. Approve the resolution
2. Decline to approve the resolution. There is not time to table this with changes before the application is due.

Staff recommends approval to show City Council support for Mainstreet Steamboat Springs and their application for this prestigious national award.

If anyone has questions, please contact me at 871-8219 or wdubord@steamboatsprings.net.

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. _____

A RESOLUTION SUPPORTING THE APPLICATION OF MAINSTREET STEAMBOAT SPRINGS FOR THE GREAT AMERICAN MAIN STREET AWARD

WHEREAS, Mainstreet Steamboat Springs was established in 2004; and

WHEREAS, the City of Steamboat Springs has supported this organization with annual funding, grant-writing assistance, meeting space and other support; and

WHEREAS, a City Council Member sits on the Mainstreet Steamboat Springs Board of Directors and actively participates in meetings, projects and initiatives; and

WHEREAS, several City Department Heads actively participate on Mainstreet Steamboat Springs committees; and

WHEREAS, Mainstreet Steamboat Springs has been incredibly successful in the mission to support historic preservation and creating and maintaining a vibrant downtown; and

WHEREAS, programs and events coordinated or sponsored by Mainstreet Steamboat Springs have successfully enhanced and improved the local economy; and

WHEREAS, the efforts and activities of Mainstreet Steamboat Springs have become a vital part of the community's overall economic development efforts.

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

Section 1. The Steamboat Springs City Council continues to participate, support and fund the efforts of Mainstreet Steamboat Springs.

Section 2. The Steamboat Springs City Council urges the Great American Main Street Award Jury to select Mainstreet Steamboat Springs for this prestigious award.

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

**Bart Kounovsky, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

AGENDA ITEM # 0

CITY COUNCIL COMMUNICATION FORM

FROM: John Thrasher, Human Resources Manager

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

DATE: December 20, 2011

RE: Adoption of the Management Team Retirement Health Savings Plan

NEXT STEP: A resolution adopting a Vantagecare Retirement Health Savings Plan for the City of Steamboat Springs Management Team hereafter titled; the City of Steamboat Springs Management Team Retirement Health Savings Plan.

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

The Management Team for the City of Steamboat Springs has unanimously agreed to participate in a ICMA-RC Vantagecare Retirement Health Savings Plan that is a plan that provides for contribution of 1 percent of income (while employed), and fifty percent of the value of accrued benefits (upon retirement) to a self managed retirement plan that provides for tax free distribution of the principal and earnings if the funds are used for medical expenses.

II. RECOMMENDED ACTION:

Adopt by resolution the City Management Team Retirement Health Savings Plan.

III. FISCAL IMPACTS:

The City will provide administrative support for the Management Team Retirement Health Savings Plan. However there will be no City contributions to the plan. Further, upon the retirement/separation of an eligible participant, the contribution of fifty percent of the value of accrued leave will be contributed as calculated from the usual pay-out rate identified by the City of Steamboat Springs Personnel and Administrative Regulations Manual.

IV. BACKGROUND INFORMATION:

None

V. LEGAL ISSUES:

The adoption of a Retirement Health Savings Plan requires that all members of the defined group must participate in the plan, without exception.

The adoption of a Retirement Health Savings Plan requires that the City establish an Integral Part Trust to insure that contributions to, and accumulated assets in, the trust are held as a segregated fund for participants welfare.

That Integral Part Trust is attached hereto.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None

VII. SUMMARY AND ALTERNATIVES:

None

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. _____

A RESOLUTION ADOPTING A VANTAGECARE RETIREMENT HEALTH SAVINGS PLAN FOR THE CITY OF STEAMBOAT SPRINGS MANAGEMENT TEAM HEREAFTER TITLED; THE CITY OF STEAMBOAT SPRINGS MANAGEMENT TEAM RETIRMENT HEALTH SAVINGS PLAN

WHEREAS, The City Management Team renders valuable services; and

WHEREAS, the establishment of a Retirement Health Savings Plan for the Management Team serves the interests of the City of Steamboat Springs by enabling it to provide reasonable security regarding such employees' health needs during retirement, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

WHEREAS, the City of Steamboat Springs has determined that the establishment of a Management Team Retirement Health Savings Plan serves the above objectives.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, THAT: the City of Steamboat Springs hereby adopts the Management Team Retirement Health Savings Plan in the form of the ICMA Retirement Corporation's VantageCare Retirement Health Savings program.

BE IT FURTHER RESOLVED, that the assets of the Plan shall be held in trust, with the City of Steamboat Springs serving as trustee, for the exclusive benefit of the Plan participants and their beneficiaries, and the assets of the Plan shall not be diverted to any other purpose prior to the satisfaction of all liabilities of the Plan. The City of Steamboat Springs has executed the Declaration of Trust of the City of Steamboat Springs Integral Part Trust in the form of the model trust made available by ICMA Retirement Corporation, with the Finance Director designated as the Trustee.

BE IT FURTHER RESOLVED, that the Human Resource Manager shall be the coordinator and contact for the Management Team Retirement Health Savings Plan and shall receive necessary reports, notices, etc.

Section 1. The City of Steamboat Springs does hereby adopt and approve establishment of a Management Team Retirement Health Savings Plan to become effective January 1, 2012.

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

**Bart Kounouvsy, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

Agenda Item #0

CITY COUNCIL COMMUNICATION FORM

FROM: Gregory Nepl, Controller (Ext. 239)
THROUGH: Deb Hinsvark (Ext. 240)
DATE: December 20, 2011
ITEM: Resolution/Report Government Funds in Accordance with GASB Statement 54
NEXT STEP: Approval of GASB Statement 54 Resolution

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

The City Finance department requests a resolution Establishing Committed and Assigned Fund Balances for the Government Funds of the City of Steamboat Springs in Accordance with Governmental Accounting Standards Board (GASB) Statement Number 54 and that Council authorizes the City Manager or his designee to designate the assigned fund balances.

II. RECOMMENDED ACTION:

Staff recommends Council approve the Resolution

III. FISCAL IMPACTS:

Proposed Expenditure: N/A
Funding Source: N/A

IV. BACKGROUND INFORMATION:

In February 2009, the Governmental Accounting Standards Board (GASB) issued *GASB Statement #54 Fund Balance Reporting and Governmental Fund Type Definitions*. The statement substantially changes how fund balances are categorized. It clarifies/modifies how some of the governmental funds are presented and classified.

The Statement establishes fund balance classifications that comprise a hierarchy based primarily on the extent to which a government is bound to observe constraints imposed upon the use of the resources reported in governmental funds.

V. LEGAL ISSUES:

State Law requires that all general-purpose local governments publish within 240 days of the close of each fiscal year a complete set of financial statements presented in conformity with accounting principles generally accepted in the United States (GAAP) and audited in accordance with generally accepted auditing standards by a firm of licensed certified public accountants.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

N/A

VII. SUMMARY AND ALTERNATIVES:

The City's financial statements, including the Consolidated Annual Financial Report (CAFR), are prepared in accordance with the standards of accounting and financial reporting for U.S. state and local governments established by the Governmental Accounting Standards Board (GASB).

The requirements in GASB Statement #54 are effective for financial statements beginning after June 15, 2010. If the information for previous years is not restated, governments should explain the nature of the differences from the prior information.

This Resolution is required in order to guarantee the commitment to conform to GASB Statement 54 and for the City Council to grant the City Manager or Designee authority to designate "assigned fund balances" per GASB 54.

In general nothing changes as to any of the previously approved budget or financial information reviewed by the City Council. GASB 54 will change the Governmental Funds presentation in the Consolidated Annual Financial Report (CAFR).

LIST OF ATTACHMENTS

1. City of Steamboat Springs – GASB 54 Summary

**CITY OF STEAMBOAT SPRINGS
FUND BALANCE SUMMARY
IN ACCORDANCE WITH GASB #54**

Background

In February 2009, the Governmental Accounting Standards Board (GASB) issued *GASB #54 Fund Balance Reporting and Governmental Fund Type Definitions*. The statement substantially changes how fund balances are categorized. It clarifies/modifies how some of the governmental funds are presented and classified.

Purpose

The objective of GASB 54 is to report governmental fund balances based on a hierarchy that shows, from highest to lowest, the level or form of constraints on the fund balance and accordingly, the extent to which governments are bound to honor them. Fund balance classifications in order of hierarchy are: non-spendable, restricted, committed, assigned and unassigned.

The City of Steamboat Springs currently reports the following major governmental funds:

1. General Fund
2. Capital Projects Fund
3. Steamboat Springs Redevelopment Authority
4. Community Housing Fund

Definitions

Fund Balance – Fund balance is the excess of assets over liabilities. Fund balance is accumulated when revenues exceed expenditures and decreased when revenues are less than expenditures.

Non-spendable Fund Balance – The portion of fund balance that cannot be spent because it is either not in a spendable form or is legally or contractually required to be maintained intact.

Restricted Fund Balance – The portion of fund balance constrained for a specific purpose by external parties, constitutional provisions, or enabling legislation. Effectively, restrictions on fund balance may only be changed or lifted with the consent of resource providers.

Committed Fund Balance – The portion of fund balance that can only be used for specific purposes according to limitations imposed by the City Council prior to the end of the current fiscal year. The constraint may be removed or changed only by formal action of the City Council.

Assigned Fund Balance – The portion of fund balance set aside for planned or intended actions. The intended use may be expressed by the City Council or other individuals authorized to assign funds to be used for a specific purpose. In governmental funds other than the general fund, assigned fund balance represents the amount that is not non-spendable, restricted, or committed. This indicates that resources in these funds are, at a minimum, intended to be used for the purpose of that fund.

Unassigned Fund Balance – This is the residual portion of fund balance that does not meet any of the above criteria. The City will only report a positive unassigned fund balance in the General Fund.

Classification Examples

Non-spendable (not in spendable form or a contractual obligation)

- Inventory – The value of inventories that are not expected to be converted into cash.
- Prepaid Items – The valued of the prepaid assets held as non-cash assets.
- Long term amounts of loans or notes receivable.

Restricted

- TABOR Reserves – Amendment One to the state constitution (Article X, Section 20) passed by voters in 1992 requires that reserves equal to 3% of the fiscal year spending be established for declared emergencies.
- Grant Funding – Unspent grant funding which must be used for specific programs as stipulated by the Grantor.
- Debt Service Reserves – Any amounts required to be held according to creditor requirements.

Committed

- Contractual Obligations – Resources specifically committed for use in satisfying contractual requirements. Could include amounts encumbered on outstanding purchase orders.

- Emergency Operating Funds – Funds set aside to meet operating expenses in the event of an emergency as set forth in the City’s emergency operations policies.

Assigned

- Subsequent Year Expenditures – Appropriation of existing fund balance to eliminate a projected budgetary deficit in the subsequent year’s budget.
- Designated Projects – The estimated cost of planned or desired, but not required specific projects as requested by the City Council or other authorized individuals.
- Residual Fund Balance – In governmental funds other than the General Fund, assigned fund balance will include any amount that is not non-spendable, restricted, or committed. This indicates that these resources are, at a minimum, intended to be used for the purpose of that fund.

Unassigned

- Residual Fund Balance – This is the residual fund balance classification for the General Fund and will contain any fund balance not already classified. If for any reason any other governmental fund should have a negative fund balance the negative fund balance would be reported as unassigned.

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. _____

A RESOLUTION ESTABLISHING THE COMMITTED AND ASSIGNED FUND BALANCES OF THE CITY OF STEAMBOAT SPRINGS IN ACCORDANCE WITH GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NUMBER 54 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO DESIGNATE THE ASSIGNED PORTION OF ALL GOVERNMENTAL FUND BALANCES FOR THE CITY FINANCIAL STATEMENTS FOR 2011 AND SUBSEQUENT YEARS

WHEREAS, the City's financial statements, including the Comprehensive Annual Financial Report (CAFR), are prepared in accordance with the standards of accounting and financial reporting for U.S. state and local governments established by the Governmental Accounting Standards Board (GASB); and

WHEREAS, in February 2009, GASB issued Statement No. 54 Fund Balance Reporting and Governmental Fund Type Definitions effective for financial statements beginning after June 15, 2010; and

WHEREAS, the objective of GASB 54 is to report governmental fund balances based on a hierarchy that shows, from highest to lowest, the level or form of constraints on the fund balance and accordingly, the extent to which governments are bound to honor them. Fund balance classifications in order of hierarchy are: non-spendable, restricted, committed, assigned and unassigned; and

WHEREAS, "committed fund balance" is defined by GASB 54 as the portion of fund balance that can only be used for specific purposes according to limitations imposed by the City Council prior to the end of the current fiscal year; and

WHEREAS, "assigned fund balance" is defined by GASB 54 as the portion of fund balance set aside for planned or intended actions. The intended use may be expressed by the City Council or other individuals to whom such authority is delegated; and

WHEREAS, the City is prepared to implement compliance with GASB 54 and the Council desires to grant the City Manager, or the City Manager's Designee, authority to designate the assigned fund balance for each Fund based on the intended use of such resources.

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

Section 1. Establishment of committed fund balances should comply with GASB 54.

Section 2. The City Manager is hereby authorized to designate the assigned fund balance for each Governmental Fund based on the intended use of such resources for 2011 and subsequent years.

Section 3. The City Manager is hereby authorized to delegate the foregoing authority to an appropriate City employee reporting to the City Manager (The "City Manager's Designee").

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

**Bart Kounovsky, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

AGENDA ITEM # 0

CITY COUNCIL COMMUNICATION FORM

FROM: Mel Baker, Airport Manager (879-9042)
Anne Small, Director of General Services (Ext. 249)

THROUGH: Jon Roberts, City Manager

DATE: December 20, 2011

ITEM: First reading of an ordinance to approve Hangar Lease between the City of Steamboat Springs and Civil Air Patrol – Steamboat Springs Composite Squadron

NEXT STEP: Motion to Approve the First Reading of the ordinances

ORDINANCE
 MOTION

I. REQUEST OR ISSUE:

Motion to approve the first reading of an ordinance approving a lease between the City of Steamboat Springs and Civil Air Patrol – Steamboat Springs Composite Squadron for Hangar B9 at the Steamboat Springs Airport.

II. RECOMMENDED ACTION:

Approve the first reading of the ordinance

III. FISCAL IMPACTS:

Annual rent: \$7,828.32

IV. BACKGROUND INFORMATION:

The Civil Air Patrol requested and received funding in the City's 2012 budget for leasing Hangar B9 at the Steamboat Springs Airport.

V. LEGAL ISSUES:

Staff attorney has reviewed the lease and Ordinance.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

There are no known conflicts or environmental issues.

VII. SUMMARY AND ALTERNATIVES:

City Council may elect to:

1. Approve the first reading of the attached Ordinance
2. Table the item and provide alternate direction to staff.
3. Deny this request.

HANGAR LEASE AGREEMENT
STEAMBOAT SPRINGS AIRPORT

THIS HANGAR LEASE AGREEMENT, entered into this **1st day of January, 2012**, by and between the City of Steamboat Springs, a Colorado Municipal Corporation, as owner of the Steamboat Springs Airport ("Lessor") and **Civil Air Patrol, Steamboat Springs Composite Squadron** ("Lessee").

In consideration of the mutual covenants contained herein, and for other good and valuable consideration, the parties hereto agree as follows:

1. PREMISES. Lessor agrees to lease to Lessee, and Lessee agrees to lease from Lessor, Hangar Space **#B-9**, located at the Steamboat Springs Airport. The Hangar Space shall be used and occupied by Lessee primarily for the storage of Lessee's aircraft, to wit, (the "Aircraft"), or any other similar aircraft owned or leased by Lessee (the "Substitute Aircraft"), provided Lessee has provided Lessor with written notification that a Substitute Aircraft will be stored in the Hangar Space and has provided to Lessor a complete description of the Substitute Aircraft. In the event Lessee stores a Substitute Aircraft in the Space, all provisions of this Agreement applicable to the Aircraft shall also be applicable to the Substitute Aircraft. Lessor at anytime may ask proof of Aircraft or Substitute Aircraft ownership of the Lessee.

2. TERM. This Agreement shall commence on January 1, 2012 and shall remain in effect month to month until terminated according to the terms of this Agreement.

3. RENT.

- a) For use of the Hangar Space, Lessee shall pay to Lessor, at the Steamboat Springs Finance Office, 137 10th Street, P.O. Box 775088, Steamboat Springs, Colorado, 80477, the amount of **Six Hundred and Fifty Two Dollars and Thirty Six Cents (\$652.36) per month**, such amount to be payable in advance. If the term of this lease agreement commences on a day other than the first day of a month, the first month's rent shall be pro rated on a daily basis. Such rent shall be due and payable without notice from Lessor on the first day of each and every month during the term hereof and Lessee shall be deemed to be in default if such rent has not been received by lessor when due. If any amount payable by Tenant pursuant to this Lease is not paid and received by Landlord with ten (10) calendar days after the due date therefore, the unpaid amount shall bear interest at the rate of twelve percent (12%) per annum from the date such payment was due until paid, and in addition, Tenant shall pay to Landlord a late payment charge equal to five percent (5%) of the amount not timely paid, payable on demand. Nothing in this paragraph shall limit any right of Landlord with respect to any default by Tenant or be construed as granting Tenant a grace period or right to cure, not otherwise herein set forth.

Rent shall increase at the discretion of the Lessor; however, at a minimum there shall be a 3% increase, compounded annually, beginning January 1, 2013.

- b) If Lessor purchases less than 300 gallons of fuel in any calendar year from the Steamboat Springs Airport FBO, then Lessor will be charged an inactivity fee. Such fee shall be calculated by multiplying the shortfall in Lessor's fuel purchases by the applicable fuel price effective on December 31 of the year for which the fee is being calculated or, in the case of lease termination, the last day the lease is in effect. The 300-gallon requirement will be pro-rated for the first and last years of the lease.

4. LESSEE'S USE OF THE PREMISES.

- a. The Hangar Space shall be used primarily for the storage of the Aircraft, along with any necessary aircraft groundhandling equipment associated with said Aircraft. The incidental storage of other items shall be permitted so long as that storage of other items does not obstruct the use of the hangars by other tenants, does not constitute a fire hazard, and does not increase Lessor's insurance premiums.
- b. No commercial activity of any kind whatsoever shall be conducted by Lessee in, from or around the Hangar Space.
- c. Lessee shall not store gasoline, solvents, explosives, flammable paints or other flammables in the Hangar Space without the prior written approval of the Airport Manager. The parties agree that the Airport Manager is authorized by this provision to require safety containers or other safety measures to be followed by Lessee as a condition of such approval.
- d. No maintenance of the aircraft shall be performed within the Hangar Space without the prior written approval of the airport manager except such minor maintenance as would normally be performed by an aircraft owner without the benefit of an aircraft mechanic. For the purposes of this agreement, the Lessee shall be allowed to perform the following minor maintenance work on his or her Airplane: interior cleaning, waxing and polishing, changing of oil, tire and wheel replacement, servicing of landing gear shock struts and wheel bearings, replacement of defective safety wire and cotter keys, lubrication which does not require the disassembly of parts, servicing hydraulic fluid reservoirs, minor upholstery and decorative panel repairs, replacing side windows, seat belts and seat parts, troubleshooting electrical and avionics systems, replacing bulbs and lenses and replacing or cleaning spark plugs. It is understood by the parties hereto that the Airport Manager is authorized by this provision to require specific measures to protect the Hangar from damage as a condition of approval for owner maintenance other than that maintenance specifically permitted. All other aircraft maintenance must be conducted in a maintenance building or structure approved by Lessor.
- e. Lessee shall take such steps so as to ensure that the performance of maintenance work within the Hangar shall not damage the Hangar Space.

Lessee is responsible for payment to Lessor of any damage to the pavement of the Hangar floor caused by fuel or oil spillage, maintenance tools, repair equipment, or associated causes.

- f. Lessee shall control the conduct and business demeanor of its employees and invitees and of those doing business with it, in and around the Hangar Space and shall take all steps necessary to remove persons whom Lessor may, for good and sufficient cause, deem objectionable.
- g. Lessee shall keep the Hangar Space clean and free of debris at all times, and Lessee shall not place any trash or debris on the airport grounds except in containers provided for trash by the Lessor.
- h. Lessee shall close the Hangar doors promptly after moving the Aircraft in or out of the Hangar and shall coordinate the operation of the door so as not to unduly or in an untimely fashion obstruct access to adjacent Hangars. **Lessee shall stand by the door switch at all times in which the door is being raised or lowered. In the event of a door malfunction, Lessee shall shut the switch off immediately and discontinue operation of the door, and immediately notify Lessor or its agent. Lessee shall be responsible for making sure the door center-locking pin is released prior to raising the door and that after the door is lowered that the center-locking pin is properly in position. Lessee shall not operate the door if wind conditions are in excess of twenty-five (25) knots. Any damages to the door caused by Lessee's failure to comply with the above may result in Lessee's liability for payment thereof.**
- i. Lessee shall not lock the Hangar or permit the same to be locked with any lock other than the lock mechanism supplied by Lessor, unless Lessor is provided with the necessary keys.
- j. Lessee shall not use any high wattage electrical equipment, heat lamps, or machinery in or about the Hangar, or modify existing wiring or install additional outlets, fixtures or the like therein unless authorized in writing by the Lessor.
- k. Lessee shall not attach any hoisting or holding mechanism to any part of the Hangar or pass any mechanism over the struts or braces therein. For purposes of this Agreement, a hoisting or holding mechanism shall be deemed to include, but shall not be limited to, a chain-ball, block and tackle, or other hoisting or winching device.
- l. Lessee shall not paint, remove, deface, modify, bend, drill, cut or otherwise alter or modify any part of the Hangar without the prior written permission of the Lessor.

- m. Lessee shall not park or leave the Aircraft on the taxilane or on the ramp area adjacent to the Hangar door in a manner which unduly interferes with or obstructs access to adjacent Hangars.
- n. Lessee shall, within thirty (30) days of the execution of this lease purchase and maintain an ABC dry chemical or halon type fire extinguisher and install the same with a bracket to the wall of the Hangar on the wall immediately below the Hangar light switch.
- o. In utilizing the Hangar Space, Lessee agrees to and shall comply with all applicable statutes, ordinances, resolutions, rules and regulations established by any federal, state or local government agency, or by the City of Steamboat Springs.
- p. Upon termination of this Agreement Lessee shall immediately surrender possession of the Hangar Space and shall immediately remove the Aircraft and all other property therefrom, leaving the Hangar space in the same condition as when received, ordinary wear and tear accepted.
- q. Lessee shall comply with City of Steamboat Springs Airport Policies and Procedures as currently set forth in Exhibit A. The Steamboat Springs Airport Policies and Procedures set forth in Exhibit A may be modified from time to time and, as modified, shall be binding on the Lessee.

5. LESSOR'S USE OF PREMISES. Lessor shall be permitted to use the Hangar for airport FBO customers on a nightly basis, when unoccupied by Lessee. Lessor shall reimburse Lessee for the loss of the use of the Hangar on a per night basis of \$25 per night.

6. SUBLEASE OR ASSIGNMENT. With Airport Managers approval, Lessee may sublease the hangar space by paying a \$50 sublease fee per month, payable to Lessor with monthly rent payment. Without sublease fee, Lessee may not sublease or assign this lease. The parking of aircraft not owned by or leased by Lessee within the Hangar Space without approval of Airport Manager shall constitute a sublease. Lessee may not assign this Agreement.

7. INSURANCE. Lessor shall maintain insurance coverage on the Hangar structure. Lessee agrees to maintain, at its own expense, insurance of such types and in such amounts to insure against liability for damage or loss to the Aircraft or other property, and against liability for personal injury or death, arising from acts or omissions of Lessee or its agents and employees. Such policy or policies shall contain a provision whereby Lessee's insurer waives any right of subrogation against lessor, its agents and employees, and providing that lessor must receive at least ten (10) days prior written notice of any cancellation of Lessee's insurance coverage. Such policy shall name Lessor as additional insured. Prior to the commencement of this Agreement, Lessee shall deliver to Lessor certificates of insurance evidencing the required coverages.

8. RIGHT OF ENTRY. Lessor shall have the right to permit his officers, employees and authorized representatives to enter the Hangar for the purpose of inspecting or protecting such premises and for the purpose of doing any act, which Lessor may deem necessary or appropriate for the proper conduct and operation of the Airport. Lessor shall not, without prior approval from Lessee, touch, enter or move any aircraft stored in the Hangar except in an emergency situation where obtaining such approval is not practical.

9. INDEMNITY OR FORCE MAJEURE. Lessee agrees to release, indemnify and hold Lessor, its officers, agents and employees harmless from and against any and all liabilities, losses, claims, and judgments, of any kind whatsoever, including all costs, attorney's fees, and expenses incidental thereto, for any loss of or damage to any property or injury to or death of any person arising out of, or claimed to arise out of, Lessee's use of the premises, or any breach or violation or nonperformance by Lessee or its officers, employees or agents of any covenant or condition of this Agreement, or by any act or failure to act of those persons.

Lessor shall not be liable for failure to perform this Agreement or for any loss, injury or damage of any nature whatsoever resulting therefrom caused by any Act of God, fire, flood, accident, strike, labor dispute, riot, insurrection, war or any other cause beyond Lessor's control.

10. CONDITION OF PREMISES. Lessee shall accept the Hangar Space in its present condition without any liability of obligation on the part of Lessor (except for routine pavement maintenance) to make any alterations, improvements or repairs of any kind within or to the Hangar Space.

11. DEFAULT. Lessee shall be deemed in Default of this Agreement if:

- a. Lessee fails to make the timely payment of any rental payment hereunder. Said rental shall be due and payable without notice from Lessor on the first day of each and every month during the term hereof and Lessee shall be deemed to be in default if such rent has not been received by Lessor when due;
- b. Lessee violates any covenant in this Lease, and such violation shall continue for fifteen (15) days after receipt by Lessee of notice thereof from Lessor without Lessee curing the violation;
- c. A petition is filed by or against Lessee under the Bankruptcy Act or any amendment thereto (including a petition for reorganization or an arrangement);
- d. Lessee assigns his or her property for the benefit of creditors; or
- e. Lessee ceases to do business as a going concern.

In the event of any default by Lessee, Lessor shall, at its option after thirty (30) days' written notice of the default, have the right to terminate this Agreement for cause and to remove the Aircraft and any other property of Lessee from the Hangar Space, using such force as may be necessary without being deemed guilty of trespass, breach of peace or forcible entry and detainer. Exercise by Lessor of any of the rights specified above shall not prejudice Lessor's right to pursue any other remedy available to Lessor in law or equity, including termination without cause as set forth in paragraph 12, below.

12. TERMINATION. Either party to this Agreement shall have the right to terminate this Agreement with or without cause by giving at least thirty (30) days' written notice to the other party. Such termination shall be effective as of the last day of the calendar month following the calendar month in which notice of termination or notice to quit is delivered to the Lessee.

13. DISCLAIMER AND RELEASE. Lessor hereby disclaims, and Lessee hereby releases Lessor from any and all liability whether in contract or tort (including strict liability and negligence) for any loss, damage or injury of any nature whatsoever sustained by Lessee, its employees, agents, or invitees during the term of this Agreement, including but not limited to loss, damage or injury to the Aircraft or other property of Lessee that may be located within the Hangar Space, unless such loss, damage or injury is caused by Lessor's gross negligence. The parties hereby agree that under no circumstances shall Lessor be liable for indirect, consequential, special or exemplary damages, whether in contract or tort (including strict liability and negligence), such as, but not limited to, loss of revenue or anticipated profits or other damage related to the leasing of the Hangar space under this Agreement.

14. CHOICE OF LAW/VENUE. This Agreement shall be construed in accordance with the laws of the State of Colorado and any legal action related to this Lease shall have as its sole and proper venue the Routt County Combined Courts.

15. WAIVER. The waiver by either party of any covenant or condition of this Agreement shall not thereafter preclude such party from demanding performance of said covenant or condition or of any other term of this Agreement.

16. RELATIONSHIP OF PARTIES. The relationship between Lessor and Lessee shall always and only be that of lessor and lessee. Lessee shall never at any time during the term of this Agreement become the agent of Lessor, and Lessor shall not be responsible for the acts or omissions of Lessee or its agents.

17. REMEDIES CUMULATIVE. The rights and remedies with respect to any of the terms and conditions of this Agreement shall be cumulative and not exclusive and shall be in addition to all other rights and remedies.

18. INTEGRATION. This Agreement constitutes the entire agreement between the parties, and as of its effective date supersedes all prior independent agreements

between the parties covering the Hangar Space. Any change or modification to this Agreement must be in writing and signed by both parties.

19. NOTICES. Any notice given by one party to the other in connection with this Agreement shall be in writing and shall be either (a) hand delivered, or (b) sent by certified or registered mail, return receipt requested. All notices required to be given to Lessor hereunder shall be in writing and shall be either (a) hand delivered, or (b) sent by certified or registered mail, return receipt requested to:

Airport Manager
Steamboat Springs Airport
P.O. Box 775088
Steamboat Springs, CO 80477

With a copy either (a) hand delivered, or (b) sent by certified or registered mail, return receipt requested to:

City Manager
City of Steamboat Springs
137 10th Street
P. O. Box 775088
Steamboat Springs, CO 80477

All notices required to be given to Lessee hereunder shall be in writing and either (a) hand delivered, or (b) sent by certified or registered mail, return receipt requested. To:

Civil Air Patrol - Steamboat Springs Composite Squadron
PO Box 880858
Steamboat Springs, CO 80488
Attn: Jack Dysart

Notices shall be deemed to have been given on the date of (a) hand delivery, or (b) receipt as shown on the return receipt.

20. SUCCESSORS BOUND. This Agreement shall be binding on and shall inure to the benefit of the heirs, legal representatives, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

LESSOR: CITY OF STEAMBOAT SPRINGS,
a Colorado Municipal Corporation,

BY: _____
Bart Kounovsky
City Council President

ATTEST:

Julie Franklin, City Clerk

Composite

LESSEE: Civil Air Patrol, Steamboat Springs

BY: _____
Jack Dysart, Commander

CITY OF STEAMBOAT SPRINGS

ORDINANCE NO. _____

AN ORDINANCE APPROVING A HANGAR LEASE TO CIVIL AIR PATROL – STEAMBOAT SPRINGS COMPOSITE SQUADRON AT THE STEAMBOAT SPRINGS AIRPORT AND AUTHORIZING CITY COUNCIL PRESIDENT TO SIGN LEASE DOCUMENTS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Steamboat Springs owns the Steamboat Springs Airport and hangars located at such airport; and

WHEREAS, Civil Air Patrol – Steamboat Springs Composite Squadron desires to lease hangar space B-9 located at the Steamboat Springs Airport; and

WHEREAS, the City Council desires to lease such hangar space to Civil Air Patrol – Steamboat Springs Composite Squadron; and

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

Section 1. The City Council of the City of Steamboat Springs hereby approves the lease of hangar space B9 at the Steamboat Springs Airport to **Civil Air Patrol – Steamboat Springs Composite Squadron** for the term provided in the Hangar Lease Agreement, a copy of which is attached hereto as Exhibit 1 and by this reference made a part of.

Section 2. The City Council of the City of Steamboat Springs authorizes the City Council President or City Council President Pro-Tem to execute such Hangar Lease Agreement.

Section 3. In accordance with Section 13.6 of the Home Rule Charter of the City of Steamboat Springs, the effective date of the Hangar Lease Agreement shall be at least thirty (30) days after passage of this Ordinance, and the City Council President or the City Council President Pro-Tem shall not sign the Hangar Lease Agreement prior to this thirty (30) day period.

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, 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.

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.

**Bart Kounovsky, President
Steamboat Springs City Council**

ATTEST:

Julie Franklin, City Clerk

FINALLY READ, PASSED AND APPROVED this _____ day of _____, 2012.

**Bart Kounovsky, President
Steamboat Springs City Council**

ATTEST:

Julie Franklin, City Clerk

AGENDA ITEM # 0

CITY COUNCIL COMMUNICATION FORM

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

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

DATE: June 21, 2011

ITEM: Development Plan/Final Development Plan/PUD for Tread of
Pioneers Museum, Collection Building.

NEXT STEP: If City Council approves the project, the applicant may apply for a
building permit.

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

PROJECT NAME: Tread of Pioneers Museum, Collections Building; Original Town of
Steamboat Springs, Block 8, Lots 11 & 12.

PETITION: Approval of a Development Plan/Final Development Plan/PUD for
development of a new collections building and addition to Tread of
Pioneers Museum and to process four (4) variances to dimensional
standards.

LOCATION: 219 8th Street

APPLICANT: Tread of Pioneers Museum
PO Box 772372
Steamboat Springs, CO 80477

PC ACTION: Planning Commission voted to approve on December 8, 2011; Vote: 6-0; Voting for motion to approve: Lacy, Hanlen, Turek, Robbins, Levy, and Brookshire. Meyer rescinded.

EXECUTIVE SUMMARY:

1. Background:

The Tread of Pioneers Museum proposes to demolish the existing building and construct a new collections building and addition to museum display space. This project, as a Pre-Application was heard by Historic Preservation Commission on September 14, 2011, Planning Commission on September 22, 2011, and City Council on October 18, 2011. Historic Preservation Commission voted to approve the demolition of the existing collections building. No vote was taken at Planning Commission or City Council and no issues arose.

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.

The proposed project is a 3,215 square foot addition to the existing 5,466 square foot museum creating a total of 8,681 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 1,835. The existing snow cat display case will be relocated to front the new exhibit space.

2. Planning Commission Discussion:

The principal discussion was focused on the decision of the applicant and staff's recommendation to approve to demolish the existing, historically significant, collections building. The applicant asserted that the effort to rehabilitate the existing building would be cost prohibitive and the outcome would be an inadequate structure.

3. Public Comment:

Public comment was provided both in favor of the project in order to adequately preserve cultural and historic artifacts; and, in opposition reasoning that the objective of preserving cultural and historic artifacts and preserving historic structures are not mutually exclusive.

4. New Information:

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

5. Recommended Motion:

Planning Commission recommends approval of the proposed Tread of Pioneers Collections Building, with the following conditions:

1. Building roofs may not shed snow or drip roof drainage into public ROW or onto sidewalks. Rain gutters, snow anchors and/or snow fences shall be installed on the alley side roof to prevent rain and snow from falling onto the public ROW.
2. Include the following conditions of approval:
 - a. The following items to be identified for each phase on the building permit are considered critical improvements and must be constructed prior issuance of any TCA or CA; they cannot be bonded:
 - Public sidewalk improvements or repairs
 - Access drive, driveway, and parking areas
3. If the existing collections building is to be moved, an administrative amendment to this approval to address the impacts of the move is required.

LIST OF ATTACHMENTS

- Attachment 1** – PC Staff Report DPF-11-02 (PUD) and attachments, December 8, 2011
- Attachment 2** – Draft Planning Commission Minutes for December 8, 2011

SIGNATURE BLOCK

PROPERTY OWNER/ APPLICANT:

JIM PETERSON - BOARD MEMBER
TREAD OF PIONEERS MUSEUM
800 OAK STREET
STEAMBOAT SPRINGS, CO 80477

DATE:

PLANS PREPARED BY:

KATE LEGGETT - ARCHITECT
ERIC SMITH ASSOCIATES
1919 7TH STREET
BOULDER, CO 80302

DATE:

PLANS PREPARED BY:

DIRECTOR OF PLANNING FOR THE CITY OF STEAMBOAT SPRINGS

TYLER CIBBS

DATE:

FINAL DEVELOPMENT PLAN FOR:

LEGAL DESCRIPTION:

LOTS 11 AND 12, BLOCK 8, ORIGINAL TOWN OF
STEAMBOAT SPRINGS, ROUTT COUNTY, COLORADO.

ALSO KNOWN AS:

TREAD OF PIONEER MUSEUM EXPANSION PROJECT

219 8th STREET, STEAMBOAT SPRINGS, CO 80477

APPROVALS

PRE-APP SUBMITTAL DATE: DATE: 08-04-11
NO. PRE-11-02

HISTORIC PRESERVATION COMMISSION:
HEARING DATE: 09-14-11
APPROVED BY: APPROVED BY VOTE

PLANNING COMMISSION:
HEARING DATE: 09-22-11
APPROVED BY: X

CITY COUNCIL:
HEARING DATE: 10-18-11
APPROVED BY: X

FDP SUBMITTAL DATE: DATE: 10-26-11
NO. XXX-XX-XX

PLANNING COMMISSION:
HEARING DATE: XX-XX-XX
APPROVED BY: X

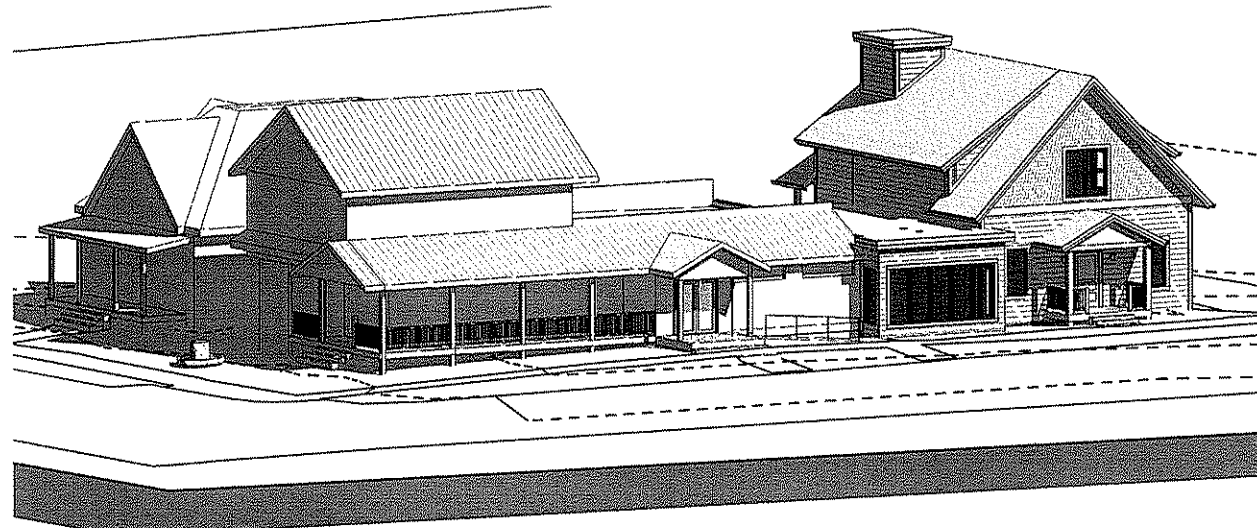
CITY COUNCIL:
HEARING DATE: XX-XX-XX
APPROVED BY: X

FDP EXPIRATION DATE: DATE:

NOTICE OF SUBMITTAL
Release of these plans constitutes the owner's agreement...
Eric Smith Associates, P.C.
1919 SEVENTH STREET
BOULDER, COLORADO, 80302
(303) 442-5458, (fax) 442-4745 FAX

REVISIONS		
No.	Description	Date

CONDITIONS OF APPROVAL



PERSPECTIVE VIEW

PROJECT DATA

OCCUPANCY CLASSIFICATION:
EXISTING BUILDING - OCCUPANCY GROUP A-3
NEW DISPLAY SPACE - OCCUPANCY GROUP A-3
COLLECTION STORAGE ADDITION - OCCUPANCY GROUP S-1

TYPE OF CONSTRUCTION:
TYPE VB

ZONING DISTRICT:
CN - COMMERCIAL NEIGHBORHOOD
PRINCIPLE USE OF PROPERTY: MUSEUM
AND ACCESSORY USE TO MUSEUM OCCUPANCY

PROJECT PHASING:
NONE

SHEET INDEX

- FDP-1 COVER SHEET
- FDP-2 ARCHITECTURAL SITE PLAN
- FDP-3.0 ELEVATIONS
- FDP-3.1 ELEVATIONS
- FDP-4 LANDSCAPE PLAN
- FDP-6 EXISTING CONDITIONS PLAN
- FDP-7 FINAL GRADING, DRAINAGE AND UTILITY PLAN
- FDP-9 SHADOW PLANS
- FDP-10.0 BASEMENT AND FIRST LEVEL PLANS
- FDP-10.1 SECOND AND ROOF LEVEL PLANS
- FDP-11 SITE SECTIONS
- FDP-13 PERSPECTIVE
- FDP-22 BUILDING CODE ANALYSIS

ZONING REQUIREMENTS

STANDARDS	ZONE/DISTRICT REQUIREMENTS	TOPM COLLECTION HOUSE FDP
LOT AREA (ON OAK STREET)	3000 SF MIN 14,000 SF MAX	13,939 SF
LOT COVERAGE	50% MAX	5,656 SF / 13,939 SF = .405 or 41%
FLOOR AREA RATIO (ADJACENT TO PINE STREET ALLEY)	0.5 MAX	8,681 SF / 13,939 SF = .622 or 62% (VARIANCE REQUEST)
BUILDING HEIGHT (ON OAK STREET) AVERAGE PLATE OVERALL HEIGHT	20' MAX 32' MAX	18'-8" (SEE FDP-22) 31'-3"
FRONT SETBACK (8th Street) PRINCIPAL STRUCTURE ACCESSORY STRUCTURE	10' MIN, 30' MAX 15' MIN	5' FOR PRINCIPAL STRUCTURE (VARIANCE REQUEST)
SIDE SETBACK (Alley) PRINCIPAL STRUCTURE ACCESSORY STRUCTURE	10' MIN 5' MIN	5' FOR PRINCIPAL STRUCTURE (VARIANCE REQUEST)
REAR SETBACK PRINCIPAL STRUCTURE ACCESSORY STRUCTURE	10' MIN 5' MIN	38' PRINCIPAL STRUCTURE
BUILDING SEPARATION	2-HR FIRE WALL (705.4)	2-HR MASONRY FIRE WALL
UNIT SIZE	N/A	-
NUMBER OF UNITS	N/A	-

PROJECT TEAM

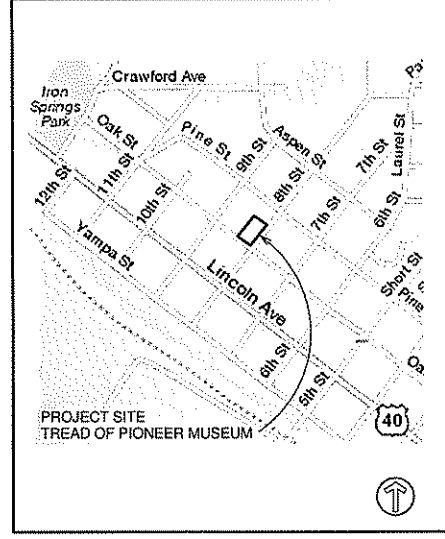
OWNER:
TREAD OF PIONEERS MUSEUM
800 OAK STREET
PO BOX 772372
STEAMBOAT SPRINGS, CO 80477
(303) 879-2214
CONTACT: JIM PETERSON
EMAIL: jpetersonsbs@comcast.net

ARCHITECT:
ERIC SMITH ASSOCIATES, P.C.
1919 7TH STREET
BOULDER, CO 80302
(303) 442-5458
(303) 442-4745 FAX
PROJECT ARCHITECT: KATE LEGGETT
EMAIL: KATE@ESAPC.COM

CIVIL:
LANDMARK CONSULTANTS, INC
PO BOX 774943
141 9th STREET
STEAMBOAT SPRINGS, CO 80477
(970) 871-9494 X 11
(970) 871-9299 FAX
PROJECT ENGINEER: ERIK GRIEPENTROG
EMAIL: ERIK@LANDMARK-CO.COM

CITY PLANNER:
Seth E. Lorson, AICP
City Planner
City of Steamboat Springs
P.O. Box 775086
124 10th Street
Steamboat Springs, CO 80477
(970) 871-8280
slorson@steamboatsprings.net

VICINITY MAP



TREAD OF PIONEERS
MUSEUM
Steamboat Springs, CO

ES
ERIC SMITH ASSOCIATES, P.C.
1919 SEVENTH STREET
BOULDER, COLORADO, 80302
(303) 442-5458, (fax) 442-4745 FAX

Job Number: 11013
Date: 10/26/11
Drawn By: Author
Checked By: Checker

Project Phase
FDP SUBMITTAL

Sheet Title
FINAL DEVELOPMENT PLAN
COVER SHEET

Sheet Number
FDP-1

NOTES:

- THIS DRAWING IS FOR OBTAINING PLANNING APPROVAL ONLY AND IS NOT TO BE USED FOR CONSTRUCTION OR CONTRACTING PURPOSES.
- IF THIS DRAWING IS PRESENTED IN A FORMAT OTHER THAN 24" x 36", THE GRAPHIC SCALE SHOULD BE UTILIZED.
- SURVEY PROVIDED BY D&D, INC. AND SUPPLEMENTED WITH TOPOGRAPHY, UTILITIES, AND SIGNIFICANT LANDSCAPING BY LANDMARK CONSULTANTS, INC. ON OCTOBER 19, 2011.
- PROJECT BENCHMARK: CITY OF STEAMBOAT SPRINGS BENCHMARK #E-2 241 WITH A NGVD 29 ELEVATION OF 6706.62 FEET AT A #5 REBAR W/ ALUMINUM CAP STAMPED "LS 13221" AT THE INTERSECTION OF 5TH STREET AND RIVER ROAD.
- LANDMARK USED THE BEST AVAILABLE INFORMATION AND MARKS PROVIDED BY OTHERS FOR SUB-SURFACE UTILITIES. SOME DISCREPANCIES MAY EXIST AND NOT ALL UTILITIES MAY BE SHOWN. COORDINATE ALL EXCAVATION ACTIVITIES THROUGH THE UNDERGROUND NOTIFICATION CENTER OF COLORADO (UNIC).



NOTICE: DUTY OF CARE
 Release of these plans constitutes an acknowledgment that the owner has contracted for the architect, design and construction services. Although the architect and its consultants have performed their services with due care and diligence, they cannot guarantee perfection. Construction is perfected and any shortcomings must be attributed to any ambiguity or discrepancy discovered in the set of these plans and be repaired accordingly to the architect's failure to verify the architect's compliance with the applicable laws and regulations. A failure to cooperate by a third party to the architect shall release the architect from responsibility for the consequences. Changes made from the plans without consent of the architect are unauthorized and shall release the architect of responsibility for all consequences arising out of such changes.

All design documents and field notes prepared by Eric Smith Associates, P.C. as instruments of service shall remain the property of Eric Smith Associates, P.C. and shall not be copied, changed or disclosed in any form without the written consent of Eric Smith Associates, P.C.
 Eric Smith Associates, P.C.

REVISIONS		
No.	Description	Date

TREAD OF PIONEERS MUSEUM
 Steamboat Springs, CO

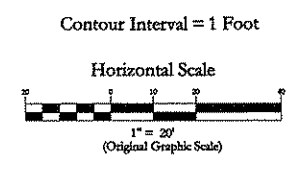
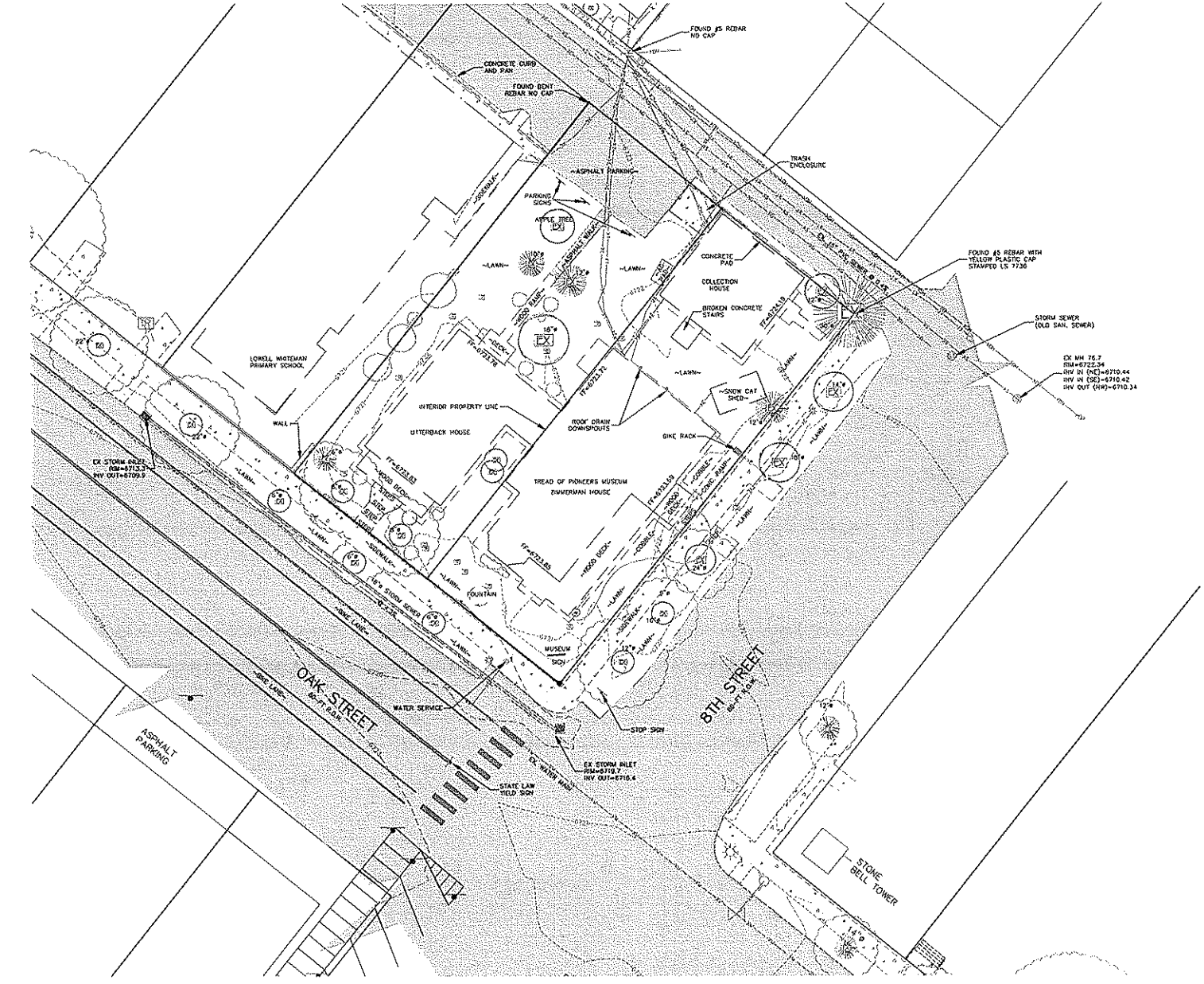


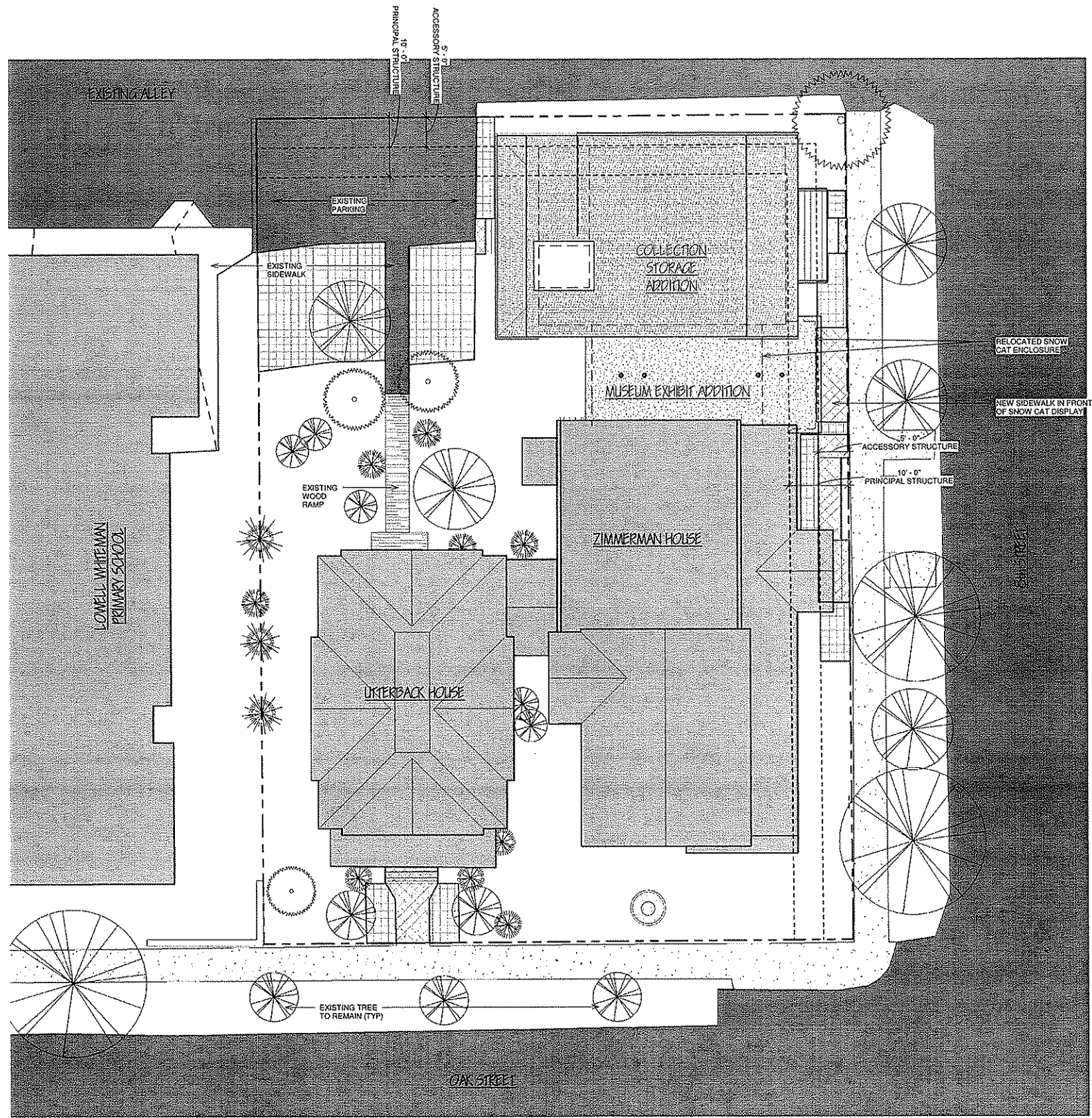
Job Number:	11015
Date:	10/26/11
Drawn By:	E.K.
Checked By:	J.K.

Project Phase	
FDP SUBMITTAL	
Sheet Title	
Existing Conditions Plan	
Sheet Number	
FDP-6	

LEGEND

	PROPERTY BOUNDARY
	ADJACENT PROPERTY BOUNDARY
	EXISTING BUILDING
	EXISTING ROOF / BUILDING OVERHANG
	EXISTING DECK
	EXISTING WALL
	EXISTING MAJOR CONTOUR
	EXISTING MINOR CONTOUR
	EXISTING UNDERGROUND SANITARY SEWER LINE
	EXISTING UNDERGROUND WATER LINE
	EXISTING UNDERGROUND GAS LINE
	EXISTING OVERHEAD UTILITY LINES
	EXISTING UTILITY POLE
	EXISTING UNDERGROUND ELECTRIC LINE
	EXISTING ELECTRIC TRANSFORMER AND SECONDARY PEDESTAL
	EXISTING LIGHT POLE
	EXISTING UNDERGROUND CABLE TELEVISION LINE
	EXISTING CABLE TELEVISION PEDESTAL
	EXISTING UNDERGROUND TELEPHONE LINE
	EXISTING TELEPHONE PEDESTAL
	EXISTING DITCH / SWALE
	EXISTING DECIDUOUS TREE
	EXISTING CONIFEROUS TREE
	EXISTING OUTLINE OF BUSH
	EXISTING STORM SEWER
	EXISTING STORM INLET/DRAIN
	EXISTING SITE SIGN
	IRRIGATION CONTROL BOX





SNOW STORAGE

KEY

[Cross-hatched box] PAVEMENT

[Grid box] SNOW STORAGE PROVIDED

1225 SF OF PAVEMENT ON THE SITE

ODC SECTION 24-144 SNOW STORAGE

1 SF OF SNOW STORAGE IS REQUIRED FOR EVERY 2 SF OF PAVEMENT.

1225 / 2 = 613 SF OF SNOW STORAGE REQUIRED

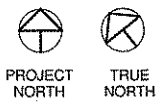
SNOW STORAGE PROVIDED:

580 SF

1 ARCHITECTURAL SITE PLAN

FDP-2 1" = 10'-0"

0' 5' 10' 20' 40'



NOTICE OF CONSULTATION

Please refer to these plans for information concerning the location, nature, and extent of the proposed project. The applicant is responsible for providing the necessary data and information to the City of Steamboat Springs. The City of Steamboat Springs is not responsible for the accuracy or completeness of the information provided by the applicant. The City of Steamboat Springs is not responsible for the accuracy or completeness of the information provided by the applicant. The City of Steamboat Springs is not responsible for the accuracy or completeness of the information provided by the applicant.

Eric Smith Associates, P.C.

REVISIONS

No.	Description	Date

TREAD OF PIONEERS MUSEUM

Steamboat Springs, CO



Job Number:	IIC15
Date:	10/26/11
Drawn By:	AJH
Checked By:	Checker

Project Phase	FDP SUBMITTAL
Sheet Title	ARCHITECTURAL SITE PLAN
Sheet Number	FDP-2

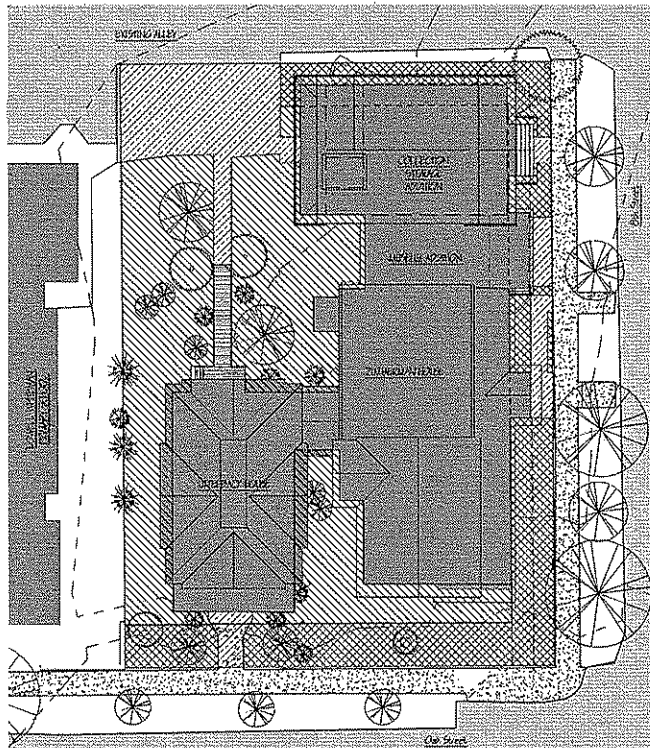
LANDSCAPE REQUIRED

AREA	SQUARE FOOTAGE	TREES REQUIRED	EXISTING TREES	NEW TREES
10' LANDSCAPE SETBACK (2045 SF)	1 TREE/400SF	6 TREES	4 IN LANDSCAPE SETBACK	2*
INTERIOR LANDSCAPE (3445 SF)	1 TREE/500 SF	8 TREES	6 TREES	2**

* PROVIDE (2) ORNAMENTAL TREES IN LANDSCAPE SETBACK
 ** PROVIDE (2) ORNAMENTAL TREES IN INTERIOR LANDSCAPE AREA
 PROVIDE NEW GROUND COVER AROUND BUILDING ADDITIONS
 ADJUST EXISTING IRRIGATION SYSTEM TO SUPPLY FOR NEW LANDSCAPE AREAS.
 EXISTING STREET TREES TO REMAIN

LANDSCAPE NOTES

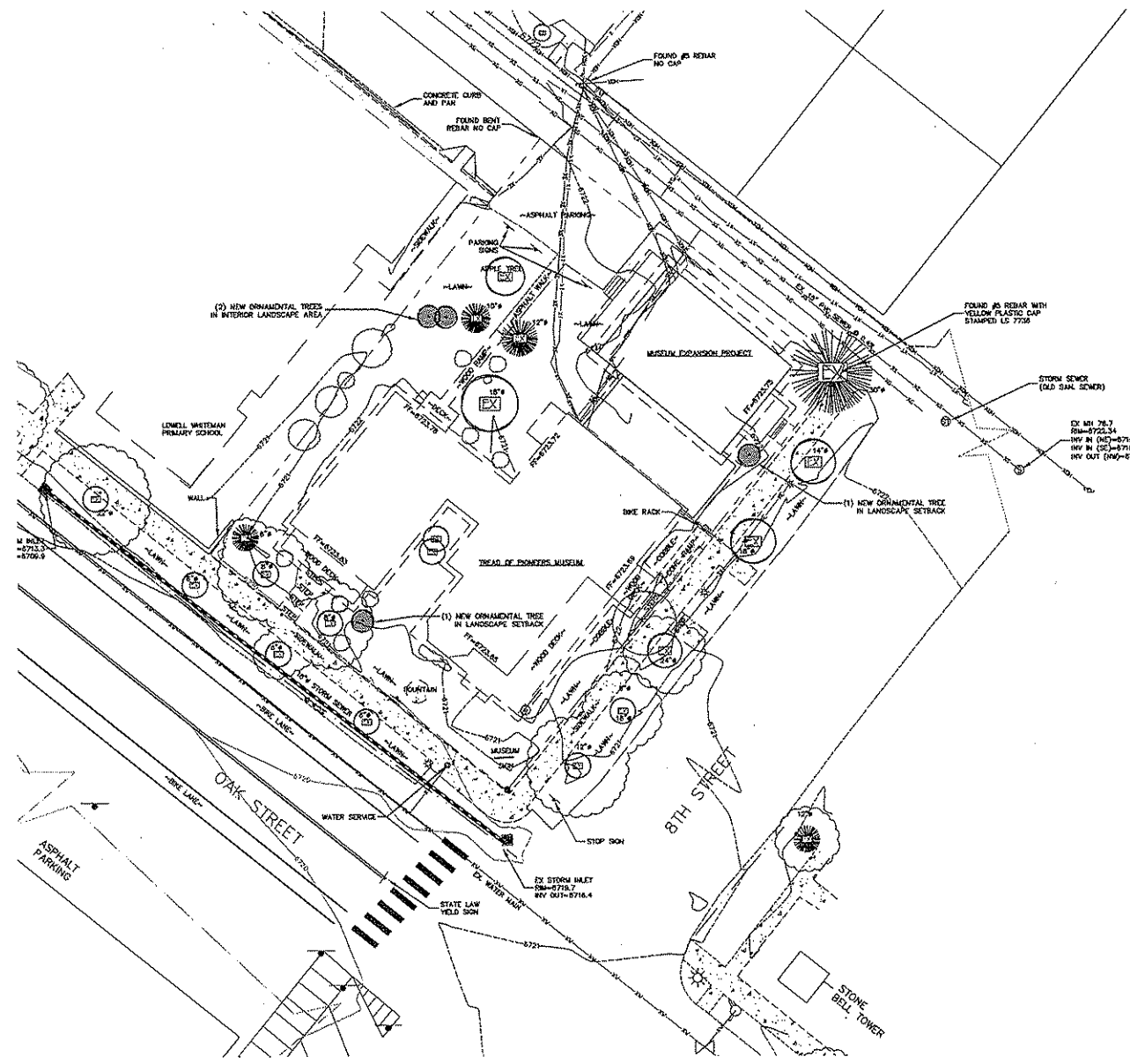
CDC SECTION 26-137
 LANDSCAPING STANDARDS AND REVEGETATION
 ZONE DISTRICT
 CN (COMMERCIAL NEIGHBORHOOD)
 ADJACENT TO ROADWAY
 LANDSCAPE BUFFER:
 All undeveloped areas from the required front yard setback to the edge of the right-of-way shall be landscaped.
 CATEGORY OF LANDSCAPING: Moderate
 PARKING AREA
 SETBACK BUFFER: NA
 CATEGORY: NA
 INTERIOR: Moderate
 ADDITIONAL REQUIREMENTS
 Street shade trees shall be required at a size and type accepted by the department of Planning and Community Development. All development and redevelopment along numbered side streets (3rd, 4th, 5th, etc.) in the CN zone district shall provide street trees similar to the specifications provided in the Lincoln Avenue Sidewalk Standards Details and in accordance with section 20-22 of this Code. See landscaping standards in Section III of the Urban Design Standards.
 MODERATE LANDSCAPE PER CDC TABLE 26-137
 LANDSCAPE SETBACK - 1 TREE PER 400 SF
 INTERIOR LANDSCAPE - 1 TREE PER 500 SF
 TREE DISTRIBUTION:
 10% - EVERGREEN (6-7 FEET)
 15% - EVERGREEN (8-11 FEET)
 10% - EVERGREEN (10 FEET OR ABOVE)
 20% - LARGE DECIDUOUS (2 1/2" CAL)
 15% - ORNAMENTAL (1 1/2" CAL)
 15% - SHRUB (5-GALLON)
 GROUND COVER - 60% IRRIGATED GRASS SEED, TURF OR SOD. PLANT MATERIALS TO BE LOCATED IN GROUPINGS TO GIVE A MORE NATURAL APPEARANCE AND TO PROVIDE THE GREATEST POSITIVE VISUAL IMPACT.
 STREET SHADE TREES SHALL BE REQUIRED AT A SIZE AND TYPE ACCEPTABLE BY THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT. 5th STREET STREET TREES TO BE SIMILAR TO THE SPECIFICATIONS PROVIDED IN THE LINCOLN AVENUE SIDEWALK STANDARD DETAILS.
 SEE APPENDIX A IN THE URBAN DESIGN GUIDELINES FOR RECOMMENDED LANDSCAPING TREES, SHRUBS AND GROUND COVER.



- PAVED SURFACE
1260 SF
- INTERIOR LANDSCAPE AREA
3445 SF
- LANDSCAPE SETBACK
2045 SF

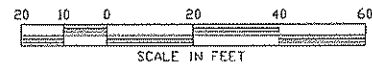
LANDSCAPE KEY MAP

SCALE: 1" = 20' 0"



LANDSCAPE PLAN

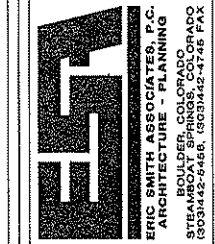
SCALE: 1" = 20' 0"



NOTICE: LIMIT OF GUARANTEE
 Release of these plans constitutes further acceptance of the work by the contractor and the architect. Design and construction are complete. Although the architect and the contractor have performed their services with due care and diligence, they cannot guarantee perfection. Completion is imperfect and any conditions cannot be anticipated. Any remedy or remediation shall be the responsibility of the contractor. Failure to notify the architect constitutes a waiver of the architect's responsibility. A failure to comply is a breach of the contract and shall release the architect from responsibility for all consequences. Changes made from the plans without consent of the architect are prohibited and shall release the architect of responsibility for all consequences arising out of such changes.
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REVISIONS		
No.	Description	Date
1	FDP TAC	11/21/11

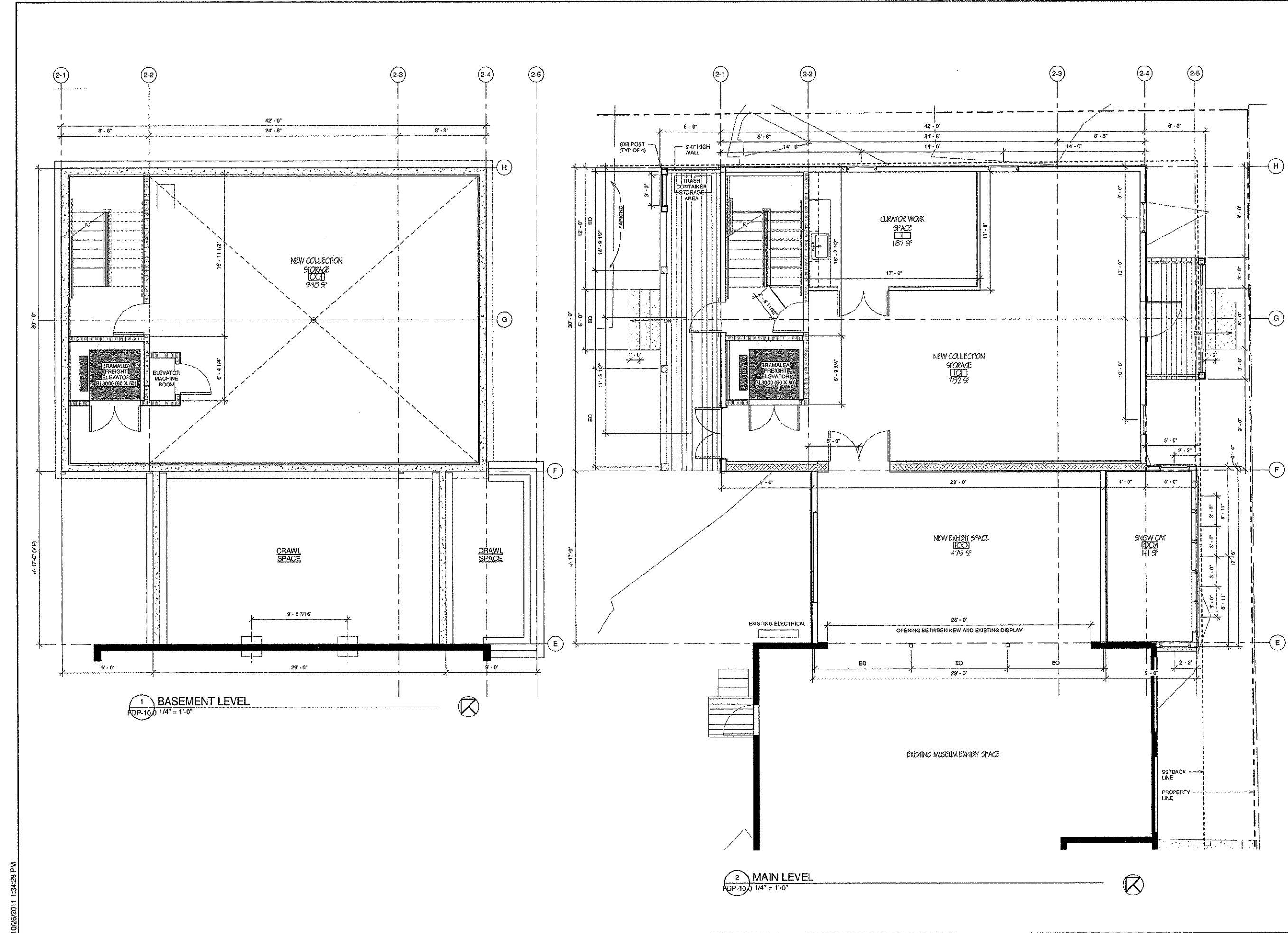
TREAD OF PIONEERS MUSEUM
 STEAMBOAT SPRINGS, CO



JOB NO.: 11213
 DATE: 10/26/11
 DRAWN: KKCL
 CHECKED: EPB
 DRAWING PHASE
 FDP SUBMITTAL
 SHEET TITLE
 LANDSCAPE PLAN
 SHEET NUMBER

FDP-4

UPDATED PER TAC COMMENTS ON 11-21-11



1 BASEMENT LEVEL
RDP-10.0 1/4" = 1'-0"

2 MAIN LEVEL
RDP-10.0 1/4" = 1'-0"

NOTICE OF COOPERATION
Release of these plans to any third party for reproduction or use for any other purpose is prohibited. This notice shall remain in effect until the project is completed. Any reproduction or use of these plans without the written consent of the architect is strictly prohibited. The architect shall not be responsible for any errors or omissions on the part of the contractor or any other party. The architect shall not be responsible for any damage to the project resulting from the use of these plans. The architect shall not be responsible for any delay or interruption of the project resulting from the use of these plans. The architect shall not be responsible for any cost overruns or other financial consequences resulting from the use of these plans. The architect shall not be responsible for any other matters not specifically mentioned in these terms and conditions.

No.	Description	Date

**TREAD OF PIONEERS
MUSEUM**
Steamboat Springs, CO

ES
ERIC SMITH ASSOCIATES, P.C.
1919 SEVENTH STREET
BOULDER, COLORADO, 80302
(303) 442-5458, (303) 442-4748 FAX

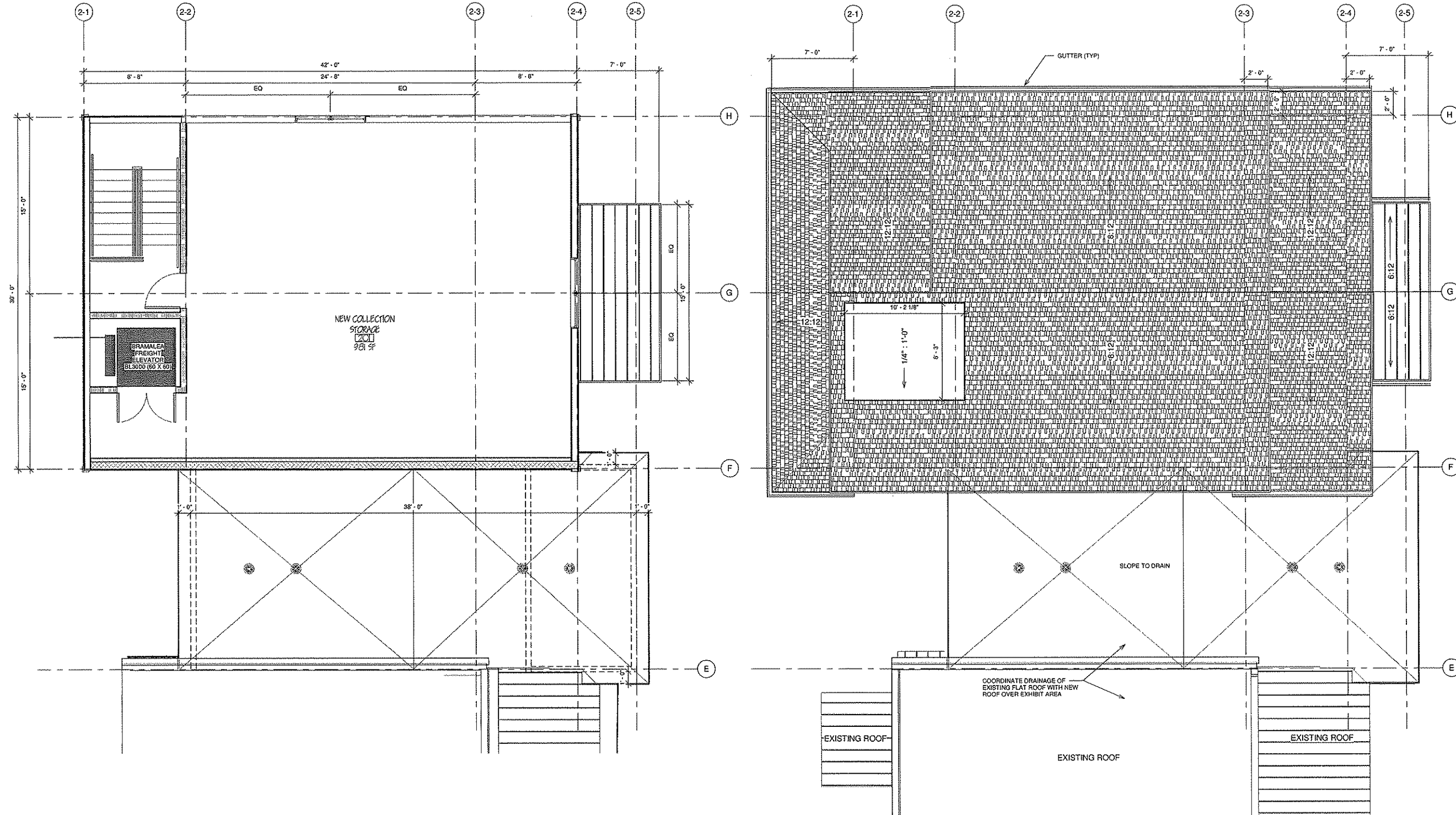
Job Number: 11015
Date: 10/26/11
Drawn By: Author
Checked By: Checker

Project Phase
FDP SUBMITTAL

Sheet Title
BASEMENT & 1st LEVEL PLANS

Sheet Number
FDP-10.0

10/26/2011 1:34:29 PM



1 UPPER LEVEL
RDP-10 1/4" = 1'-0"

2 ROOF LEVEL
RDP-10 1/4" = 1'-0"

NOTE: SCALE OF COORDINATION
Release of these plans constitutes your acceptance of the work. No reliance shall be placed on the drawings for information not shown. Although the architect has prepared the drawings to conform with the requirements of the local building code, the architect is not responsible for the accuracy of the information shown on the drawings. General contractor shall be responsible for the accuracy of the information shown on the drawings. The architect is not responsible for the accuracy of the information shown on the drawings. The architect is not responsible for the accuracy of the information shown on the drawings.

REVISIONS

No.	Description	Date

**TREAD OF PIONEERS
MUSEUM**
Steamboat Springs, CO

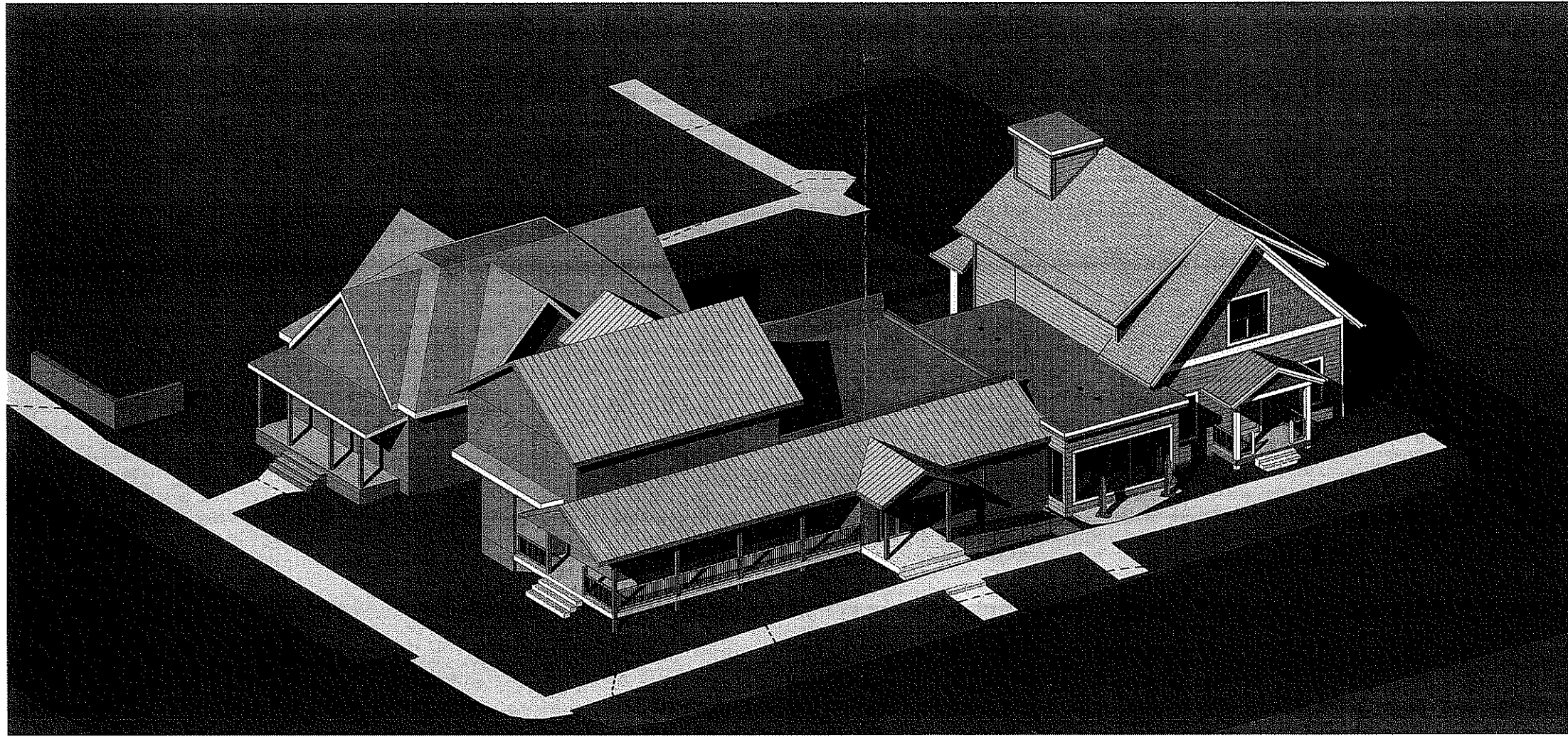
ES
ERIC SMITH ASSOCIATES, P.C.
1819 SEVENTH STREET
BOULDER, COLORADO, 80302
(303) 442-5485, (303) 442-4745 FAX

Job Number: IIC05
Date: 10/26/11
Drawn By: Author
Checked By: Checker

Project Phase
PDP SUBMITAL

Sheet Title
SECOND & ROOF LEVEL PLANS

Sheet Number
FDP-10.1



1 PERSPECTIVE
FDP-18

NOTICE OF COOPERATION

Projects of this size require a high degree of cooperation among the architect, the contractor, and the owner. Design and cost are interrelated. Although the architect and the contractor have no contractual relationship, they will work closely and diligently. They should be kept advised of any changes or alterations to the project. They will be responsible for the cost of any changes. Any change to the project must be approved by the architect and the owner. The architect will not be responsible for the cost of any changes. The architect will not be responsible for the cost of any changes.

Although, drawings and data prepared by Eric Smith Associates, P.C. are prepared in accordance with the standards and practices of the architectural profession, they are not to be used for any purpose other than that intended. Changes made to the drawings and data without the written consent of Eric Smith Associates, P.C. are the responsibility of the user. The user will be responsible for the cost of any changes.

Eric Smith Associates, P.C.

REVISIONS

No.	Description	Date

TREAD OF PIONEERS
MUSEUM
Steamboat Springs, CO

EST

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BOULDER, COLORADO, 80302
(303) 442-5455, (303) 442-7745 FAX

Job Number: 11019
Date: 10/26/11
Drawn By: Author
Checked By: Checker

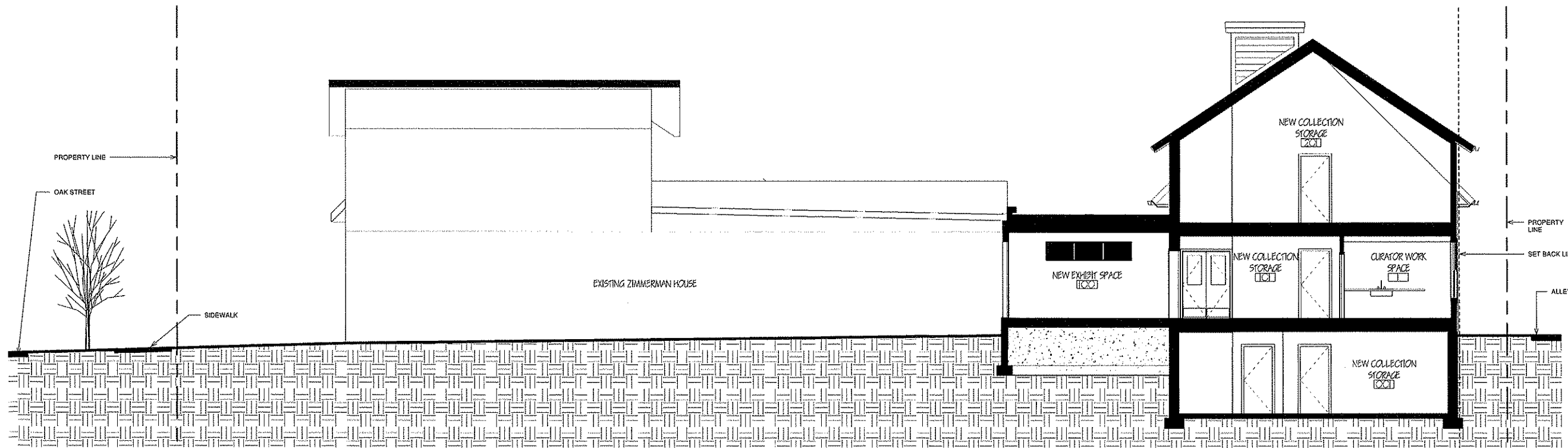
Project Phase
FDP SUBMITTAL

Sheet Title
SHE PERSPECTIVE

Sheet Number
FDP-18



1 SITE SECTION 2
 FDP-11 3/16" = 1'-0"



2 SITE SECTION 1
 FDP-11 3/16" = 1'-0"

NOTICE: OUT OF CONTRACT
 Release of these plans constitutes the contractor's acknowledgment that the architect, designer, and consultant are not responsible for the construction of the project. The contractor is responsible for obtaining all necessary permits and for complying with all applicable laws and regulations. The contractor is also responsible for obtaining all necessary insurance and for protecting the site and the project from damage or loss. The contractor is not to be held responsible for any delays or cost overruns caused by the contractor's failure to obtain necessary permits or insurance, or for any damage or loss to the project caused by the contractor's failure to protect the site and the project from damage or loss. The contractor is also responsible for obtaining all necessary insurance and for protecting the site and the project from damage or loss. The contractor is not to be held responsible for any delays or cost overruns caused by the contractor's failure to obtain necessary permits or insurance, or for any damage or loss to the project caused by the contractor's failure to protect the site and the project from damage or loss.

REVISIONS

No.	Description	Date

**TREAD OF PIONEERS
 MUSEUM**
 Steamboat Springs, CO

ERIC SMITH ASSOCIATES, P.C.
 1919 SEVENTH STREET
 BOULDER, COLORADO, 80302
 (303) 442-5456, (303) 442-4745 FAX

Job Number: 11015
 Date: 10/26/11
 Drawn By: Author
 Checked By: Checker

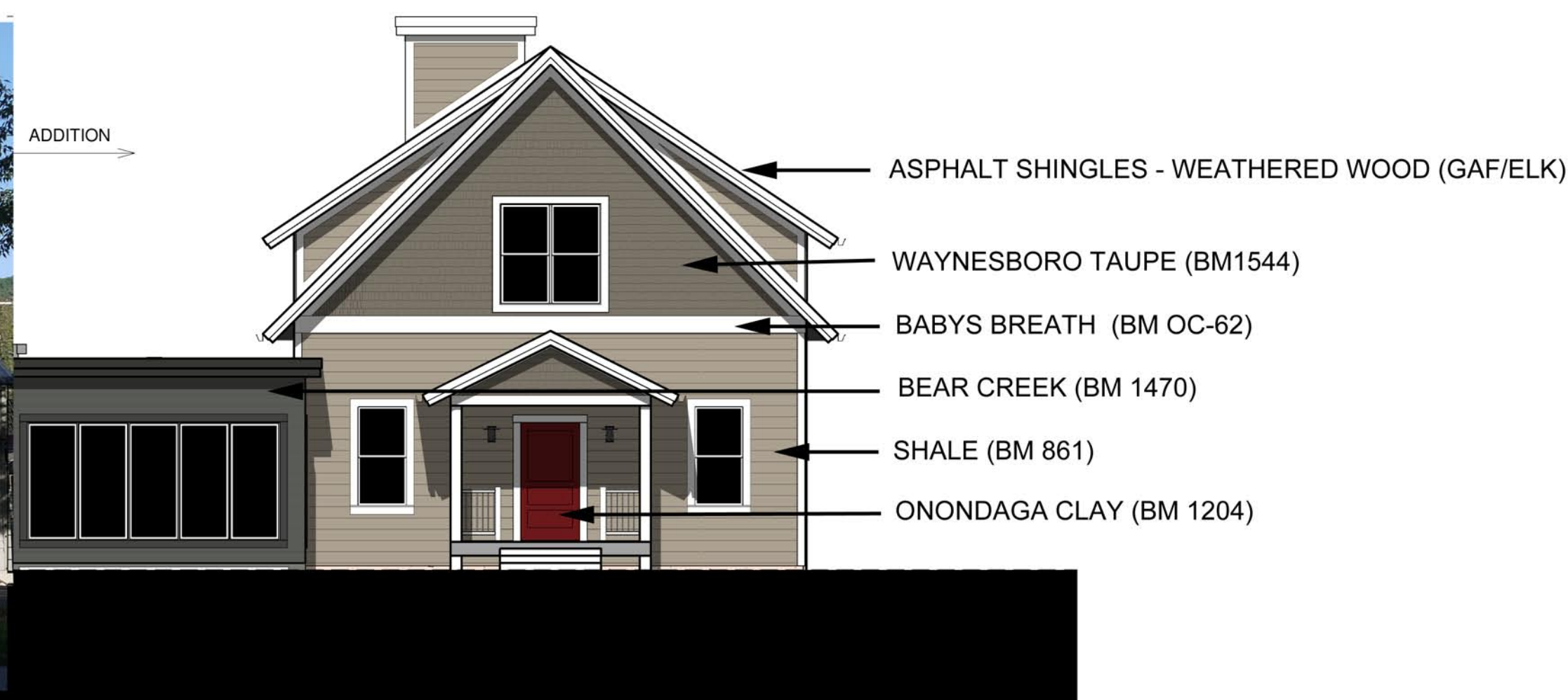
Project Phase
 FDP SUBMITTAL

Sheet Title
 SITE SECTIONS

Sheet Number
 FDP-11



ADDITION



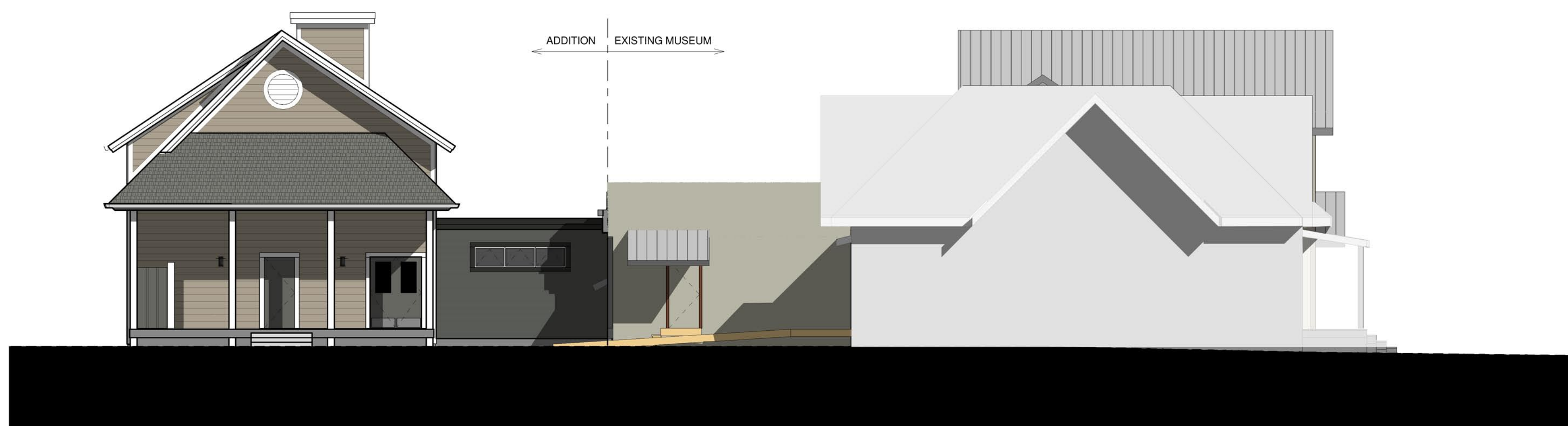
1 VIEW FROM 8TH STREET
FDP-3.0 1/8" = 1'-0"



2 VIEW FROM ALLEY
FDP-3.0 1/8" = 1'-0"



3 SOUTH ELEVATION OF STORAGE ADDITION
FDP-3.0 1/8" = 1'-0"



4 VIEW FROM THE WEST
FDP-3.0 1/8" = 1'-0"

12.13

NOTICE: DUTY OF COOPERATION
Release of these plans contemplates further action by the contractor and the architect and the consultant have no liability for the design and construction of the project. All services with due care and diligence. The architect and the consultant have no liability for the design and construction of the project. The architect and the consultant have no liability for the design and construction of the project. The architect and the consultant have no liability for the design and construction of the project.

All design, documents and data prepared by Eric Smith Associates, P.C. as instruments of service shall remain the property of Eric Smith Associates, P.C. and shall not be copied, changed or disclosed in any form whatsoever without first obtaining the express written consent of Eric Smith Associates, P.C.
Eric Smith Associates, P.C.

REVISIONS

No.	Description	Date

**TREAD OF PIONEERS
MUSEUM**
Steamboat Springs, CO



Job Number: 11013
Date: 10/26/11
Drawn By: Author
Checked By: Checker

Project Phase
FDP SUBMITTAL

Sheet Title
EXTERIOR ELEVATIONS

Sheet Number
FDP-3.2

11/30/2011

11/3/2011 9:50:48 AM



Proposal Description for Final Development Plan

Tread of Pioneers Museum - Expansion Project

DPF-11-02

November 29, 2011

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 Pioneers Museum. The proposed 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 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:

Collection Addition: The proposed collection addition is to be a 2-story plus basement, type VB construction, wood frame building for collection storage and restoration workspace. The proposed facility is to be composed of work, storage and mechanical space as well as a stair and freight elevator. The incorporation of higher ceiling height and increased floor load capacity will accommodate rolling, museum-grade storage systems. It will also include a fire suppression system and an updated security system.

The collection addition is designed 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.

Exhibit Addition: The proposed exhibit connection is to be a 1-story of crawl space, type VB construction, wood frame building used for display of artifacts.

This exhibit space links the existing museum to the proposed storage addition with a clear separation that does not attempt to match the historic design of the existing museum. 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 two additions will be separated by a 2-hour masonry fire wall.

Existing Collection House: The existing "cowboy craftsman" collections house that sits along the alley on the north east end of the Tread of Pioneers Museum property is to be removed (deconstructed where possible). 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.

Storage Capacity:

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)
	1,275 SF (1st Floor)
	<u>1,275 SF (2nd Floor)</u>
	3,810 SF TOTAL

Results in 1,910 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

VARIANCES

for

Legal Description

LOTS 11 AND 12, BLOCK 8, ORIGINAL TOWN OF STEAMBOAT SPRINGS,
ROUTT COUNTY, COLORADO.

Also Know As

**TREAD OF PIONEERS MUSEUM
EXPANSION PROJECT**

219 8th STREET, STEAMBOAT SPRINGS, CO 80477

DPF-11-02

Updated 11/21/11

TOPM Proposed Variances

1. Front Setback (8th Street):

Section 26-132(b) Dimensional Standards for CN Zone District

The CN zone district has a minimum front setback of ten feet (10').
The project proposes a five foot (5') front setback along 8th Street.

The existing site layout includes an enclosure for the historical snow cat that sits 5'-0" off of the 8th Street sidewalk, in the landscape between the storage house and the museum. During the winter, the area between the snow cat building and the sidewalk is a snow storage area, which prevents people from stepping forward and moving around the display building. As part of the proposed project, the existing snow cat building will be incorporated in the proposed connection between the storage building and existing museum. A sidewalk will be provided to encourage passers-by to approach, engage and interact with the snow cat display during all seasons.

The proposed accessibility to the snow cat during all seasons is an advantage over the existing layout and exceeds developmental guidelines by enhancing the exterior exhibit experience for the public. This inset of 5'-0" into the setback is minimal in exchange for the establishment of public viewing space for the snow cat.

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

- a. **Legal Use:** *The property and the use of such property is in compliance with all requirements of the zone district in which the property is located.*
- b. **Injury to Adjoining Property Mitigated:** *The variance will not permanently injure or adversely impact legal conforming uses of adjacent property.*
- c. **Advantages Outweigh Disadvantages:** *See paragraph above.*
- d. **Superior Development:** *See paragraph above.*
- e. **Minimum Relief:** *See paragraph above.*

CDC – Section 26-81 PUD (g)(2) Criteria for review of setback variations.

- a. **Emergency vehicle access:** *There is no change to the access an emergency vehicle would have to the building with this variance request.*
- b. **Environmental sensitivity and land use compatibility:** *This project is not in a developing portion of the city, therefore this requirement does not apply.*
- c. **Light, air, and solar access:** *The light and air issues apply to units. There are no units as part of this project, so the light and air issues do not apply. The proposed project provides for more south facing roof for future solar.*
- d. **Waterbody setbacks:** *This is not a waterbody setback variance request.*

2. Side Setback (Alley):

Section 26-132(b) Dimensional Standards for CN Zone District

The side setback in the CN zone district is ten feet (10').

The project proposes a five foot (5') side setback.

The proposed collection addition's relationship to the museum is accessory, providing the storage for the main purpose of displaying the items being stored. If there was no link, this building would be considered an accessory building. The function of the accessory space is the same whether linked or not; storage. The advantage of it being connected is to provide transport of collection items in a safe and protected space between its primary and accessory functions.

The proposed storage addition better meets the zoning requirements than the existing building. The existing collection house is less than 1'-0" off of the property line and does not currently meet the side setback requirements. The snow sheds off the existing metal roof directly into the alley. The proposed site layout increases the rear setback to over 5'-0". Roof details will be provided to keep snow from shedding into the ROW.

The requested variance of 5'-0" is minimal in interfering with alley access and functions. It's also exceptionally better than the 10" of setback afforded by the existing building.

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

- a. **Legal Use:** *The property and the use of such property is in compliance with all requirements of the zone district in which the property is located.*
- b. **Injury to Adjoining Property Mitigated:** *The variance will not permanently injure or adversely impact legal conforming uses of adjacent property.*
- c. **Advantages Outweigh Disadvantages:** *See paragraph above.*
- d. **Superior Development:** *See paragraph above.*
- e. **Minimum Relief:** *See paragraph above.*

CDC – Section 26-81 PUD (g)(2) Criteria for review of setback variations.

- a. **Emergency vehicle access:** *The layout of the proposed addition along the alley affords more space for emergency vehicle access compared to what is currently available with the existing storage building location.*
- b. **Environmental sensitivity and land use compatibility:** *This project is not in a developing portion of the city, therefore this requirement does not apply.*
- c. **Light, air, and solar access:** *The light and air issues apply to units. There are no units as part of this project, so the light and air issues do not apply. The proposed project provides for more south facing roof for future solar.*
- d. **Waterbody setbacks:** *This is not a waterbody setback variance request.*

3. Floor Area Ratio (FAR):

Section 26-132(b) Dimensional Standards for CN Zone District

The CN zone district has a maximum FAR standard of 50%.
The project proposes FAR of 62% or 8,681 SF of total floor area on a 13,939 SF lot.

This proposed expansion of the museum will provide much needed purpose-designed space in which to store the historical exhibit artifacts. The space is designed to accommodate the large structural loads of museum storage units and large collection pieces. One third of the storage addition is located underground to minimize the site area as much as possible. The proposed exhibit link will provide additional display space as well as allowing the transfer of museum collection items safely and securely between the museum and their storage locations.

The proposed additions have been designed to increase the visual separation between themselves and the existing museum. This is accomplished by making the proposed one story exhibit addition a "glass connector" that projects forward along 8th street. It visually separates the existing Zimmerman House and the proposed Storage Building. This allows the buildings on the site to be visually separate entities rather than one large building that overwhelms the size of the lot.

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

- a. **Legal Use:** *The property and the use of such property is in compliance with all requirements of the zone district in which the property is located.*
- b. **Injury to Adjoining Property Mitigated:** *The variance will not permanently injure or adversely impact legal conforming uses of adjacent property.*
- c. **Advantages Outweigh Disadvantages:** *See paragraph above.*
- d. **Superior Development:** *See paragraph above.*
- e. **Minimum Relief:** *See paragraph above.*

4. Parking:

CDC Section 26-139 Parking and loading design standards

CN Zone Retail Parking Requirement: 1 parking space per 900 SF

9,941 SF / 900 SF = 11 parking spaces
On-site Parking: 3 parking spaces
 1 accessible parking space
 4 parking spaces

Existing street parking provides the remainder of the required parking spaces.

There is no provision to change the parking for the Museum as part of this project. The addition of a storage building on site will not increase the number of employees at the

Museum. The small exhibit space that is proposed to link the storage building to the existing museum provides for space to expand existing exhibits. If there is an increase in visitors due to this small public addition, parking is to be accommodated on the street. There are also several existing Steamboat Springs Transit bus lines located within (1/4) mile of the museum for use by patrons and staff alike.

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

- a. **Legal Use:** *The property and the use of such property is in compliance with all requirements of the zone district in which the property is located.*
- b. **Injury to Adjoining Property Mitigated:** *The variance will not permanently injure or adversely impact legal conforming uses of adjacent property.*
- c. **Advantages Outweigh Disadvantages:** *See paragraph above.*
- d. **Superior Development:** *See paragraph above.*
- e. **Minimum Relief:** *See paragraph above.*

CDC – Section 26-81 PUD (g)(3) Criteria for review of parking standard variations.

- a. **Transit-oriented design:** **A variation may be granted based on a determination that they proposed development is a transit-oriented design. This shall include a finding that they development is located no more than (1/4) mile from a stop along a public transportation route, and the PUD has been designed to provided the appropriate connections from structures to the transit facility.**

There is a Steamboat Springs Transit Winter and Summer Line (yellow) bus stop (314) 1 block (.1 miles) northwest of the museum at the corner of 9th and Oak Streets. The main Steamboat Springs Transit lines (red and blue) both run along Lincoln Avenue (stops 29 and 23), which are 2 blocks (.2 miles) southeast of the museum.

- b. **Alternative transportation plan:** *Not requested.*
- c. **Application of parking variations:** *Not requested.*
 - i. **Limitation to amount of parking spaces to be varied:**
 - ii. **Relation to other parking reductions:**

TOPM PUD Proposed Public Benefits

CDC Section 26-65(b)(4) Development plan.
Applications for a variation from more than two (2) Dimensional or Development standards shall be processed as a Planned Unit Development (PUD).

CDC Section 26-81(e)(4) Planned Unit Development
Contributions to public benefits and improvements.
If three (3) to four (4) variances are approved, the applicant shall provide at least one of the listed benefits.

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.

As part of the PUD process, the proposed project at the Tread of Pioneers Museum will be providing "contributions to preserve or enhance cultural and historical resources or public spaces" as well as "public art" to the community of Steamboat Springs.

The expansion of the museum is inherently a benefit to the historical resources of Steamboat. The increased storage space will allow the museum to safely store, catalog and provide conservation work space for these historically significant items within a space dedicated to that purpose. These items are then put on display for the education, benefit and enjoyment of all residents and visitors.

The re-location of the enclosed snow cat display with a dedicated sidewalk will be part of this project. This sidewalk will connect to the public sidewalk to encourage passers-by to approach, engage and interact with the snow cat public art display during all seasons.

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STEAMBOAT SPRINGS PLANNING COMMISSION MINUTES DECEMBER 8, 2011

The special meeting of the Steamboat Springs Planning Commission was called to order at approximately 5: p.m. on Thursday, December 8, 2011, in the Citizens' Meeting Room, Centennial Hall, 124 10th Street, Steamboat Springs, Colorado.

Planning Commission members in attendance were
Chairman Jason Lacy, Troy Brookshire, Brian Hanlen, Rich Levy, Kathi Meyer, Jennifer Robbins and Norbert Turek. Absent: One alternate position is vacant.

Staff members present were Director of Planning & Community Development Tyler Gibbs, City Planner Seth Lorson, Senior Planner Bob Keenan and Staff Assistant Carolyn Sandstrom.

Senior Planner Bob Keenan
City Planner Jason Peasley
City Planner Seth Lorson

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None.

ELECTION OF OFFICERS

Nominations were requested for Chairman, Steamboat Springs Planning Commission.

Commissioner Meyer nominated Jason Lacy to continue as Chairman of the Commission. That motion was seconded by Commissioner Hanlen.

Vote in favor or retaining Jason Lacy as Chairman. Unanimous 7-0 non opposed

Commissioner Robbins nominated Kathi Meyer as Vice Chairman. The motion was seconded by Commissioner Hanlen.

Vote was unanimous to retain Kathi Meyer as Vice Chairman. 7-0

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Original Town of Steamboat Springs, Block 8 Lots 11 & 12 (Tread of Pioneers) #DPF-11-02 (PUD) Demolish the existing historically significant collections house and construct a new collections building and additional display space

Discussion on this agenda item started at approximately 5:10 p.m.

Commissioner Meyer stepped down from this discussion and agenda item stating there was not a direct conflict but may have an inadvertent conflict that she did not wish to bring forward and excused herself from the meeting.

STAFF PRESENTATION

Seth Lorson –

The proposed project is a 3,215 square foot addition consisting of a new collections building and a 500 sq ft display space.

The proposal has 4 variances and hence is being processed as a PUD. The variances include a .62 floor area ratio, the standard is .50, 4 ft. front set back, which varies from the standard 10 ft. and 5 ft. side set back which varies from the 10 ft. standards. And proposing zero additional parking spaces are proposed with 4 existing and another 1.8 will be required for this addition.

The proposed design is consistent with the existing commercial neighborhood design standards, as you know this project has been heard at Historic Preservation Commission, at which time they recommended demolition of this historically eligible building. The minutes are in your packets. The pre-application was also heard by Planning Commission and City Council at which time there was no vote.

Staff finds that it is consistent with applicable development standards and consistent with criteria for review and approval for the proposed variances. The applicant is here to respond to any specific questions as well staff is here to respond to any questions on the report and the CDC.

APPLICANT PRESENTATION

Eric Smith-

Essentially the building that is before you tonight is the same application for intensive purposes. I am to make a presentation or answer questions from the board, basically this is the same application you have looked at before.

Commissioner Robbins-

There are no changes at all?

Eric Smith-

Very minor changes; a couple little tweaks to the elevation, but basically what you are seeing tonight is what you saw at the Pre-App.

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Commissioner Levy-

As this is a pretty big public interest, I would think maybe some short presentation might be appropriate for those who were not here for the Pre-App.

Commissioner Lacy-

Would you be prepared to do that Eric?

Eric Smith-

I am happy to do that; (using a PowerPoint presentation) The perspective you see, and I will reference the one on the right if it is easier for you to see, the existing Zimmerman House with the existing Utterback House is located next to it, what we are proposing is to simply reconstruct the collections house behind the Zimmerman House and do a connecting link that will expand the basic exhibit space for the museum and we are going to incorporate the current free standing building that encloses the snow cat into a connecting link that will connect the museum to the collection house.

(Next Slide) This is a site plan showing the existing layout on the property with the Utterback, Zimmerman and the existing Collections House, a couple things that are interesting to note is that the existing collections house sits basically a foot off of the alley, its approximately ten foot off of 8th street. (pointing to the slide) This is where that existing snow cat sits, which comes up to about five feet from the property line on 8th street, the existing Zimmerman House is a little less than a five foot setback from 8th street with the front porch there, and this diagonal line you see is the electrical service that comes into the existing Zimmerman House, there is a lot of electrical switch gear and so forth on the back corner of the building.

(Next Slide) This is the proposed new collections house building and the connecting link we are proposing to add to the existing Zimmerman House which provides for expansion of the existing exhibit space in the museum, and then we are building in the snow cat display storage in front, proposing to change the sidewalk that currently does not physically goes to the front of that. We think that display is something that pedestrians should be encouraged to go up to, and look at that exhibit so we are proposing to expand that sidewalk neck to the front of that snow cat display area so we have a visual connection.

One thing that is important to note is that this electrical line stays so we don't have to spend the money to relocate all the electrical service to the Zimmerman House which then feeds the entire property. The proposed collection building reconstruction stays clear of that electrical line which saves a substantial amount of money.

(Next Slide) This is the floor plan showing the main floor of the Utterback House, the main floor of the Zimmerman House that currently ends right here (pointing to an area on the slide) so we are doing an expansion on the back of the Zimmerman House which will essentially work as an expansion to the exhibit space in the museum itself and then the collection house in the back will basically be a work room, it will have a lift or freight elevator actually to be able to move these things from floor to floor, the basement has a large rectangular storage area connected by an exit stair and then the loft up above essentially is a large rectangle as well to accommodate these large moving storage

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systems to maximize the display space we have within the building and then a back porch in the back to accommodate all our loading and unloading in a covered area.

(Next Slide) This is an elevation super imposed the proposed collection house that shows basically the relocation of this free standing snow cat building up against the building to provide a physical connection there. This is the alley elevation of the house, you'll note the front and back elevations essentially maintain the same twelve twelve pitch roof that is characteristic with the pitched roves in the neighborhood, with the dormers on each side to breakdown the mass of that building. Have a front porch on the front section and a back porch on the back section that will accommodate our loading and covered storage for the trash cans.

(Next Slide) This is the rear elevation from the parking lot, you can see the Utterback House and Zimmerman House in the background and this is the flat roof connection that will occur, this is where the existing property ends. So this is that flat connection and the collections house behind it facing the alley. Might add that the setback now is back five foot from the alley to be able to provide some sort snow storage off the alley and to make sure we are setting ourselves back from that alley exposure.

(Next Slide) This is just a photograph looking at the front of the Zimmerman House; you can see the existing collection house in the background and essentially the new collections house will be in the same location.

(Next Slide) This is from the Utterback House and another shot from and angle from the front.

(Next Slide) This is the front of the existing collection house, you can see the corner of the snow cat storage case, this is the alley view showing the backside of this house where windows have been cut out, there have actually been a lot of modifications at this house over the years. This is the trash storage area looking again from the alley back towards the back corner of the building.

(Next Slide) This is the side of the collection house that faces into the Zimmerman House, again siding is metal, the old siding has been destroyed and the windows are gone and have been boarded up in this location.

And that is it, I am happy to answer any questions.

COMMISSIONER QUESTIONS

None

PUBLIC COMMENTS

Jane Hill-

I am a long time board member for the Tread of Pioneers Museum; this has been something we have labored over and I think the issue has come out in the paper today. I think our decision is what's inside that collection house tells the very story of the heart and soul of Steamboat Springs and those artifacts. And the house itself has had not significant person ever lived in it, the history house as far as personality it is really not there, the

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condition of the house is poor, we have to do a very specialized basement because we are in water flow area from the river, we would have to lift that house, place it somewhere else while we did that work, and then bring it back. I am not sure where we would keep the house, be it in the parking lot across the street which I am sure the City would not be too happy about having the house sitting there. There are just so many problems with this old house, we have after giving it much thought and we have been in this process for three years, we have decided that it is better to provide a place for the things that belong to Steamboat Springs and tell our story then to preserve a house that really doesn't teach people much and doesn't have much of a story.

I have been on this side of Historic Preservation for many years now, having chaired the little red school house out on the highway, serving on Historic Routt County it has been an argument for me emotionally but my conclusion is we've made the right decision to replace the house with a structure that serves our purpose and gives us the square footage we need because the old house does not give us the square footage we need, and so that is our decision and I hope you will support it.

Towney Anderson-

I think you all got a copy of the letter that I was a coauthor and I really wanted to be here tonight. Our purpose in sending the letter was to encourage a conversation that we shoulder as stewards of our heritage. We hoped that conversation would happen outside the formal review process but that didn't happen. I do not think the irony is lost on any of us that we are demolishing a historic resource in order to preserve historic resources. We had hoped the light of it last October would have e-listed conversation of our roles in a community ethic more supportive and protective of our heritage. The fact that we have received no response speaks volumes of the distance we still have to go to achieve a place where the great decisions that confront is not whether we preserve our historic resources but how we preserve them. We do not know whether the "to preserve or not" discussion even happened. The fact that this particular application was submitted by our foremost heritage organization Tread of the Pioneers and the largest beneficiary by the museum and heritage tax is clearly troubling. If those of us committed to serving these beneficiary of museum and heritage tax organizations don't have a preservation ethic to whom do we turn to set the example? This is not about whether to preserve the building at the expense of having a better collections house it's about integrating the collections house into a better collections facility. If I were disturbed by the conditions of the buildings I would have had to find another means of livelihood since I was about twenty-one years old. Preservation is about attitude and how you approach what you plan to do. It does not insure that every historic resource is saved at all costs nor does it prohibit plans for development, it simply means we approach our ambitions for expansion and development with a question that is asked first, can this historic resource be a part of our plans. And we approach it this way as we want this resource to be a part of our future. And we do not make that directive to the professionals who are there to serve us it becomes a very easy decision to demolish. In the interest of long term community health we should be asking ourselves why can't we adopt this approach. We brought this up now because if we do not when is it going to happen. I hope that you our planning commission will take the lead in this approach and perhaps a better long term approach will come from this lost of a historic resource.

Kathy Kline-

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I have been a resident of Routt County for over thirty years, and I come before you tonight as a preservation advocate, I was one of the signers and contributors to the letter. I also come as a neighbor of the museum and I love having the museum as a neighbor it is one of the 1st requests my nieces have when they come to visit. I also come to you as a loyal museum supporter over many years as well. And if it were not for your posting process, myself, neighbors and other museum board members would not even be aware of this process or project. The reason and the intent we wrote the letter to the museum board was to have a discussion, not to alienate or judge, it was to say can we help in this process. I know that the museum has been working on this for three years, and I think we are lucky in that respect and that we have all these things and we need to be able to store them safely and have room for them and provide for more room in the future. And we are lucky in 2011 to have technology and process and other avenues we can pursue, so if we could only have conversations of the intent and the reason we put it in the public packet is because we did not get any conversation or response. And I know your job here tonight in light of what Seth has said, there is only so much you can do here tonight and perhaps its too late, to start the discussion or reconvene the discussion, because I think Historic Preservation has been identified as a community priority. It is in the visioning process and a chapter in the community plan, my hope and my intent with this letter was to enable this discussion so that it eventually becomes policy or possibly code so we can have some directive and tools to nurture this policy. I believe it is mutually beneficial to save the old house, as the library did with their expansion. So I am looking for help on how can we have this discussion. I do find the irony in the fact that the Utterback House and the Zimmerman House were moved there and the only original structure to that site is going to be gone. There are just a lot of things to consider in a decision like this, and I appreciate your consideration.

Bill Petrillo-

I would like to see you put a flag pole on this project if you approve it, I believe they should have an American Flag and a flag pole. And a state flag.

John Marshall-

President of the Board, Tread of the Pioneers Museum. Just a couple of things, first of all the article in the newspaper today kind of had history verses history and it really is not Historical Preservation and the Tread of the Pioneers going at it, we have the same mission, we have the same vision, we have a long history and have worked together for many many years, and we will work together for many years going forward.

My major concerns with the building, when we went to the Historic Preservation Commission in August and we received a 3-1 vote, there are safety issues in this building, there are health issues, we really don't want to put anyone at risk, I don't want to put anyone in that building, we have had people get sick in that building. We have tried to give the building away, some people have come through it and had some interest, but they have all rejected the process and they have had builders look at it that have rejected the building. I've only been on the board for six years, but I have been connected with the museum for forty. The museum has looked at this project for many years, the building probably cannot be moved, it has asbestos it has lead paint it has no fire escapes it has no fire prevention, the basement is useless, we would as Jane stated have to move the house build a new basement and move the house back, tear off the back of the building and Eric can give you all the other specifics. So to us it has just not been a reasonable alternative,

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we would love to reserve some but we can't, and as much as we respect Historic Preservation and work with them, we just don't think it is a reasonable alternative.

Commissioner Lacy-

Seeing no additional public comment, we will close public comment and come back to commissioners for additional questions.

FINAL STAFF COMMENTS

FINAL COMMISSIONER COMMENTS

Commissioner Levy-

I have a question for staff.

It was brought up during public comment the community area plan and the historic preservation section in the plan and specifically HP1 is to find ways to prevent the loss of historic and cultural sites. I was just wondering, we don't have any mechanism to prevent demolition, except the need for a development permit. How far does this go with the PUD where we have to weigh advantages versus disadvantages and some of the criteria for the PUD which also require it to meet other standards in the code? How far back can we go to say they are not meeting the code because they are demolishing a building which we cannot prevent under normal circumstances, but because it's a PUD does that reach this far back?

Seth Lorson-

Thank you Rich, as we were quoted in the newspaper, we feel this proposal is a net benefit to Historic Preservation in Steamboat Springs. We relied heavily upon the Historic Preservation Commission's approval to demolish the structure. It was reviewed by Historic Preservation staff and then reviewed at the public hearing level before the Historic Preservation Commission, their recommendation coupled with the new proposal meeting the needs of the Tread of Pioneers Museum as well as meeting the design standards in working with the pattern of the existing neighborhood all came into the consideration when we said that the advantages outweigh the disadvantages. And that there is superior development here.

Commissioner Levy-

Thank you, that's all.

Commissioner Hanlen-

I have a question on condition number three, I am concerned about the current language of that, it seems really vague and I would propose tonight that we either strike number three altogether or put the language that you proposed needs to be there. But I don't think it should stay in its current form.

Commissioner Lacy-

Yes, I had a question about that too, has there been any discussion about the possibility of this being moved? Is that how this came up?

Seth Lorson-

There absolutely has, there actually was talk of it and you heard that in public comment. I don't know if that's moving forward, at this point the general discussion was around a large

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evergreen tree that's in front of that building, from what I understand, and we had a lot of discussion about during development review and felt it was important to maintain that tree. Also, it was brought to my attention that if we move the building that they would have to cut the tree down. So that is kind of what the reference of this was that there may have been other issues with the moving of that building, so I wanted to leave it open ended so we could reopen that conversation because it does change what's being proposed from a demolition to moving the building. Of course and I open to new ideas for that condition.

Commissioner Robbins-

I thought it was just said in public comment that they couldn't move the building.

Eric Smith-

Let me maybe clarify, having been through a number of building relocations where we have taken buildings and moved them, what has to happen to physically move the building is it has to be jacked up off its foundation, they put big steel beams under it, roll the building if you will on these beams onto a flat bed so that they can move the structure. They don't pick it up so to speak and move it sideways or move it diagonally because of the way the structure has to be held up. So to pick this house up, it would have to be picked up and moved to the street as we cannot move it to the alley as there is not enough space to line the truck up and slide it onto the truck, there is not enough space to slide it out the back either and make the turn movement. So it would be the type that this thing would have to move forward to the street, and there were discussions when we went through the HPC hearing about gee it would be nice to preserve this asset if we could have it relocated, and there have been people who have come in and looked at it with that possibility in mind and from the museum stand point we'd be happy to have this thing relocated. The challenge is we are dealing with a little bit of a catch 22, to satisfy a potential objective that if the house gets moved, we can't do it with that tree in the way. So, the reality is to physically move it that tree would probably have to go along with any vegetation in the front. The reality from the people I've talked to and my experience, there is not much value in physically moving the structure because once you move it you have to put a new foundation under it, there's no significant architectural features that would make somebody want to preserve this house because they are preserving the interesting trim details or interior details. There's an old coble upstairs that doesn't meet code, the windows are gone for all intents and purposes, the old siding is gone, the floor system doesn't meet code and would have to be replaced, the rood system doesn't meet code and would have to be replaced. All of the walls in order to put a second story on would have to be replaced, so for somebody to move it they would have to put in a new foundation, a new floor, a new roof, new walls, new windows, new siding. Once they spend the money to move this there is no value that they have so it is highly unlikely that this would be moved, unlike the Zimmerman House and Utterback House that have a lot more interesting architectural detail and structural integrity. There's not that much left of this to move, so we think that likelihood is low, but it would require removal of that tree to do it.

Commissioner Lacy-

Seth, correct me if I'm wrong, but if the scope of the project changes, they would have to come back to us anyways.

Seth Lorson-

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That is why I specified about the building being moved, because what happens is we have to relook at the landscape plan and so it could be a small change to what we are reviewing right now and I would propose that we could do that administratively. It would probably be within substantial performance of approval. I would want to make sure if they were doing that and changing the landscape plan, we would want to take a look at it.

Eric Smith-

I don't think we would have a problem with that at all, the only concern that we would have is that if one of the goals is to find a new location for this house, we wouldn't want to do something procedurally that is somebody came in, in the eleventh hour and said I'll take it I'll move it and I can do it in this time frame, that we would get delayed having to go through a planning process, we do not want to do it in a manner that is not in Tread of Pioneers Museum's best interest by facilitating it getting moved by lengthening the process. So if we could do it on a staff level that really would not create a problem.

Seth Lorson-

And that is what I am referencing, amendment to the approval, amendment to the plan that we are referencing today, it would be the landscape plan. But it would be an administrative amendment.

Commissioner Lacy-

Would you want to clarify in here that it would be administrative?

Seth Lorson-

Yes that would be fine.

Commissioner Robbins-

I do not really like how it is worded where it state that if the scope of this project changes, I think it should just be if the existing collections building is to be moved instead of demolished, an administrative amendment to this approval would be required. Because the scope of the project isn't really changing, your still building a new building.

Commissioner Hanlen-

And do we need to facilitate that amendment solely to the landscape plan? Currently it is so open ended.

Commissioner Lacy-

I believe with Jennifer's wording of if the building is moved that what ever happens if the building is moved there a need for administrative amendment.

Seth Lorson-

I have worked on this to state; If the existing collections building is to be moved an administrative amendment to this approval is require.

Eric Smith-

I think Brian's suggestion is good in the sense that administrative review is required to amend landscaping. Because the only thing that would be impacted by relocation of that building would be landscaping, I assume that is staffs concern. Not the new building.

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Commissioner Hanlen-

I believe it really needs to be specific to the landscaping.

Commissioner Robbins-

But if we make it that specific we limit ourselves to just the review of the landscaping.

Seth Lorson-

That's right if the sidewalk is destroyed or something of that nature.

Eric Smith-

Well, impacts of the move, I guess is what your saying.

Seth Lorson-

Basically the reason I feel there should be no fear about this being open ended is that our analysis this project right now says that it is consistent with criteria for review and approval as well as the standard of the CDC. If something were to become non consistent with this move that is what we would be reviewing.

Commissioner Lacy-

Are commissioners fine with the language we have proposed to change on condition three?

Commissioner Hanlen-

Clarify for me, did we say that we are simply going to review impacts from the move of the building or is it still left open ended?

Seth Lorson-

I would like to leave it open ended.

Commissioner Lacy-

By leaving it open ended it does allow review for any impacts caused by removal of the building.

Commissioner Hanlen-

My concern is that if this is something that does not get started in six months and is something that gets started at the longer term, potentially it is not Seth doing the review, then we have someone whom has never seen this project before and that planner needs to start from scratch and then it begs a more thorough review that Tread of Pioneers isn't anticipating and all of the sudden this whole thing gets opened back up. So when variances are involved, and to Rich's point earlier vague descriptions to advantages outweighing disadvantages and under new staff member eyes it has potential to go where we are not anticipating, and that is why I am pushing for specifying what we are reviewing and not having it open ended.

Commissioner Robbins-

What if we added administrative review in conjunction to the existing collections building being moved?

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Seth Lorson-

What if it read like this Brian, If the existing Collections Building is to be moved an administrative amendment to approval to address impacts of the move is required.

Commissioner Hanlen-
Perfect!

All commissioners agreed.

Commissioner ???

Eric what is the architectural type of the existing building? Does it have a name?

Eric Smith-

Not really, there is really no defined style, it was done in two phases, the built the main structure then added the shed portion to the side at some point, maybe early on in the structure.

The group discussed the structure of the existing building and commented that it has been called cowboy rustic, but due to its condition even modification made to the building the building itself is not sturdy enough to maintain those modifications.

Eric Smith-

To clarify a couple of public comments this has not been a surprise there have been numerous board meetings, and public hearings so this is not something that has been sprung on anyone at the eleventh hour.

Commissioner Hanlen-

A quick question for the applicant, is the standard vesting period acceptable?

Eric Smith-

Yes the three year period is acceptable.

Commissioner Lacy-

Eric on your narrative that is provided in the packet, page 3-25, under the last sentence on your "intent" segment you stated that the entire addition complies with our commercial neighborhood zone district standards, that is will also comply with the Colorado Historical Society Standards, and the Secretary of the Interiors standards. Can you talk to us on what that entails?

Eric Smith-

Good question, if you would flip back to the 8th street elevation, what the Secretary of Interiors deals with in these expansions is when you do an extension to an historic structure what they do not want you to do is an addition that mimics or copies all of the detail to where some one walking up to the building after the fact could not tell the difference between the historic structure and the integrity of that structure, and what components your adding to it.

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Commissioner Lacy-
Thank you.

RECOMMEND MOTION

MOTION

Commissioner Hanlen motioned to approve DPF-11-02 with the amended condition number three.

Commissioner Robbins seconded the motion.

DISCUSSION ON MOTION

None

VOTE

Vote: 7-0

Voting for approval of motion to approve: Lacy, Brookshire, Hanlen, Levy, Meyer, Robbins and Turek

Absent:

One alternate position vacant

Discussion on this agenda item ended at approximately 5:50 p.m.

December 8, 2011

DRAFT

Text Amendment to CDC – Use Chart Definitions #TXT-11-15 A public hearing on proposed changes to the Permitted Use Table and Definitions sections of the Community Development Code. These proposed changes are a result of a Permitted Use Table audit with the goal to allow greater predictability where a particular use is allowed and greater administrative review of particular uses which will result in less cost and paperwork associated with approving new uses. More specifically, text amendments are proposed for Section 26-92 (Permitted Use Table) and Section 26-402 (Definitions and Use Criteria).

Discussion on this agenda item started at approximately p.m.

STAFF PRESENTATION

Bob Keenan -

COMMISSIONER QUESTIONS

PUBLIC COMMENTS

FINAL STAFF COMMENTS

FINAL COMMISSIONER COMMENTS

RECOMMEND MOTION

MOTION

Commissioner moved to approve the

Commissioner seconded the motion.

DISCUSSION ON MOTION

VOTE

Vote:

Voting for approval of motion to approve: **Lacy, Brookshire, Hanlen, Levy, Meyer, Robbins and Turek**

Absent:

One alternate position vacant

Discussion on this agenda item ended at approximately p.m.

December 8, 2011

DRAFT

Gondola Square Condos (Hungry Dog Cart) #DP-11-05 A Conditional Use approval through a Development Plan to allow Outdoor Sales (Hungry Dog Food Cart) at Gondola Square Condos (Steamboat Ski Area-Gondola Square).

Discussion on this agenda item started at approximately p.m.

STAFF PRESENTATION

Bob Keenan –

COMMISSIONER QUESTIONS

PUBLIC COMMENTS

FINAL STAFF COMMENTS

FINAL COMMISSIONER COMMENTS

RECOMMEND MOTION

MOTION

Commissioner moved to approve the
Commissioner seconded the motion.

DISCUSSION ON MOTION

VOTE

Vote:

Voting for approval of motion to approve: **Lacy, Brookshire, Hanlen, Levy, Meyer, Robbins and Turek**

Absent:

One alternate position vacant

Discussion on this agenda item ended at approximately p.m.

December 8, 2011

DRAFT

APPROVAL OF OCTOBER 27, 2011 AND NOVEMBER 10, 2011 MEETING MINUTES

MOTION

Commissioner moved to approve the Planning Commission Meeting minutes from October 27, 2011. Commissioner seconded the motion.

VOTE

Vote:

Voting for approval of motion to approve: **Lacy, Brookshire, Hanlen, Levy, Meyer, Robbins and Turek**

Absent:

One alternate position vacant

MOTION

Commissioner moved to approve the Planning Commission Meeting minutes from November 10, 2011. Commissioner seconded the motion.

VOTE

Vote:

Voting for approval of motion to approve: **Lacy, Brookshire, Hanlen, Levy, Meyer, Robbins and Turek**

Absent:

One alternate position vacant

DIRECTOR'S REPORT

ADJOURNMENT

Commissioner moved to adjourn the meeting at approximately p.m.
Commissioner seconded the motion.

VOTE

Vote:

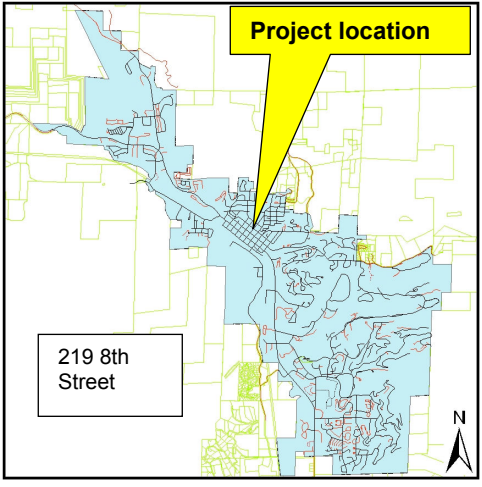
Voting for approval of motion to approve: **Lacy, Brookshire, Hanlen, Levy, Meyer, Robbins and Turek**

Absent:

One alternate position vacant

**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) #DPF-11-02
Prepared By:	Seth Lorson, AICP, City Planner (Ext. 280)
Through:	Tyler Gibbs, AIA, Planning Director (Ext. 244)
Planning Commission (PC):	December 8, 2011
City Council (CC):	December 20, 2011
Zoning:	Commercial Neighborhood (CN)
Applicant:	Tread of Pioneers Museum PO Box 772372 Steamboat Springs, CO 80477 (970) 879 - 2214
Request:	A Development Plan/Final Development (PUD) Plan for the addition of a 3,215 S.F. collection building, plus a 1260 S.F. basement.



Development Statistics - Overview	
Lot Area:	13,939 square feet
Gross Floor Area:	8,681 square feet
Lot Coverage:	5,656 square feet or .41
Floor Area Ratio:	0.62 - Variance
Setbacks	
Front (double):	4 feet - Variance
Side:	5 feet - Variance
Back:	38 feet
Parking Spaces:	4 parking spaces -Variance
Building Height:	
Overall Height:	31'3"
Average Plate Height:	18'8"

Staff Report - Table of Contents		
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I. COMMUNITY DEVELOPMENT CODE (CDC) – STAFF ANALYSIS SUMMARY

CDC - SECTION 26-65(D): *No FINAL DEVELOPMENT PLAN SHALL BE APPROVED UNLESS THE PLANNING COMMISSION AND CITY COUNCIL FIND 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"/>	To be developed in one phase.
7)	Compliance With Other Standards	<input checked="" type="checkbox"/>			
8)	Variance Criteria	<input checked="" type="checkbox"/>			Please see variance criteria

Staff Finding: Staff finds that the proposed Tread of Pioneers Collections Building is consistent with the criteria for approval per CDC Sec. 26-65 and Sec. 26-81. Please see Staff Findings and Conditions at the end of this report for conditions of approval and approval options.



II. BACKGROUND

The Tread of Pioneers Museum proposes to demolish the existing building and construct a new collections building and addition to museum display space. This project, as a Pre-Application was heard by Historic Preservation Commission on September 14, 2011, Planning Commission on September 22, 2011, and City Council on October 18, 2011. Historic Preservation Commission voted to approve the demolition of the existing collections building. No vote was taken at Planning Commission or City Council and no issues arose.

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 3,215 square foot addition to the existing 5,466 square foot museum creating a total of 8,681 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 1,835. 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. Please see Section VI: Project Analysis for variance criteria and analysis.

HISTORIC PRESERVATION

The project proposes to demolish an existing historically relevant structure that is eligible for the historic register. Historic Preservation Staff's recommendation to rehabilitate the existing structure as an alternative to demolition was not accepted by Historic Preservation Commission whom voted to approve the demolition of the existing structure.

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	0.41
<i>Units per Lot</i>	Determined per FAR	None	No units are proposed
<i>Floor Area Ratio (FAR)</i>	.50	None	0.62
<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’	4’
<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: Buffer (1/400sf): 2 required (400/2095 = 6 – 4 existing; Interior (1/500sf): 2 required (500/3995 = 8 – 6 existing.	4 trees; 2 interior, 2 buffer

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: **Consistent.** Below are sections of the Community Plan that are relevant to the proposed project. Although the project proposes to demolish a historic building it will still have a net benefit to preserving cultural heritage. The existing building is not adequate for the Tread of Pioneers museum to preserve the artifacts in its collection.

- **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-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: **Consistent.** 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: **Consistent.** The proposal is consistent with the CN design standards. The CN design standards provide for residential scale development that will be compatible with the surrounding neighborhood. The use is not proposed to change from a museum with limited hours of operation.

CDC – Section 26-65(d)(4) Access.

Staff Analysis: **Consistent.** Access has not changed with this application.

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

Staff Analysis: **Consistent.** The information provided 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: **Consistent.** 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: The applicant addresses the above-mentioned variances in Attachment 2 – Project Narrative. The proposed variances have been heard by Planning Commission and City Council as a Pre-Application and, although no vote was taken on the project approval, no significant problems were brought up regarding the requests.

1. Front Setback (8th Street):

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: **Consistent.** No change of use is proposed.
- b. **Injury to Adjoining Property Mitigated:** Staff Analysis: **Consistent.** 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. The proposal is consistent with the CN design standards. The CN design standards provide for residential scale development that will be compatible with the surrounding neighborhood.
- c. **Advantages Outweigh Disadvantages:** Staff Analysis: **Consistent.** The proposed building is to provide a controlled environment to store collections that are not being displayed, without which the historic artifacts could be compromised. 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: **Consistent.** The proposed addition conforms to the CN design standards. The CN design standards provide for residential scale development that will be compatible with the surrounding neighborhood. The proposed building will allow the museum to grow its collection of artifacts in a controlled environment so they will be available for future generations to benefit from. 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:* **Consistent.** 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:* **Consistent.** The access has not changed with this proposal.
- b. **Environmental sensitivity and land use compatibility:** *Staff Analysis:* **Consistent.** The information provided 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:* **Consistent.** 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 (Alley):

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:* **Consistent.** No change of use is proposed.
- b. **Injury to Adjoining Property Mitigated:** *Staff Analysis:* **Consistent.** 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:* **Consistent.** 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:* **Consistent.** The proposed addition conforms to the CN design standards. The CN design standards provide for residential scale development that will be compatible with the surrounding neighborhood. The proposed building will allow the museum to grow its collection

of artifacts in a controlled environment so they will be available for future generations to benefit from.

e. **Minimum Relief:** *Staff Analysis:* **Consistent.** 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:* **Consistent.** The access has not changed with this proposal.

b. **Environmental sensitivity and land use compatibility:** *Staff Analysis:* **Consistent.** The information provided does not indicate significant environmental impacts.

f. **Light, air, and solar access:** *Staff Analysis:* **Consistent.** 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 62% or 8,681 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:* **Consistent.** No change of use is proposed.

b. **Injury to Adjoining Property Mitigated:** *Staff Analysis:* **Consistent.** The additional floor area is to accommodate “unencumbered areas for flexible storage options and work spaces.” None of the additional floor area sits directly adjacent to adjacent property. The proposed building will allow the museum to grow its collection of artifacts in a controlled environment so they will be available for future generations to benefit from.

c. **Advantages Outweigh Disadvantages:** *Staff Analysis:* **Consistent.** The additional floor area provides for the needs of the museum for storage of their collections that the existing building cannot provide.

d. **Superior Development:** *Staff Analysis:* **Consistent.** The proposed addition, although exceeds the allowable floor area ratio, maintains a residential scale of development as required in the CN zone district design standards.

e. **Minimum Relief:** *Staff Analysis:* **Consistent.** 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: Consistent.* No change of use is proposed.
- b. **Injury to Adjoining Property Mitigated:** *Staff Analysis: Consistent.* The museum is proposing a 500 S.F. addition to the gallery space, the rest is storage that will not generate additional parking needs. Additional traffic is not anticipated as a result of this project.
- c. **Advantages Outweigh Disadvantages:** *Staff Analysis: Consistent.* By not providing additional parking, the proposal is not creating additional impermeable surface or need for additional snow storage and allows for the development of a needed collections building.
- d. **Superior Development:** *Staff Analysis: Consistent.* Additional parking could take from the residential feel of the property as intended in the CN zone district. Additionally, the museum is in a pedestrian area served by sidewalks and one block from downtown which is served by frequent bus service.
- e. **Minimum Relief:** *Staff Analysis: Consistent.* 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: Consistent.* The Yellow Line serves this property and Lincoln Avenue is one block away which has multiple transit stops for the main service lines for Steamboat Springs Transit.

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:

- 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.

Staff Analysis: **Consistent.** The proposed development is solely for the purpose of preservation of the cultural and historic resources of our community. Therefore, one-hundred percent of the proposed development's construction cost valuation is being contributed to this benefit.

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: **Consistent.** See analysis above.
2. **Advantages outweigh disadvantages:** Staff Analysis: **Consistent.** The additional floor area provides for the needs of the museum for storage of their collections that the existing building cannot provide. This directly contributes to the preservation of the cultural and historic resources of our community.
3. **Legal Instrument Required:** Staff Analysis: **Not applicable.**

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

Recommended Motions

Staff recommends approval of the proposed Tread of Pioneers Collections Building.

Finding:

The Tread of Pioneers Collections Building is consistent with the criteria for approval per CDC Sec. 26-65 and Sec. 26-81, with the following conditions:

1. Building roofs may not shed snow or drip roof drainage into public ROW or onto sidewalks. Rain gutters, snow anchors and/or snow fences shall be installed on the alley side roof to prevent rain and snow from falling onto the public ROW.
2. Include the following conditions of approval:
 - a. The following items to be identified for each phase on the building permit are considered critical improvements and must be constructed prior issuance of any TCA or CA; they cannot be bonded:
 - Public sidewalk improvements or repairs
 - Access drive, driveway, and parking areas
3. If the scope of the project changes and the existing collections building is to be moved, an amendment to this approval is required.

VIII. ATTACHMENTS

Attachment 1 – Full Plan Set

Attachment 2 – Project Narrative

AGENDA ITEM # 0

CITY COUNCIL COMMUNICATION FORM

FROM: Jason K. Peasley, AICP, City Planner (Ext. 229)
Tyler Gibbs, AIA, Director of Planning and Community Development
(Ext. 244)

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

DATE: December 20, 2011

ITEM: Change of Condition #2 for the Knoll Lot 2 (Music Fest Tent) -
#DP-08-04

NEXT STEP: If City Council approves the amended condition of approval, the applicant may apply for an administrative permit to erect a temporary structure between January 2 and January 25 on the Knoll parking lot to hold a temporary event each year, expiring in 2022.

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

PROJECT NAME: The Knoll Lot 2 (Music Fest Tent) - #DP-08-04

PETITION: Amended condition of approval for a Development Plan to approve a temporary structure (conditional use) to be used for a temporary event which will be held at the Knoll Parking Lot.

LOCATION: *Physical Address:* The Knoll parking lot off of Mount Werner Circle. *Legal Description:* The Knoll Subdivision, Lot 2

APPLICANT: Steamboat Ski and Resort Corporation; C/O Audrey Williams; 2305 Mt. Werner Circle; Steamboat Springs, CO 80487

PLANNING COMMISSION ACTION: Recommended approval on November 10, 2011 (7-0 Vote)

EXECUTIVE SUMMARY:

1. Planning Commission Discussion:

The proposed temporary structure and temporary event received a favorable review from Planning Commission. Discussion at the hearing centered on how overflow parking will be handled for the event and the criteria for administrative approval of future events. The commissioners also verified that there were not any noise complaints last year and ensured that the conditions of approval give the director the ability to require future music fest events to obtain approval of a conditional use if substantial issues with the event exist.

2. Public Comment:

Public comment was received at the meeting in favor of the application. Please see Attachment 2 for more details.

3. New Information:

No new information.

4. Recommended Motion:

Planning Commission finds that the Development Plan for a conditional use to construct a temporary structure to be used for a temporary event to be held at the Knoll Parking Lot is consistent with the Criteria for Approval for a Development Plan with the following conditions;

- 1.) The applicant will maintain a clear pedestrian walkway from the Knoll lot to the Grand Hotel for the duration of the temporary event.
- 2.) The tent may be approved by administrative permit for a period of ten years, expiring in 2022, if the applicant can demonstrate that all the following criteria are met:
 - a. The tent capacity does not exceed 2,433 persons
 - b. The tent size does not exceed 100' x 180'
 - c. Parking spaces displaced by the tent to not exceed 136 spaces
 - d. Music times to not extend past 10:30pm with the tent closing at 11:30pm
 - e. The tent is erected between January 2nd and January 25th (including set-up and tear down)
- 3.) In the event substantial issues exist, the Director of Planning and Community Development may require the temporary event be reviewed by Planning Commission and City Council as a conditional use.

CITY COUNCIL COMMUNICATION FORM

Amended Condition of Approval for The Knoll, Lot 2 (Music Fest Tent) - #DP-08-04

December 20, 2011

List of attachments

Attachment 1 – Planning Commission Report and Memo dated November 10, 2011

Attachment 2 – Draft Planning Commission Minutes dated November 10, 2011

**DEPARTMENT OF PLANNING AND COMMUNITY
DEVELOPMENT**

MEMORANDUM

DATE: November 10, 2011
TO: Planning Commission
FROM: Jason K. Peasley, AICP, City Planner
SUBJECT: MusicFest event parameters

At the November 7, 2011 work session, Planning Commission requested that staff provide general parameter for the MusicFest event for their consideration. The following is a list of parameters developed by Staff and the applicant to provide certainty and flexibility for future events at the Knoll Lot:

- Tent capacity: 2,433 persons
- Tent size: 100' x 180'
- Parking spaces displaced: 136
- Music times: 2:00pm to 10:30pm, with tent closing at 11:30pm
- Dates tent will be on site: January 2nd through January 25th (including set-up and tear-down)
- Pedestrian access: walkways will be plowed and maintained by Steamboat Ski and Resort Corporation

These parameters are intended to be discussed at the meeting and included as a condition of approval. An event that substantially conforms to these parameters will be reviewed as an administrative permit.

**Planning Commissioner Minutes
November 10, 2011**

**DRAFT
STEAMBOAT SPRINGS PLANNING COMMISSION MINUTES
November 10, 2011**

The regular meeting of the Steamboat Springs Planning Commission was called to order at 5:00 p.m., Thursday, November 10, 2011, in the Citizens' Meeting Room, Centennial Hall, 124 10th Street, Steamboat Springs, Colorado.

Planning Commission members in attendance were Chairman Commissioner Jason Lacy, Commissioner Troy Brookshire, Commissioner Brian Hanlen, Commissioner Rich Levy, Commissioner Kathi Meyer, Commissioner Jennifer Robbins, and Commissioner Norbert Turek. The vacant Alternate position was absent.

Staff members present were Tyler Gibbs, Director of Planning and Community Development, and Jason Peasley, City Planner. Diana Bolton recorded the meeting and prepared the minutes.

AGENDA ITEM #1

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

No one from the public was present.

AGENDA ITEM #2

Project: Knoll Subdivision Lot 2 (Knoll Music Tent) #DP-08-04
Applicant: Steamboat Ski and Resort Corporation
Type of Application: Amend condition of approval to a Development Plan
General Description: Amendment to Condition of Approval #2 of the Development Plan #DP-08-04 to approve a temporary structure, the Knoll Music Tent, to be used for a temporary event, the MusicFest, to be held in January of each year at the Knoll Parking Lot. The proposed amended condition of approval would allow the temporary event to be reviewed and permitted administratively for a period of ten years, beginning in 2012 and expiring in 2021.

Audrey Williams, Steamboat Ski and Resort Corporation and petitioner representative, and Carla Von Thaden, General Manager of The West Condominiums, were also present for this agenda item.

STAFF PRESENTATION

Jason Peasley: This day an e-mail was sent to the Commissioners regarding the parameters for the MusicFest event that would provide certainty and flexibility for future events at the Knoll Lot. The parameters are based on Planning Commissioners' questions at the previous week's work session. The parameters accepted by the Commission would become a condition of approval of the amendment. An event that substantially conformed to the parameters listed as follows would be reviewed as an administrative permit:

Tent capacity: 2,433 persons

Tent size: 100' x 180'

Parking Spaces displaced: 136

Music times: 2:00 p.m. to 10:30 p.m., with tent closing at 11:30 p.m.

Dates tent will be on-site: January 2nd through January 25th (including set-up and tear-down)

Pedestrian access: walkways will be plowed and maintained by Steamboat Ski and Resort Corporation.

COMMISSIONERS' QUESTIONS

No questions for staff were forthcoming from Planning Commissioners.

PETITIONER'S PRESENTATION

Audrey Williams: There is no need for a presentation; we would simply like the opportunity to extend the tent through 2021 and the opportunity to have from January 2nd, with a two/2.5-day set-up date, through the 25th, if a group were potentially coming at that time. The first year the events included a family funfest, a ski jam, a cowboy downhill, and other events; we would like to be able to pursue other opportunities.

COMMISSIONERS' QUESTIONS

Commissioner Rich Levy: January 2nd seems to be part of the holiday season schedule. Can you still handle parking capacities on a holiday week-end or weekday?

Audrey Williams: Usually when the tent was set up, we would determine how the holiday would fall. This year, we will set up on the 3rd. So the timing depends on whether the event starts on a week-end or a weekday. We do look at capacity.

Commissioner Jennifer Robbins: It appears from the minutes of the application hearing that you have been looking for a more permanent location. This application is for ten years. Are you still looking for a more permanent location, or is this the permanent location?

Audrey Williams: Right now, this is the permanent location.

Commissioner Jason Lacy: So there aren't any plans to actively seek another location at this time?

Audrey Williams: No.

Commissioner Kathi Meyer: One of the issues that several Planning Commissioners remember is that, since the Knoll Parking Lot is zoned for a higher density, there is some intention to redevelop it. Also, The Mountain Town Plan talks about an event center being located in one of the parking structures in the distant future.

Jason Peasley: It was the Ski Corp. parking structure across from The Grand

Audrey Williams: I would love to have a permanent venue, but that would depend on capital and how that ends in the future. I want that put in today's minutes, because that has been the continuing threat over the years. There is an expectation that, some day, way down the road...

Commissioner Jason Lacy: Okay. Other questions?

Commissioner Rich Levy: For staff: Do we have any criteria for reviewing the administrative approval on an annual basis?

Jason Peasley: In the past we have ensured that the conditions of approval were being met. We also consulted with the Police Department and Transit Services to ensure that nothing was happening that was causing serious concern or that we had received no significant public complaints about an event. Those measures had occurred in the past. My anticipation would be that, in addition to those actions, with the specific parameters in place, we would check to ensure that each event fit within the parameters, and if it did not, we would have a larger public discussion about that.

PUBLIC COMMENT

Carla Von Thaden: As General Manager of The West Condominiums, the closest

neighbor to the music tent, I would like to state that the tent has been a positive experience for The West Condominiums, which secures the majority of reservations for an event. However, the complex has had virtually no problems with an event, and any problems we have had have been remedied quickly. Additional security for an event is necessary at the condominium complex to protect the property from intrusion of parking, etc., but that had been no problem whatsoever; rather, it is something that the complex plans on. The tent erectors and Ski Corp. have always been extremely cooperative about The West's requests during an event and ensured that we were taken care of properly. I wanted the Commission to know that there have been no problems from The West's perspective as the closest property owner, and The West Condominiums would welcome any extension of the permit.

Commissioner Lacy called for further public comment. None was forthcoming. Commissioner Lacy closed public comment.

COMMISSIONERS' QUESTIONS

Commissioner Rich Levy: I want to ensure that the applicant meets the conditions of approval, but there were only two conditions in the previous approval--one for three years and the other for -- [inaudible]. Also, there was no mention of how many complaints it took to make the permit come before a public hearing or what would trigger a review of the permit. Within the next ten years, we might have a different Director. In the past some confusion had arisen as to the applicant's intent, and no procedures are in writing.

Brian Lacy: You will be reviewing this permit every year?

Jason Peasley: Correct.

Commissioner Rich Levy: But nothing is specifically stated in the conditions that says that.

Jason Peasley: Yes, that was omitted, but it was my intention to include it. I was under the impression that the applicant would continue as in the past to apply for an administrative permit, and staff would check the conditions for compliance. If Planning Commission wanted to make that explicit, the procedure certainly could be reflected in the conditions of approval.

Commissioner Jason Lacy: What do other Commissioners think?

Commissioner Kathi Meyer: I think it should be incorporated in the conditions of approval.

Commissioner Brian Hanlen: Do you mean include the e-mailed list in the criteria for approval?

Jason Peasley: Correct; the list would be part of the yearly approval. And the applicant has reviewed the list.

Commissioner Norbert Turek: What constitutes a variance from substantial compliance—5% or 10%?

Jason Peasley: Substantial conformance is a defined term in the Code so I would have to check that to make sure the parameters fit. Some criteria have a parameter of 5%; others are more of a Director's call.

Commissioner Norbert Turek: I am not as interested in creating the Director's ability to make a decision; rather, I want to ensure that the applicant would know enough in advance that it was substantially out of conformance or would it be a last-minute decision that a 3,000-person tent was needed when only a 2,200-person tent was permitted. In other words, would the permit have enough play in it for the Director to make a decision?

Audrey Williams: Right now, we won't add any more capacity to the tent permit. If we were to grow an event, we would look for a second venue. In the future, if the opportunity arose, we might put another tent at Ski Time Square, but then we would come before Planning and City Council to propose that.

Commissioner Norbert Turek: So aside from the extent of days and the period of time you might like to operate, there would be no change to the original permit?

Audrey Williams: Yes.

Commissioner Troy Brookshire: If complaints or issues arise, and if those complaints were not rectified, could a blanket condition be included that would state that if a problem arose and was identified, staff had the right to call the permit back and develop a condition that would address that issue at that point.

Commissioner Jennifer Robbins: What would constitute a problem?

Commissioner Troy Brookshire: Traffic or parking or such issues. I don't know what all of those problems might be, but a blanket condition could be inserted that would allow that. I don't know how to identify the problem.

Commissioner Jennifer Robbins: Is it one complaint or...

Commissioner Troy Brookshire: It could be one complaint or ten complaints; that could be up for debate. I'm just thinking about how to deal with it.

Commissioner Jason Lacy: Other Commissioners' thoughts on that?

Commissioner Rich Levy: My idea was to list some of the criteria that would give the Director direction as to what constituted compliance.

Commissioner Jennifer Robbins: The problem is that we need to give direction to Planning staff to be able to enforce it.

Commissioner Rich Levy: So far, we have had no complaints, correct?

Jason Peasley: Yes.

Commissioner Rich Levy: I would be happy to leave it at one. If we haven't had any and there is one, and we find it to be insubstantial or unsubstantiated, we could move it off. That has always been a potential problem due to the location.

Jason Peasley: I am a little uncomfortable saying one complaint because one person could always make an invalid complaint. If a true problem existed, more than one person would raise the situation as an issue.

Commissioner Troy Brookshire: Then direct staff with the latitude to determine when a permit comes back.

Commissioner Jason Lacy: I'm open to a specific proposal from Commissioners. Does anyone have one to add to the conditions of approval?

Commissioner Kathi Meyer: I have one: 'The Director shall annually review the criteria incorporated in the memorandum that we received, and if, in the Director's opinion, substantial problems exist, a meeting shall be called.' I think that to have a public hearing for one complaint would be onerous and probably too punitive. Since the Director has the annual review requirement, let's just put the burden on them and bring it back in because the direction is to make the permit more administrative.

Commissioner Norbert Turek: I agree. I think that the idea is to create critical mass at the mountain so there will be more people and more traffic. If the applicant is not keeping the path clear or not controlling traffic, that would be substantial and need a complaint. But I agree with Kathi that it is an administrative decision, and complaints should be typically dealt with by public safety.

Commissioner Jason Lacy: Troy, does that settle with you?

Commissioner Troy Brookshire: Yes.

Tyler Gibbs: I will add that if there were complaints or issues, we would not wait for an annual review for those issues to be addressed. The first effort, as with any complaint, would be to all try to work together to address that complaint. If you found at the end of an annual event that there had been some ongoing issue that could not be successfully resolved during the course of the event, that would probably be cause to review the permit before the next event occurred.

Commissioner Jason Lacy: I like Kathi's proposal language because it states 'substantial problems'. Sometimes there might be no complaint but a problem might exist.

Tyler Gibbs: Exactly. If a problem exists, regardless of who identifies it, there is a problem, and we will try to deal with it together. If it isn't resolved, then we will determine whether it needs to come back for further public review.

Audrey Williams: We do work closely with the police force and Transit during that timeframe, and if problems arise, we try to address them right away, and at the event.

Commissioner Jason Lacy: Further comments or questions before we close the public hearing on this application? Anything else from staff?

Jason Peasley: Just to be clear: There will be a condition of approval that requires yearly review, with the criteria as defined in the memo recently sent, and a provision allowing a call-up by the Director if substantial problems exist.

Commissioner Jason Lacy: That's it. Is there anything else from the applicant? Then we will close the public hearing and come back to the Commissioners for deliberation and a motion.

MOTION

Commissioner Hanlen moved to approve the amendment to Condition of Approval #2 of the Development Plan #DP08-04 with the amended conditions of approval.

Commissioner Levy seconded.

FRIENDLY AMENDMENT: Commissioner Meyer stated that the motion should state that #DP08-04 was being extended for ten years and expiring in 2021. Commissioners Hanlen and Levy accepted the Friendly Amendment to the motion.

VOTE

Vote: 7-0.

Voting for the motion to approve: Lacy, Brookshire, Hanlen, Levy, Meyer, Robbins, and Turek. The motion carried unanimously.

One Alternate position vacant.

Discussion on this agenda item ended at approximately 5:20 p.m.

Audrey Williams and Carla Von Thaden exited the meeting at this time.

AGENDA ITEM #3

APPROVAL OF OCTOBER 27, 2011 MEETING MINUTES

Commissioner Jason Lacy: Since the first draft of the minutes were received this day, we might need to table approval until the next Planning Commission meeting.

MOTION

Commissioner Meyer moved to table consideration and approval of the Planning Commission meeting minutes of October 27, 2011 until the December 8, 2011 Planning Commission meeting. Commissioner Robbins seconded.

VOTE

Vote: 7-0.

Voting for the motion to table consideration: Lacy, Brookshire, Hanlen, Levy, Meyer, Robbins, and Turek. The motion carried unanimously.
One Alternate position vacant.

AGENDA ITEM #4

DIRECTOR'S REPORT

Mr. Gibbs stated that he had nothing to add this evening. He thanked the Planning Commission.

AGENDA ITEM #5

ADJOURNMENT

MOTION

Commissioner Robbins moved to adjourn the meeting at 5:30 p.m. Commissioner Meyer seconded.

VOTE

Vote: 7-0.

Voting for the motion to adjourn: Lacy, Brookshire, Hanlen, Levy, Meyer, Robbins, and Turek. The motion carried unanimously.

One Alternate position vacant.



**DEPARTMENT OF PLANNING AND COMMUNITY
DEVELOPMENT**

M E M O R A N D U M

DATE: November 10, 2011
TO: Planning Commission
FROM: Jason K. Peasley, AICP, City Planner
SUBJECT: DP-08-04 Change of Condition

Background

On October 14, 2008, the City Council approved a Development Plan (#DP-08-04) to construct a temporary structure to be used for a temporary event (approximately 3 weeks) to be held at the Knoll Parking Lot in January of 2009, 2010 and 2011 (see Attachment 1). This permit allowed for three years of an annual review of the MusicFest event by staff to ensure that the conditions of the approval were being met and that there were no new issues associated with the temporary music venue.

In 2009, 2010 and 2011, staff reviewed the permit administratively and determined that all the permit conditions were met and that there were no new issues associated with the temporary structure and event. The City Police, Transit and Public Works departments have been working closely with Steamboat Ski and Resort Corporation to ensure that the event is well managed.

2011 was the last year approved to be reviewed administratively by #DP-08-04.

Proposal

The applicant is requesting that condition #2 of the approved development plan be amended to give them the ability to acquire an administrative permit for the future MusicFest events at the Knoll Lot (see Attachment 3).

Staff Recommendation

Staff has reviewed the original approval and the request to extend the administrative permitting for the MusicFest tent at the Knoll Lot. Planning Staff has discussed the proposal with the Police, Transit and Public Works Department and all departments agree that the event is running well within the limits of their existing permit.

Staff recommends that the MusicFest temporary structure and event at the Knoll Lot in January of each year be approved to obtain an administrative permit for the event and structure for the next ten years. In event that the MusicFest venue violates the terms of approval or any new issues with the event arise, Staff, Planning Commission or City Council will have the ability to call the review up for a public discussion.

Staff also recommends that with each administrative permit that a Noise Ordinance Exemption be obtained from the City Manager.

Attachments

Attachment 1 – DP-08-04 Staff Report dated October 7, 2008

Attachment 2 – Planning Commission minutes dated September 25, 2008

Attachment 3 – Ski Corp letter dated October 18, 2011



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT STAFF REPORT

PLANNING COMMISSION AGENDA ITEM #3

Project Name: The Knoll Lot 2 (Music Fest Tent) - #DP-08-04

Prepared By: Gavin McMillan, City Planner
(Ext. 274) *GM*

Through: John Eastman AICP, Planning
Services Manager (Ext. 275) *JE*

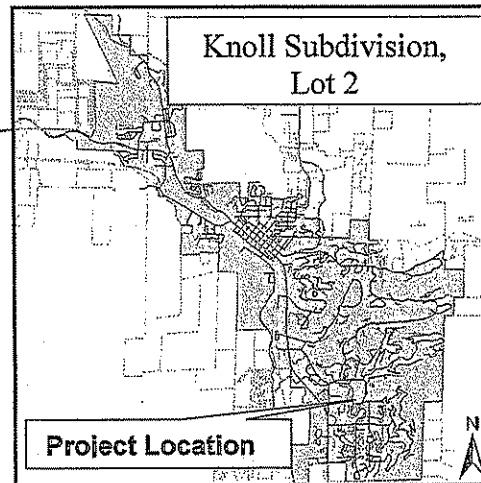
Planning Commission (PC): September 25, 2008

City Council (CC): October 7, 2008

Zoning: Resort Residential Low Density
(RR-1)

Applicant: Steamboat Ski and Resort
Corporation; C/O Michael
DeGroff; 2305 Mt. Werner Circle;
Steamboat Springs, CO 80487

Request: A Development Plan to approve a temporary structure to be used for a temporary event which will be held for twelve days between January 6, 2009 and January 20, 2009 at the Knoll Parking Lot.



Project Overview	
Tent Size:	18,000 sq. ft.
Capacity:	2,212 people
Dates:	1/6/2009 – 1/20/2009
Hours	5:00 p.m. – 11:00 p.m.

Staff Report - Table of Contents		
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I. COMMUNITY DEVELOPMENT CODE (CDC) – STAFF ANALYSIS SUMMARY

CDC SECTION 26-65 (E): NO DEVELOPMENT PLAN SHALL BE APPROVED UNLESS THE PLANNING COMMISSION AND CITY COUNCIL FIND THAT THE PLAN MEETS ALL OF THE FOLLOWING CRITERIA:

Subsection	Consistent			Notes
	Yes	No	NA	
1) Complete Application	<input checked="" type="checkbox"/>			
2) Conformity with Community Plan	<input checked="" type="checkbox"/>			
3) Consistency with Surrounding Uses	<input checked="" type="checkbox"/>			Residential uses surround this site. See analysis.
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"/>			
9) Variance Criteria			<input checked="" type="checkbox"/>	No variance requested.

Staff Finding: Staff finds that the Development Plan for a temporary structure to be used for a temporary event which will be held for twelve days between January 6, 2009 and January 20, 2009 at the Knoll Parking Lot is consistent with the Criteria for Approval for a Development Plan.

.... (Detailed policy analysis is located in Section V; Staff Findings and Conditions are in Section VII)

II. BACKGROUND

For the past 23 years, the Steamboat Ski Area has been hosting Music Fest at the base of the ski area. This event annually draws approximately 4,000 visitors and takes place over a two week period in the beginning of January (see attached applicant's narrative). The Steamboat Ski and Resort Corporation has erected a tent in the past to accommodate Music Fest along with other events including Ski Jam, Family Fun Fest, and the Cowboy Downhill.

Prior to last year, Music Fest had been staged in a tent like temporary structure in the parking lot adjacent to the gondola building. A Special Activity permit had been issued through the City Clerks office in the past and up until last year, administrative approval of the event was issued by the Planning Department through a Use with Criteria temporary event permit. This permitting process may not have been in strict conformance with the CDC as a temporary structure is a Conditional Use that requires a Development Plan review.

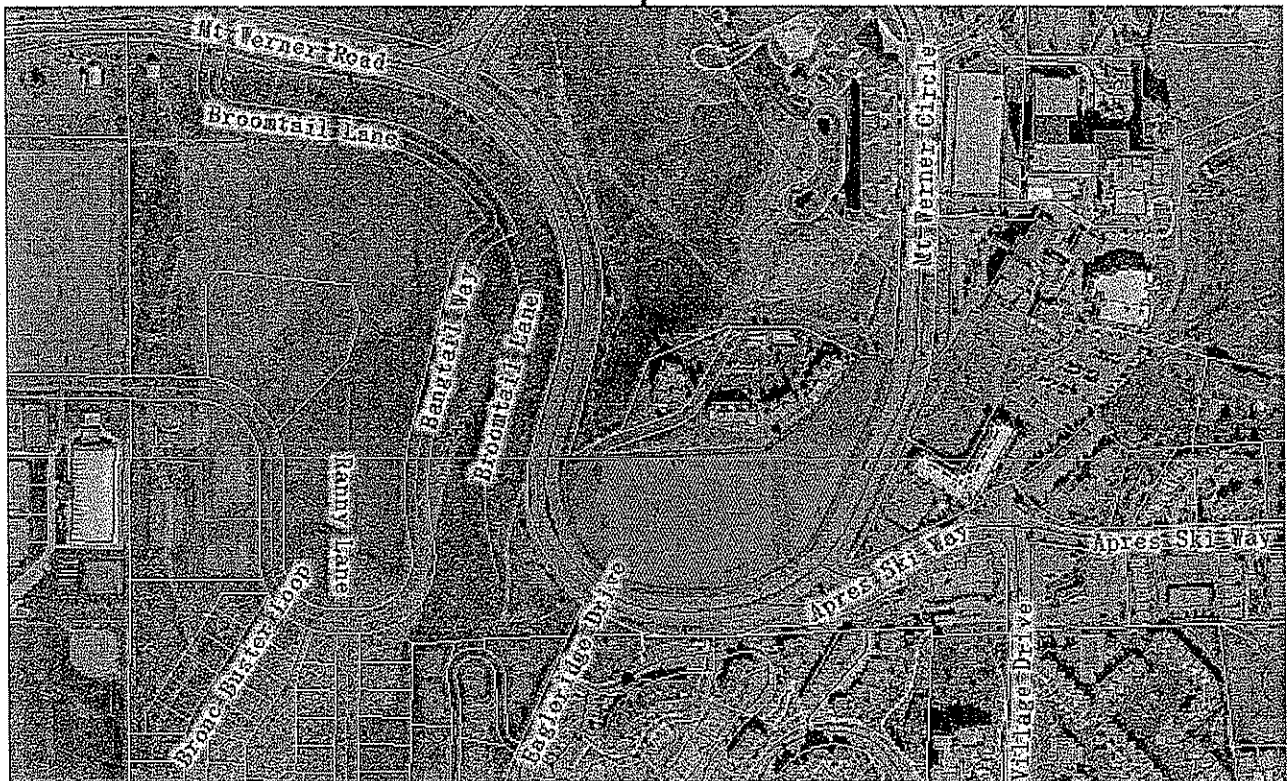
Last year the event was moved from the parking lot adjacent to the gondola to the Knoll parking lot. The application was reviewed as a Development Plan since a temporary structure is a Conditional Use, and received approval from Planning Commission and City Council in the new location (see attachment I for Planning Commission Minutes).

Last years Music Fest event ran relatively smoothly. There were not any noise complaints and the applicant has attempted to address the minimal issues that arose at last year's event in this year's application (see principal discussion items in Section IV)

III. PROJECT DESCRIPTION

The applicant proposes to erect an 18,000 sq. ft. tent-like temporary structure on the Knoll parking lot. The tent will be used to host events from January 6, 2009 through January 20, 2009. These events will include Music Fest, Ski Jam, The Family FunFest, and the Cowboy Downhill and will include live music acts. The concerts will generally start at 5:00 pm and will conclude no later than 11:00 PM. The capacity of the tent is 2,433 spectators.

Site Map



IV. PRINCIPAL DISCUSSION ITEMS

1. Noise/Land Use Compatibility:

The Music Fest Tent is located adjacent to several residential properties. The noise associated with the tent presents the potential for conflict with neighboring residential properties. The applicant plans to minimize these impacts by renting a large portion of the residential units impacted by the noise to individuals attending the concert. The applicant used this approach at the 2008 event, and there were not any noise complaints.

2. Parking:

A reduced amount of parking spaces will be available at the Knoll parking lot during this two week period. This event will displace 136 of the 450 parking spaces located on the Knoll lot. Additional parking will be available at the Meadows Lot, the Gondola square parking garage, the Ski Time Square Parking garage, and the lower Knoll lot. There was an issue at last year's event of performer's vehicles and buses taking up the majority of parking on the Knoll lot. The applicant has indicated that parking for Music Fest Busses and Trailers will be restricted to the lower Knoll Lot. Only the bands playing in the tent will be allowed to park in the main Knoll lot at this year's event.

3. Future Music Fest Permitting:

Minutes from the 2008 Development Plan review of the Music Fest Tent indicate that it was the Planning Commission's preference that this event take place in a permanent location in the future. Although it would be ideal for this event to be located in a permanent location, Planning Staff is not aware of a venue available to house an event of this size. Due to the minimal amount of problems associated with last year's event, Staff has not identified any major issues with allowing the event to take place in this location again.

This application is currently being reviewed as a Development Plan. As it is currently reviewed, the Music Tent will require review and approval on a yearly basis. Staff recommends that planning commission consider authorizing review of this application consistent with the Use with Criteria process for a period of three years. Condition of Approval #2 was written to grant approval of the event for a period of three years while enabling the director to conduct an administrative review on a yearly basis.

V. **OVERVIEW OF DIMENSIONAL AND DEVELOPMENT STANDARDS – RR-1 ZONE**

The Dimensional Standards to not apply to this proposal.

VI. **PROJECT ANALYSIS**

A) CRITERIA FOR APPROVAL

CDC - Section 26-65 (e): 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(e)(1): Complete Application

Staff Analysis: **Consistent.** The Development Plan and supporting application materials for the proposed Temporary Event are complete.

CDC - Section 26-65(e)(2): Conformity with Community Plan

Staff Analysis: Consistent. ED 1.1 Continue to support tourism-related land uses, business, and marketing. "...This Plan recognizes that tourism provides the backbone for the economy, and that the community should continue to support both winter and summer tourism commercial businesses." Planning Staff finds that this proposal is consistent with the above cited policy.

CDC - Section 26-65 (e)(3): Consistency with Surrounding Uses

Staff Analysis: Consistent. The Knoll parking lot will be transformed into a concert venue that is surrounded by residential uses. The proposed use differs significantly from the neighboring residential/vacation rental uses. However, in the interest of contributing entertainment and vitality to base area occasional special events of this type may be appropriate. Because the use is temporary, staff finds that it is consistent with the surrounding uses.

CDC - Section 26-65 (e)(4) Minimize Adverse Impacts

Staff Analysis: Consistent. Staff finds that the proposed concerts may have noise impacts to neighboring residential properties and that the applicant is making efforts to minimize this impact. The plans to mitigate the noise impact by renting as many of the adjacent residential units as possible to concert goers.

CDC - Section 26-65 (e)(5) Access

Staff Analysis: Consistent. Staff finds the proposal provides adequate access for vehicles and pedestrians. Many of the spectators will be residing within walking distance of the venue and there is public transportation within walking distance. At the 2008 Music Fest, individuals walked in the middle of Mt. Werner circle after concerts ended en route to the Grand Hotel for more concerts. The applicant and the City of Steamboat Springs Transit department concluded that this was taking place because there was not a plowed walkway to the Grand Hotel. To fix this problem, the applicant will plow a walkway from the Music Tent to the Grand Hotel. See Condition of approval #1.

CDC - Section 26-65 (e)(6) Minimize Environmental Impacts

Staff Analysis: Consistent. Planning Staff did not identify any outstanding negative environmental impacts associated with this proposal.

CDC - Section 26-65 (e)(7) Phasing

Staff Analysis: Not Applicable.

CDC - Section 26-65 (e)(8) Compliance with other Standards:

Staff Analysis: Consistent. The applicant is not requesting any variations to the dimensional or development standards and complies with all other CDC standards.

VII. STAFF FINDING & CONDITIONS

Recommended Motion:

2

23

Staff finds that the Development Plan for a temporary structure to be used for a temporary event to be held for twelve days between January 6, 2009 and January 20, 2009 at the Knoll Parking Lot is consistent with the Criteria for Approval for a Development Plan with the following conditions;

- 1.) The applicant will maintain a clear pedestrian walkway from the Knoll lot to the Grand Hotel for the duration of the temporary event.
- 2.) This approval will be valid for a period of three years to allow a temporary event and the associated temporary structure to be located on the knoll lot during January of 2009, 2010, and 2011. The applicant will be required to complete a Use with Criteria application for a temporary event before each of these subsequent events. The Director of the Department of Planning and Community Development will review the Use with Criteria application to ensure that the proposed event substantially conforms to the temporary structure approved in file #DP-08-04. If the Use with Criteria application does not substantially conform with the temporary structure approved in file #DP-08-04 the Director may require that the event obtain approval of a Development Plan.

23 Overflow PKng

VIII. ATTACHMENTS

- Attachment 1 – PC Minutes 2008 review
- Attachment 2 – Full Plan Set
- Attachment 3 – Applicant Narrative
- Attachment 4 – Supporting Application Materials

Staff will monitor overflow parking

Knoll, Lot 2 Development Plan (#DP-07-07) –

An application for a Temporary Event (Music Fest) to be held at the Knoll parking lot from January 5 through January 14, 2008. Concerts to be held at this tent will end no later than 11:00 p.m.

Discussion on this agenda item started at approximately 7:03 p.m.

STAFF PRESENTATION

Tom Leeson –

Provided a brief overview of the proposed application. For the past 22 years Steamboat Ski Area has been hosting Music Fest at the base area. Music Fest is the largest group ski trip of its kind. This event annually draws approximately 3,000 visitors and takes place over a 10-day period in the beginning of January.

For the last several years the Music Fest has been staged in a tent like temporary structure in the parking lot adjacent to the gondola building. This event has been permitted in a couple of different ways over the past years. One of which has been a Special Activity permit through the City Clerks office and, most recently, as an administrative Planning Services approval through a Use With Criteria Temporary Event permit.

In recent years, Planning staff has approved a Temporary Event permit without public review because of the traditional nature of this event at the gondola parking lot and lack of significant issues. Now that this event is proposed at the Knoll parking lot Planning staff found it appropriate for a public review of this event. Public review will allow greater participation by surrounding property owners who have not had experience with this type of event.

The concerts are proposed to be held in an 18,000 square foot tent-like structure that is to be located at the Knoll parking lot. This event is proposed to take place between January 5 and January 14, 2008 with concerts generally starting at 5:00 p.m. or 7:00 p.m. and ending not later than 11:00 p.m. The tent allows for approximately 2,500 spectators.

Planning staff has concerns about the noise impacts to adjacent residential properties that surround the Knoll site. The applicant plans to minimize these impacts by renting these condo units to those attending the concert. They have used this approach with success at the previous location. At the public hearing the applicant will demonstrate to what extent they can mitigate the noise impacts.

It is a bit of a juggling act in providing entertainment and vitality in and around the base area while preserving the peace and quiet for local residence and second homeowners. The purpose and intent of the RR-1 zone district "is to provide areas for the highest intensity of residential use consistent with a mountain resort community." It is unclear whether the proposed use achieves this balance.

The City Manger has the ability to allow special events to supersede the noise ordinance. If approved by Planning Commission this application will be reviewed by City Council and will either approve or deny the exemption from the noise ordinance on behalf of the City Manager.

The only other impact that this proposal will have is that of parking. A reduced amount of parking spaces will be available at the Knoll parking lot during this two-week period. This event will displace 137 of the 450 parking spaces leaving net total parking spaces at the Knoll of 313.

Event coordinators anticipate 80% of the concertgoers arriving by plane or bus and utilizing public transportation. The Forest Service has approved the proposed reduced parking.

Planning staff recommends that the Steamboat Ski Area find a permanent indoor location for future events as to eliminate the need for this type of permit and associated impacts.

APPLICANT PRESENTATION

Andy Wirth –

Provided a brief overview of the proposed application, including history, mitigating factors that have been deployed around this type of facility in the past, proposed location of tent, sound and operational concerns, hours of operation, snow berms, response mechanisms to complaints, and a request for an extension of the dates to run this tent through January 27, 2007 in order to support three (3) additional pieces of business or events. Long-term for the resort – you bet. We have identified the need and depending on how things proceed over the next five (5) to eight (8) years we have every interest in trying to replicate this contiguous square footage in a permanent facility so we can stage these types of events and remain competitive.

COMMISSIONER QUESTIONS

Discussion took place relative but not limited to:

Commissioner Engelken –

Made a declaration that her sister-in-law works for Eric Smith Associates (a party in this proposal), but she is not assigned to this project. I do not feel that there is conflict and that I can remain impartial. There was no objection to Commissioner Engelken participating in the review of this application.

Commissioner Meyer –

Made a declaration that she bought a ski pass the other day.

Commissioner Hermacinski –

Is there any chance that we can rule on this application tonight for the January 5-14, 2007 dates and you come back at a later date with those three (3) other requests?

Andy Wirth –
Absolutely.

Commissioner Hermacinski –
Do you have people that stand in the streets and direct traffic when people are arriving and departing?

Andy Wirth –
We do. There is extreme focus on vehicular access and pedestrian traffic crossing Mount Werner.

Commissioner Hermacinski –
Asks for clarification regarding the time music ends?

Andy Wirth –
The music is off at 10:29 p.m. and the place is evacuated by 11:00 p.m.

Commissioner Hermacinski –
Do you anticipate that you'll be back with the same request in 2009?

Andy Wirth –
Yes.

Commissioner Hermacinski –
So you want to continue to use the tent rather than have a permanent facility?

Andy Wirth –
We would much prefer a permanent facility, but we've worked really hard to develop other alternatives and this is the best, so absent a permanent facility, we'll be back.

Commissioner Meyer –
Asked for clarification relative to the email dated August 23, 2007 from Janet Faller (Forester/Snow Ranger – Hahns Peak/Bears Ears Ranger District) relative to parking concerns.

Jim Snyder –
There are a couple pieces of misinformation. We will actually have significantly more parking spaces than we have had in the past, so I'm not sure how Janet was actually trying to express this myself. I think the numbers show that we're going to be better than in the past.

Commissioner Meyer –
How many parking spaces are going to be displaced because of just the tent?

Jim Snyder –

I think the number is 136. There are other activities that have parked in the road and managed that for short periods of time. I wouldn't want to get to that point, but we could manage that if we got to that point.

Commissioner Meyer –

Asked for clarification relative to sound berming.

Jim Snyder –

When we plow the lot the snow will be piled up 10 to 20 feet high.

Commissioner Meyer –

Asked for clarification relative to the use of generators and related noise.

Mike DeGroff –

The generators are just to power the band, and the music at 90 decibels is significantly louder than the generators during that time period. The generators go off at 10:30 p.m. with the music.

Commissioner Lewis –

Who is going to be the most impacted by this?

Andy Wirth –

Those people in the West Condominiums. However, the people involved with bookings have booked up the majority of the property.

Commissioner Curtis –

Did you look into any other possible locations?

Andy Wirth –

Two – the tennis facility and the tennis meadows parking lot (a/ka/ Wildhorse parking lot). Each of those has their pros and cons, as does this site. In the mid 80's our company donated the land to the city that ultimately became the tennis facility. We have always felt very strongly that that facility as it was originally proposed should be a multiple use facility, including these kinds of events. And frankly, that was the original intent. Time has changed that intent and it is now a single use facility that would take a great deal of money to retrofit to meet the fire safety codes. The cost has been roughly estimated between \$350K and \$500K by City staff. It remains there. If we can't find a good solid long-term solution we will in fact be back before City staff to discuss that as a viable solution. We feel very strongly that that is a good facility, particularly that time of year. As it relates to the tennis meadows parking lot, the single biggest concern is the transportation infrastructure. This is a type of business that has a very low incidence of car utilization, so instantaneously we're incentivizing more cars and more vehicular traffic. So we have looked at that plus safety concerns about people walking down there on snowy, icy roads late at night, and we dismissed that for those reasons and many others.

Commissioner Curtis –
What is the tent size?

Andy Wirth –
100 x 180 – the same as it has been for the last two (2) years.

Commissioner Curtis –
Are you planning to have the same height in the snow berm that you always do or can you make it a little higher?

Andy Wirth –
Recognizing that that depends on how much snow we have – the answer to your question is absolutely. We have everything to gain by things going smoothly, so we will be pushing what available snow we have up as high as possible and as can be done safely.

Commissioner Curtis –
Have you received any record of complaints in the past for this event?

Tom Leeson –
In the past we have received isolated complaints here and there, but really not as many as you would think. I did talk to Bob Milne, who is part of the resort company, and he said he had a conversation with the homeowners association – basically he said they were luke warm to the proposal; however, they have a lot of confidence in the Ski Corp managing this, and recognize that there were problems in the first couple of years, although those problems have been mitigated and they have done a very good job in mitigating the impacts. And the homeowners association also had a lot of confidence in Bob Milne and their management company in being able to address some of the potential security issues. So generally speaking, the message I got from him was they are fine with it. Are they fine with it if this is a long-term proposal – absolutely not. They are fine with it if it's a one, two or maybe even a three-year proposal. Beyond that they would probably want to see another location or a different type of facility to mitigate some of the impacts. They are going to be hiring a security company to walk around their site. Generally speaking, what I got from him in terms of the operation is that it has gotten a whole lot better in the last couple of years, and I would say that's reflective of the number of complaints that we've gotten, which really have not been that many.

Commissioner Curtis –
Is this application just for this year?

Tom Leeson –
That's correct.

Commissioner Lewis –
Where did the two complaints come from last year?

Andy Wirth –

As I recall, one was an uphill property owner who was not aware of the event going on (I believe it was an Ironwood second home owner).

Commissioner Lewis –

A complaint a year – that's not very much. Is that what we're talking about?

Andy Wirth –

Yes. I can't tell you that that was the case the first couple of years. It took us a while to get our hands around communication and management. The good news is that there has been nothing changed from that educational path. Our security staff works very close with fire safety and City fire safety, and we hire additional fire safety staff to be there to monitor and keep things in hand.

Commissioner Lewis –

Asked for clarification relative to the total number of events and related days.

Andy Wirth –

The Family Fun Music Festival would be day only events through Saturday and Sunday, so that would be two (2) use days. Charlie Daniels (if he remains in good health) will be the night of the 22nd. Country in the Rockies would be one (1) night. So for the time frame of going out to the 28th, we're talking about two (2) use nights and two (2) use days for that time frame in addition to the request before you – so 11 total.

Commissioner Meyer –

But the tent stays up the whole time and the parking goes away the whole time – correct?

Tom Leeson –

That's right.

Commissioner Engelken –

Does the time fit within the Steamboat Noise Ordinance?

Tom Leeson –

No, it does not. They will be exceeding the decibel level permitted. That can be granted only through the City Manager, but it will be granted by City Council when they review this.

Commissioner Engelken –

Will the snow berms be outside the fenced in area?

Andy Wirth –

Yes.

Commissioner Engelken –

Do you have any sense of the minimum to maximum size of those snow berms?

Minimum to maximum snow berm

Mike DeGroff –

In a light snow years it's probably five (5) to eight (8) feet. Even last year when it was a medium year (200 inches or so), they were still 12 feet tall.

Commissioner Curtis –

Asked for clarification relative to the location of the propane tank.

Mike DeGroff –

The propane area would have to be within the fenced area.

Commissioner Meyer –

Do you agree with staff's calculations that the tent could hold up to 2,500 people?

Andy Wirth –

We do.

Commissioner Meyer –

Asked for clarification relative to pedestrian drop-off, people flow late at night, etc.

Andy Wirth –

We'll actually sell the tent to between 1,700 and 1,900, and we're strict with that number. Most of these people are arriving (in most cases) from Texas, Oklahoma, Louisiana, and southeast mid-Atlanta. These are young adults typically between the ages of 20 and 35. When they are coming in they are arriving by plane or bus and staying at properties that are largely adjacent to the base of the mountain, and the vast majority of the people will walk.

Commissioner Meyer –

I'm concerned more about a large number of people walking across that busy road which is not very well lit at night.

Andy Wirth –

Specifically, we are moving everyone in and out of the Gondola Transit Center or they are walking from their property to this site. The crosswalk will be lit with portable lighting and security personnel will be present.

PUBLIC COMMENTS

Larry Machone, Vice President of Sales & Marketing for Mountain Resorts –

3-13
22-15 13.30

Expressed support for the request and appreciation for the mitigation. We definitely feel this is the best location on the Knoll lot. We support it and it's a great event, and we've got hundreds of property owners that benefit from this and wanted me to come and voice our support.

Tony Dickson, Owner of the Gondola Pub & Grill –
Expressed support for the request. This is a huge event for the base area. This concert week is a busier time than Christmas. It's a really huge draw for the restaurant. I do not think pedestrians crossing the street will be a problem.

FINAL APPLICANT COMMENTS

None.

FINAL STAFF COMMENTS

None.

RECOMMENDED MOTION/FINDINGS

Staff has no findings or recommendations for this application. As stated earlier in this report there is a balance that must be achieved in the resort area between entertainment and vitality to support tourism and peace and quite. It is unclear whether this proposal achieves this balance. Planning Staff is unable to make a determination and Planning Staff will leave it to the applicant to make their case for approval of this application.

MOTION

Commissioner Hermacinski moved to recommend approval of the Knoll, Lot 2 Development Plan (#DP-07-07), for a temporary event (Music Fest) to be held at the Knoll parking lot from January 5 through 14, 2008, plus the additional request for the Family Fun Music Festival day only two (2) day (Saturday and Sunday) event. The Charlie Daniels one (1) night only event, and Country in the Rockies one (1) night only event – for a total of 11 events, with the stipulation that night event music is off at 10:30 p.m. and the place is evacuated by 11:00 p.m. Commissioner Lewis seconded the motion.

DISCUSSION ON THE MOTION

Commissioner Curtis –
I support the motion and I support all the efforts the Ski Corp is doing here. I think they have all the bases pretty much covered. The only concern I have is

procedural protocol with the last minute request of the extension. Granted, it's a relatively minor extension, but we extending it for an additional 13 days, and that's a fairly big request just on a last minute notice. I'll go along with it this time. I'm not really happy that this might set a precedent. I hope it won't happen in the future because if it does I will not support it. Also, I'm a little bit concerned about the noise level at the new area and we'll just have to see how it goes.

Commissioner Levy –

I have a concern relative to pedestrian safety before and after the events. I would like to see some specific language for a friendly amendment that it would require a certain number of personnel for pedestrian safety. I would to have some assurance that there are enough personnel present to keep improper drop-offs from happening and control pedestrian flow, especially after the event.

Commissioner Myller –

That's all spelled out on page 5-12 of the staff report.

Commissioner Meyer –

Do you want to incorporate that into the motion?

Commissioner Hermacinski –

I'm happy to incorporate that into the motion. I would assume that Ski Corp has probably more interest than any other party to make sure that attendees of their events are safe.

Commissioner Engelken –

We have a friendly amendment to incorporate items regarding a traffic flow plan outlined on page 5-12 of the staff report that Commissioner Hermacinski has accepted as a friendly – Commissioner Lewis do you accept that as a friendly?

Commissioner Lewis –

Yes.

Commissioner Lewis –

Originally I was concerned about the noise level but then I realized that I was sort of protecting you from yourselves – that most of the people in that vicinity are either visiting or condominium owners. If I protect the condominium owners who are there and unhappy about the music, I will irritate all the others who are absent and making rent on their units, so it seems like it's a perfect mix – you're making the noise amongst yourselves. And along that line I would suggest that rather than looking to the tennis bubble that you try and accommodate this up in the lodging properties – either at the Promenade area or something else that may arise. Moving it down to the tennis bubble I think gets you a lot more permanent residents that you would be irritating and conflicting with.

Commissioner Meyer –

My reluctance initially is that this is very rare that the staff has no findings or recommendations, which means that if staff were to recommend approval we

would have a list of conditions. It's a little more procedural, but that was really my concern. Too many times we've seen with approvals where things are part of a discussion and yet they don't get put in as conditions of the development plan. I think there's been enough discussion on the record tonight so that when City Council does get our minutes ... and I would hope that staff gives a list of conditions. I think we have in the motion by reference. Those were my concerns going into this hearing. What we're hearing is that these events are feared towards expanding the Ski Corp business, but these are very popular with locals, and that's why I was asking a lot of the questions because it isn't just the visitors that will be coming to these events hopefully. It's some of us in the room. The other thing I mentioned and I want it on the record is that there is an expectation by this applicant that they will be coming back in 2009, and I am willing to approve this, but I want to see how it works this year. Again, this is a new location with logistical challenges. I'll be supporting the motion, but those are my concerns and I would like them on the record for future reference.

Commissioner Myller –
I have nothing new to add.

Commissioner Engelken –
I just have one request of the applicant that given that we have in the motion allowed the extension of time prior to you bringing that to City Council that you bring additional information to them about what is contained in those additional dates, and specific about when those events will be held (day versus night), what those events will be, how many people you expect to draw, etc. I also share Commissioner Meyer's concerns and want to make it very public that I will approve it for this year and future years will be contingent upon what happens this year.

VOTE

Vote: 7/0

Voting for approval of motion to approve: Engelken, Curtis, Hermacinski, Levy, Lewis, Meyer and Myller

Absent: Stopher

Discussion on this agenda item concluded at approximately 8:08 p.m.

ZONE DISTRICT REQUIREMENTS		(ZONE RR-1)
STANDARDS	ZONE DISTRICT REQUIREMENTS	PROPOSED PLAN
LOT AREA	NO MAX. MIN. 5.8 ACRES	
LOT COVERAGE	5' MAX. NO MIN.	0.0%
FLOOR AREA RATIO	NO MAX. NO MIN.	N/A
BUILDING HEIGHT	APHI - 35' ON - 5'	0ft - 3ft MAX
FRONT SETBACK	20'	0.0%
SIDE SETBACK	15'	0.0%
REAR SETBACK	15'	30'
BUILDING SEPARATION	N/A	N/A
UNIT SIZE OR UNITS	N/A	N/A
OTHER STANDARDS	N/A	N/A

SIGNATURE BLOCK

Property Owner / Applicants
 AUDREY WILLIAMS, 555K
 2305 MT WERNER CIRCLE
 STEAMBOAT SPRINGS, CO 80487

Signature: _____

Plans Prepared by
 ERIC SMITH ASSOCIATES, P.C.
 MATTHEW NOLF, ARCHITECT
 2241 SEVENTEENTH STREET
 BOULDER, CO, 80502

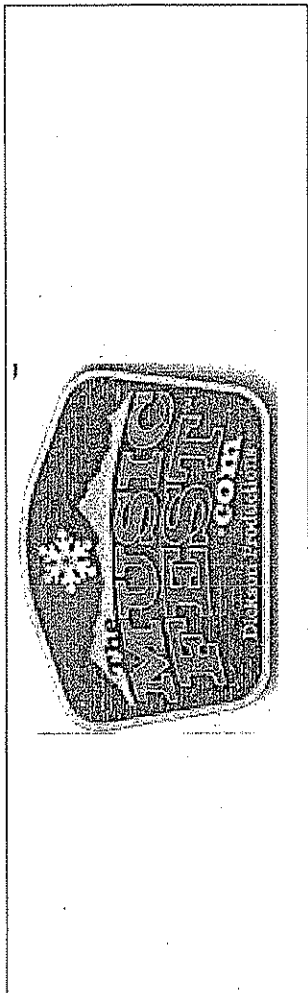
Signature: _____

Director of Planning for City of City
 TOM LEESON

Signature: _____

CONDITIONS OF APPROVAL

DEVELOPMENT PLAN FOR:
LEGAL DESCRIPTION:
 LOT 2, THE KNOLL SUBDIVISION
ALSO KNOWN AS:
MUSIC FEST TENT



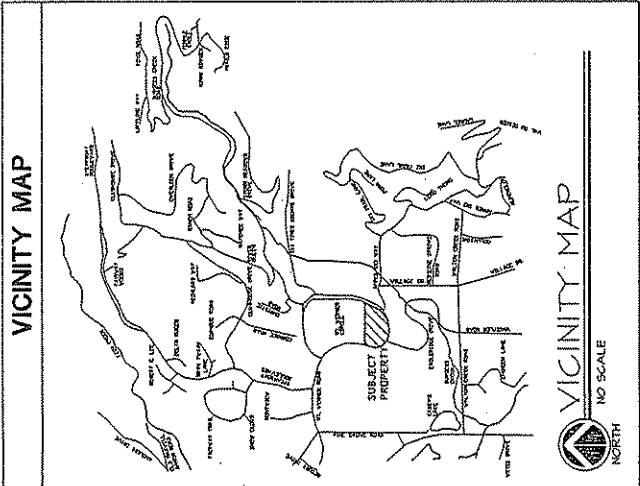
PROJECT TEAM

OWNER:
 STEAMBOAT SKI & RESORT COMPANY
 AUDREY WILLIAMS, FACILITIES DIRECTOR
 2305 MT WERNER CIRCLE
 STEAMBOAT SPRINGS CO 80487
 PHONE 970-871-5936
 FAX 970-871-7844

CITY PLANNER:
 NAME: _____
 ADDRESS 1: _____
 ADDRESS 2: _____
 CITY, STATE, ZIP: _____
 PHONE: _____
 FAX: _____

ARCHITECTS/PLANNERS:
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SOUND ENGINEERS:
 DL ADAMS ASSOCIATES, INC.
 DAVID SCHRAM, ENGINEER
 1101 BOULDER STREET
 DENVER CO 80201
 PHONE 303-455-1900
 FAX 303-455-9187



APPROVALS

PLANNING SUBMITTAL:
 DEVELOPMENT PLAN-CONDITIONAL USE

PLANNING COMMISSION NO. DP-
 HEARING DATE:
 APPROVED BY:

CITY COUNCIL NO. DP-
 HEARING DATE:
 APPROVED BY:

PROJECT INFO.

OCCUPANCY CLASSIFICATION:
 OCCUPANCY GROUP A-2
 MUSIC EVENT TENT

TYPE OF CONSTRUCTION:
 TYPE V - B

ZONING DISTRICT:
 RR-1 RESORT RESIDENTIAL I

PROJECT PHASING:
 ONE PHASE

SHEET INDEX

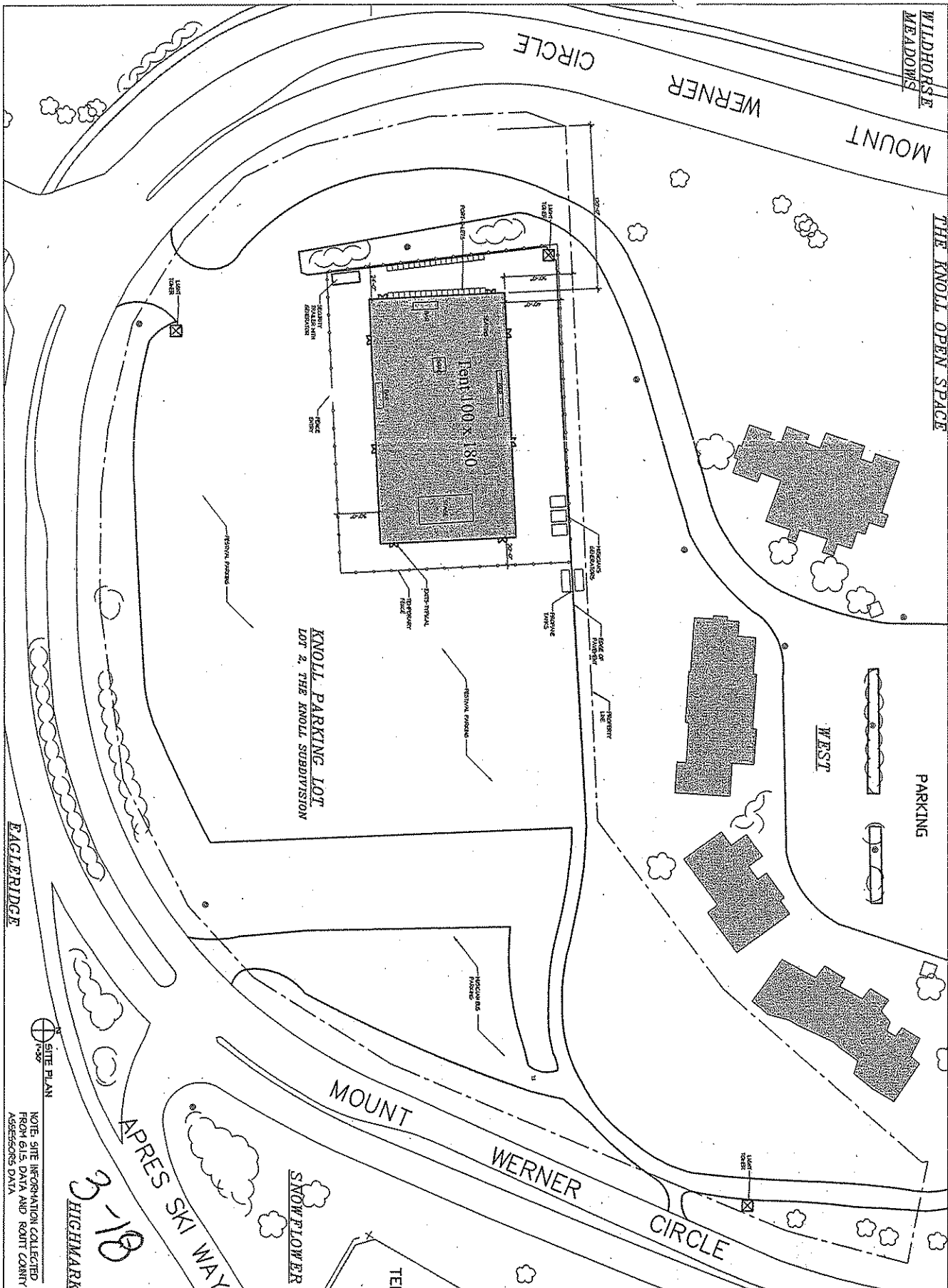
COVER SHEET	COVER SHEET
CDG SECT 01 - DP 1	SITE PLAN
CDG SECT 02 - DP 2	ELEVATIONS
CDG SECT 03 - DP 3	SECTION 1
CDG SECT 04 - DP 4	SECTION 2
CDG SECT 05 - DP 5	SECTION 3
CDG SECT 06 - DP 6	SECTION 4
CDG SECT 07 - DP 7	SECTION 5
CDG SECT 08 - DP 8	SECTION 6
CDG SECT 09 - DP 9	SECTION 7
CDG SECT 10 - DP 10	SECTION 8
CDG SECT 11 - DP 11	SECTION 9
CDG SECT 12 - DP 12	SECTION 10
CDG SECT 13 - DP 13	SECTION 11
CDG SECT 14 - DP 14	SECTION 12
CDG SECT 15 - DP 15	SECTION 13
CDG SECT 16 - DP 16	SECTION 14
CDG SECT 17 - DP 17	SECTION 15
CDG SECT 18 - DP 18	SECTION 16
CDG SECT 19 - DP 19	SECTION 17
CDG SECT 20 - DP 20	SECTION 18
CDG SECT 21 - DP 21	ADDITIONAL STUDIES

TEMPORARY TENT
 Music Fest 2009
 MT WERNER CIRCLE
 STEAMBOAT SPRINGS, COLORADO

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 ARCHITECTS/PLANNERS
 2241 SEVENTEENTH STREET
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 (303)442-5428

JOB NO. 09021
 DATE: JAN 13, 2009
 DRAWN: JAS
 CHECKED: JAS
 DESIGNED: JAS

PLANNING SHEET TITLE
 COVER SHEET
 SHEET NUMBER
DP-1



3-18
 HIGHERMARK
 NOTE: SITE INFORMATION COLLECTED FROM GIS, DATA AND ROUTE COUNTY ASSESSOR'S DATA
 SITE PLAN
 ROAD

ES&A
 ERIC SMITH ASSOCIATES, P.C.
 ARCHITECTURE + PLANNING
 800 WEST COLLEGE
 STEAMBOAT SPRING, COLORADO
 801-864-2440, 801-864-7445 FAX

JOB NO.: 08031
 DATE: MAY 3, 2008
 DRAWN: TJD
 CHECKED: TJD
 PROJECT: 08031
 PHASE: PLANNING PHASE
 SHEET TITLE: SITE PLAN
 SHEET NUMBER: DP2

Temporary Tent Music Fest 2008
 MT. WERNER CIRCLE
 STEAMBOAT SPRINGS, COLORADO

REVISIONS		
NO.	DATE	DESCRIPTION
1	JUN 25 2008	MOVE BUS PARKING

2-20 13.35

MusicFest 2009 Steamboat Springs, Colorado

Now in its 24th year, the MusicFest at Steamboat, scheduled for January 5-10, 2009, is the largest group ski trip of its kind in the nation and its innovative mix of hot, live music centered on a large group trip to Steamboat-Ski Town, U.S.A.® has significantly changed the group trip landscape within the industry. This event, which annually draws nearly 4,000 guests, features the finest Texas and Americana music complete with personal service, competitive package pricing on the best accommodations, and a jam-packed schedule of activities and events to the world-class ski resort of Steamboat.

Historically, January is a slow period for guests across all mountain resort communities. Steamboat has been able to create a unique brand consistent signature event that keeps sales tax and revenues flowing into the community during a need time period. This past year, the event brought more than 3,500 people to the community utilizing nearly all hotel and condominium management companies across the valley. Airline seats on American, Continental, Delta, Northwest and United were also at 93%+ capacity during this time period.

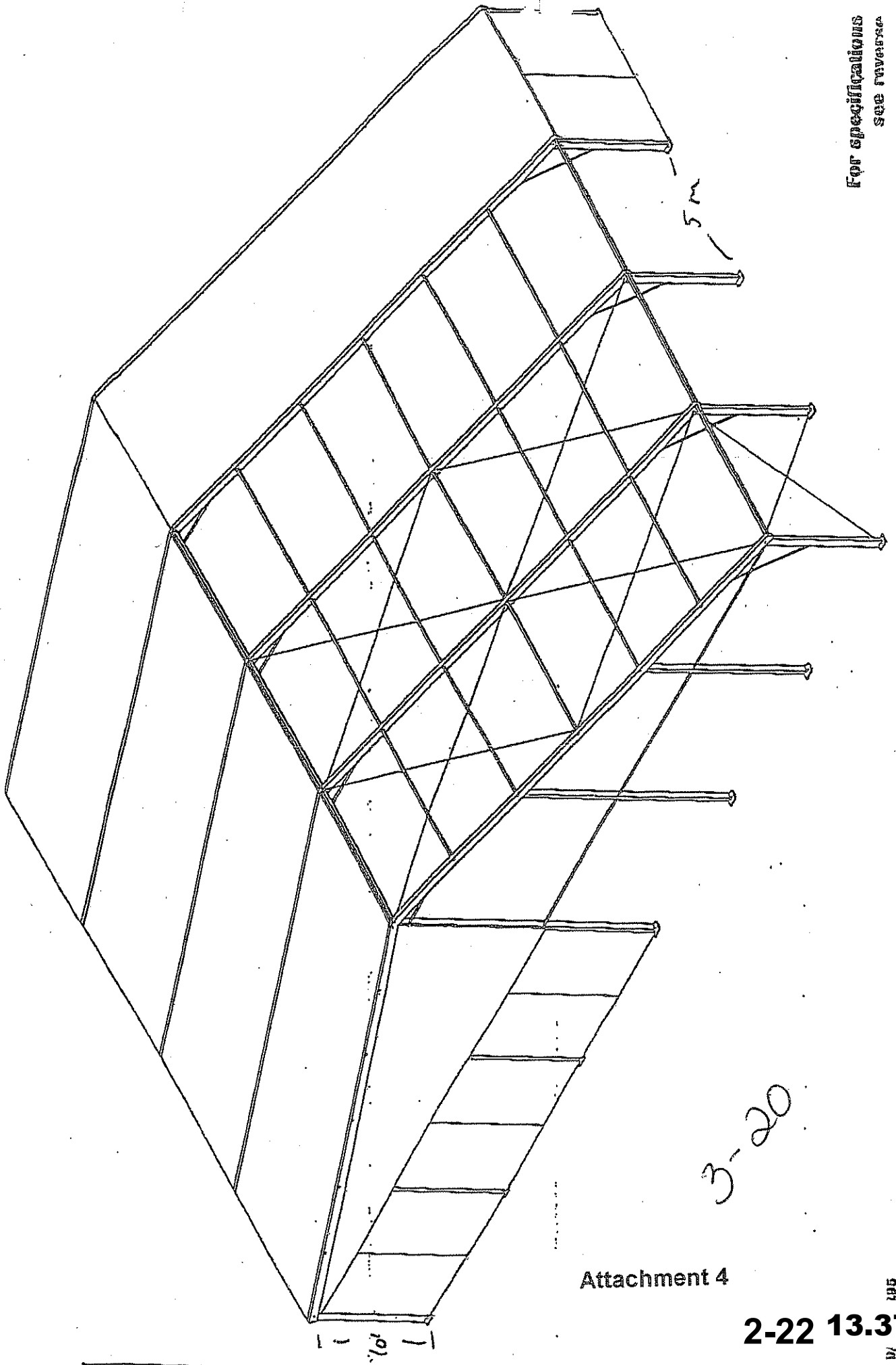
In fact, the resort believes due in large part to this group, sales tax totals have steadily moved from \$1.46 million in 2002 to \$2.16 million in 2008, including surpassing the \$2 million mark for the second consecutive year.

In addition to the purely financial benefits, Steamboat Springs receives an enormous amount of exposure across the United States from MusicFest. A few examples of coverage generated from this event are listed below.

- Participants hail from 48 states and several countries
- Largest collegiate ski trip gathering in the United States.
- Radio Campaign on 50+ FM stations and worldwide Satellite Radio
- Over one hundred hours of broadcast coverage including an XM Satellite channel devoted exclusively to The MusicFest at Steamboat
- Highest One Pass online auction bid in history of Continental Airlines
- Reached 1.8 million through Continental Airlines In-Flight Magazine
- Live television remotes to KHOU-CBS, Houston, Texas
- Recognized by The Center for Texas Music History. and benefits
- Intense coverage in *The MusicFest Magazine*, now in it's 6th year of distribution.
- Print ads in 5 major Texas college newspapers for a 3 week period in September directing readers to www.themusicfest.com for a chance to win a free trip to Steamboat.
- Radio promotions in 12 major cities
- The site www.themusicfest.com receives over 750,000 individual hits along with 15,000 entries into the MusicFest sweepstakes
- PBS filming scheduled for 2009
- ME TV re-broadcast year round to over 300,000 households in central Texas
- National ad campaign including American Cowboy and Texas Monthly
- High profile web site exposure elements on various music related urls/blogs

Knowing that a strong portion of business for January has been secured through consistent and strong groups such as MusicFest means the community can focus on augmenting additional segments during this period. With an uncertain and volatile economy and environment ahead, it has never been more important to retain this group and the business it brings the entire community of Steamboat Springs.

30 METER CLEAR SPAN STRUCTURE

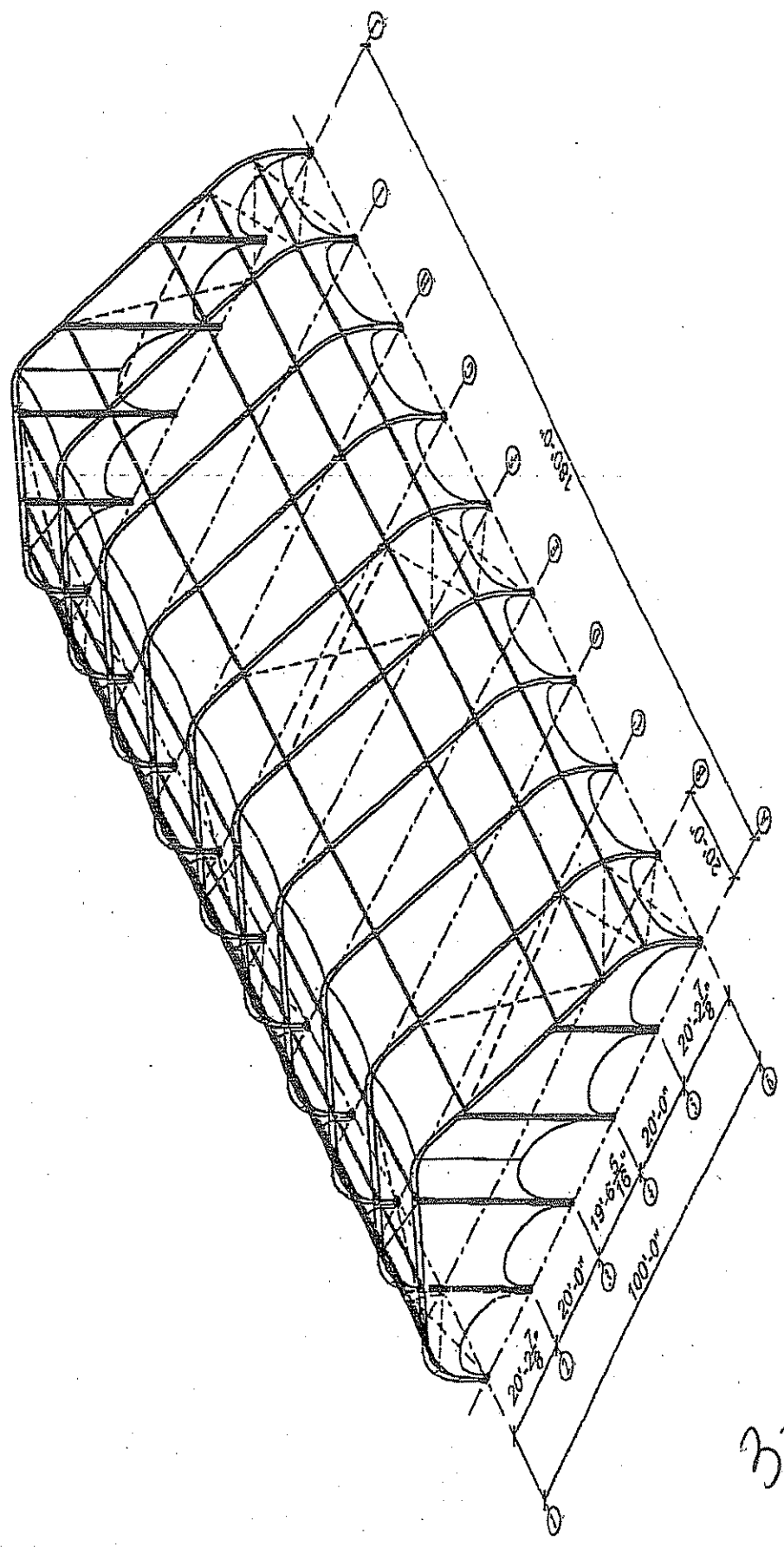


For specifications
see reverse

3-20

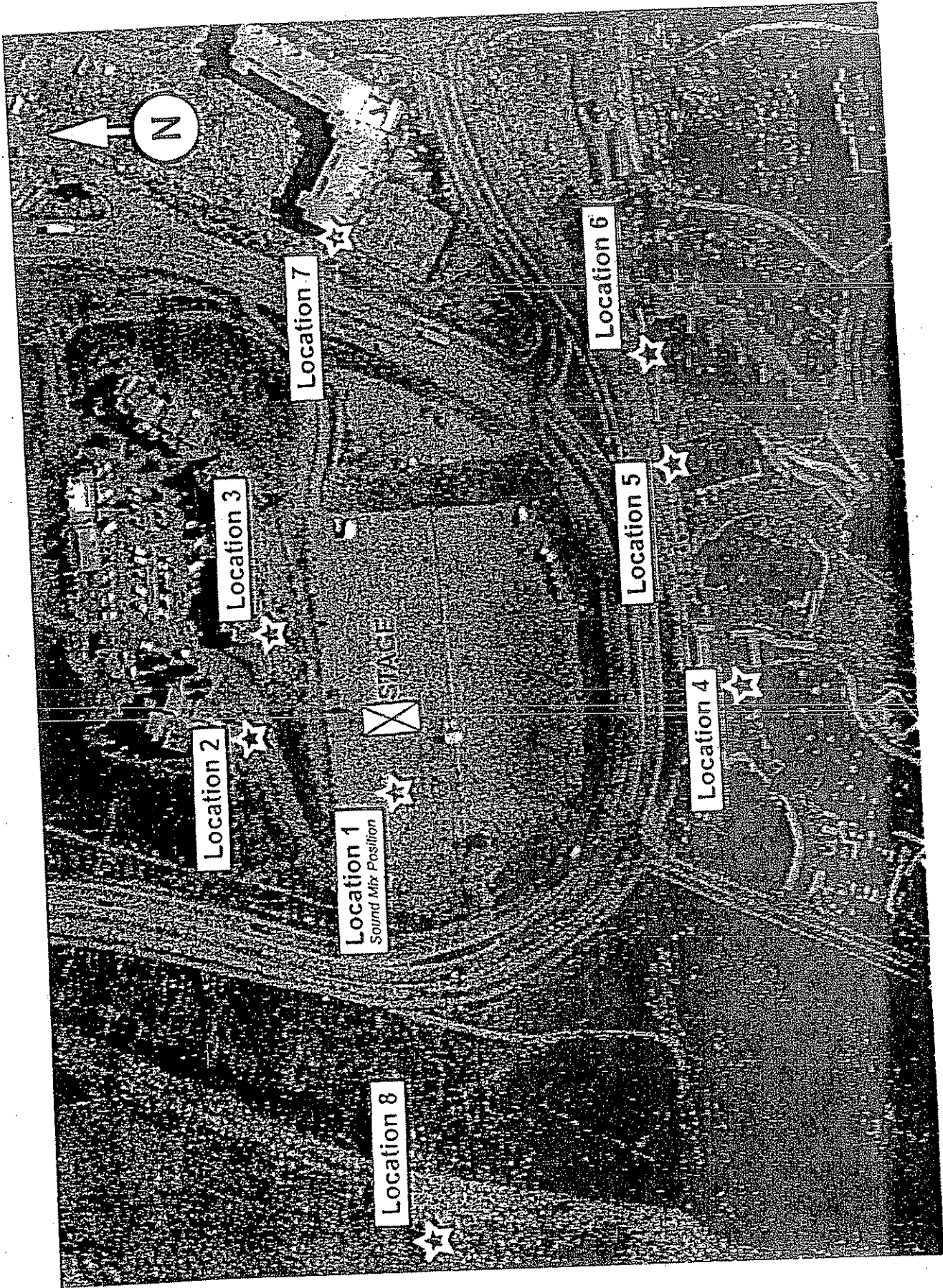
Attachment 4

2-22 13.37

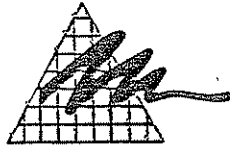


ISOMETRIC ELEVATION

3-21



2-24 13.39
3-22



D. L. ADAMS ASSOCIATES, INC.

Consultants in Acoustics and Performing Arts Technologies

March 7, 2007

Ms. Audrey Williams
Steamboat Ski & Resort Corporation
2305 Mt. Werner Circle
Steamboat Springs, Colorado 80487

Re: MusicFest Tent (DLAA Reference No. 7794)

Audrey -

Please see the attached .pdf document. We have indicated an approximate location of the Music Fest stage, assuming it's facing west, and indicated the approximate distances to nearby residences. Based on the information that was provided to us, the sound levels are given below in dBC values. Note that typically noise codes/ordinances will refer to dBA levels. In general, dBA levels will be lower than dBC values, therefore these predicted levels can be assumed to be "worst case". Additionally, based on our assumed location of the stage, most of the noise heard at the adjacent residences will tend to be all low frequency content. In other words, it will sound very "bassy".

Position 1: assumed location of the Music Fest Stage.

Position 2: approximate location of Music Fest sound mix position (100 ft. from Stage).

Noise levels:

Position 3: 99-101 dBC

Position 4: 91-93 dBC

Position 5: 91-93 dBC

Position 6: 89-91 dBC

Position 7: 88-90 dBC

Position 8: 87-89 dBC

Please let us know if you have any questions regarding the above.

Sincerely,

David J. Schram
Project Engineer/Consultant

1701 BOULDER STREET • DENVER, COLORADO 80211
303/455-1900 • FAX 303/455-9187
www.dlaa.com • denver@dlaa.com

3-23
2-25 13.40

2009 Tent Schedule (tentative)

Name	Date of Function	Location	Type of Event	Time
MusicFest	1/6/09	Tent	Concert	5pm-11pm
MusicFest	1/7/09	Tent	Concert	5pm-11pm
MusicFest	1/8/09	Tent	Concert	5pm-11pm
MusicFest	1/9/09	Tent	Concert	2pm-11pm
MusicFest Extension	1/10/09	Tent	Concert	5pm-11pm
MusicFest Extension	1/11/09	Tent	Concert	5pm-11pm
Employee Party	1/12/09	Tent	DJ	5pm-8pm
Ski Jam	1/13/08	Tent	Concert	5pm-11pm
Ski Jam	1/14/08	Tent	Concert	5pm-11pm
Ski Jam	1/15/09	Tent	Concert	5pm-11pm
Ski Jam	1/16/09	Tent	Concert	5pm-11pm
Family FunFest	1/17/09	Tent	Concert	5pm-11pm
Family FunFest	1/18/09	Tent	Concert	5pm-11pm
Cowboy Downhill	1/20/09	Tent	Cocncert	5pm-11pm

3-24

	Existing Parking	Expanded Meadows Parking	Reduced During Events	
Underground	45	45	45	
Lot 3 (Lower Knoll)	45	45	0	Tour Bus parking & event storage.
Knoll or (Lot 2)	450	450	314	Reduced tent events.
Meadows	800	1000 900	1000 900	Expanded parking lot
Steamboat Structure (Gondola Sq PG)	200	200	200	
City Structure (Ski Time Sq PG)	200	200	200	
Total	1740	1940	1759	

+ 150 for overflow
 + 250 additional spaces + PKW easement
 + $\frac{1659}{150} = 11.06$ Hospital
 1809

MusicFest Tent Parking/Traffic Flow Plan

Lower Knoll Parking Lot

This lot will be blocked entirely for the Music Fest Busses and Trailers. This lot had been used as MusicFest parking in the earlier years.

Knoll Parking Lot

“Event Parking” sign located at the entrance to the knoll Lot.
 Two parking attendants with flashlights parking cars at the east end of the Knoll Lot.
 Only the bands playing in the tent that particular day will be allowed to park behind the tent. They will be asked to move after their performance. This will maximize the parking capacity of the lot during the ski area hours of operation.

Knoll/Mt Werner Crossing

Two attendants with flashlights assisting pedestrians from the Knoll Lot across Mt. Wener Circle.
 Cones with flashers at cross walks
 Portable light tower at cross walk between the Knoll Lot & the Gondola Transit Center.

Event Crowd Control

15 staff members to work security at the Tent during the concerts.
 2 paid police officers to work during the concerts.

3-25

2 paid fire department staff members to work when crowds are expected to reach capacity.

5 of the 15 staff members to assist in dispersing the crowd from the Knoll Lot to the Transit Center buses.

Tent size	100'x 180'	18,000 sq. ft.
Stage	32' x32'	1024
Bars	2	640
Back bar		80
Merchandise		100
Sound/lights		160
Caberet tables	512	<u>(2516)</u>
Net		15,484 sq. ft.
Divide by 7		2,212 capacity
Plus 10% w/fire support		2,433 total capacity

Lost Parking Area (includes a 33' perimeter on the north & south sides and 38' perimeter on the east & west sides.
167' x 257'

Current parking space size based on 10'x19' with the drive lane of 24'
 $167' / 10' = 17$ spaces
 $257' / 24' = 8$ rows with 4 drive lanes

Total loss of 136 spaces

3-26

2009 Tent Schedule

Name	Date of Function	Location	Type of Event	Time
MusicFest	1/6/09	Tent	Concert	5pm-11pm
MusicFest	1/7/09	Tent	Concert	5pm-11pm
MusicFest	1/8/09	Tent	Concert	5pm-11pm
MusicFest	1/9/09	Tent	Concert	2pm-11pm
MusicFest Extension	1/10/09	Tent	Concert	5pm-11pm
MusicFest Extension	1/11/09	Tent	Concert	5pm-11pm
Employee Party	1/13/09	Tent	DJ	5pm-11pm
Ski Jam	1/15/09	Tent	Concert	5pm-11pm
Ski Jam	1/16/09	Tent	Concert	5pm-11pm
Family FunFest	1/17/09	Tent	Concert	5pm-11pm
Family FunFest	1/18/09	Tent	Concert	5pm-11pm
Cowboy Downhill	1/20/09	Tent	Cocncert	5pm-11pm

3-27

MusicFest, January 5-10, 2009

Property	# of Units	%
Super 8	51	85%
Bunkhouse	25	55%
Comfort Inn	23	50%
Holiday Inn	20	
Ptarmigan Inn	30	45%
Shadow Run	26	over 75%
Plaza	24	Whole property*
Rockies	17	50%
Timber Run	57	Whole property*
Yampa View	11	Whole property*
Promontory	5	
Ski Trails	9	Whole property*
The Lodge	69	Whole property*
Ski Inn	29	Whole property*
Ski Time Square	18	Approximately 50%
SM CB	39	Approximately 75%
SM Club	27	Approximately 60%
Ranch	30	
Waterford	8	Whole property*
The Grand	81	
Ptarmigan House	7	Whole property*
Kutuk	17	Whole property*
Snowflower	17	Whole property*
Dulany	16	Whole property*
Canyon Creek	22	Whole property*
EagleRidge Lodge	18	Whole property*
LaCasa	13	Whole property*
The West	35	Whole property*
Inn at Steamboat	10	Approximately 50%
Sheraton	10	
Phoenix	3	
Trappeurs Crossing	5	
EagleRidge TH	10	
Cross Timbers	3	
Terraces	2	

*We have the whole property with the exception of a few owners in house (less than 10% at each property)

3-28

The Knoll, Lot 2 (Music Fest Tent) #DP-08-04 Development Plan application to construct a temporary tent and hold a temporary event (Music Fest) at the Knoll Parking Lot.

Discussion on this agenda item started at approximately 6:13 p.m.

STAFF PRESENTATION

Gavin McMillan –

This is a temporary structure that will be up from January 6-23. We have public comments from Chris McAlpine, John Kwiatkowski, and David Schram. There was also a letter from Janet Faller from the Forest Service.

APPLICANT PRESENTATION

Rob Perlman –

He mentioned how the tent will be located in the Knoll Parking Lot. They have spoken with YVMC and will be able to use some of their parking spaces for any potential overflow parking. The newly expanded Meadows Parking Lot will also give them up to 200 more parking spaces.

COMMISSIONER QUESTIONS

Commissioner Levy –

Isn't there something about a new agreement with the Ski Corp. and YVMC for those parking spots?

Perlman –

Yes, there was a concern about having additional parking for this event and there was some concern with having some snow storage. Since there was an expansion with The Meadows Lot, this will allow for some additional parking spots. We also had an agreement with YVMC for some additional parking spots.

Commissioner Levy –

I also noticed in your access plan that you're going to maintain a plowed pathway between GTC and The Knoll Parking Lot. There is more traffic heading towards Ski Trail Lane, Après Ski Way, and Mount Werner Circle with the new circle in place. Will there be any safety enhancements or pedestrian control for that intersection as well?

Perlman –

The pathway is going to be plowed. There is new and better lighting than in the past. We will have additional staff controlling the pedestrians as they come out of the fest.

Commissioner Levy –

Another problem that I noticed was resort shuttles dropping people off at the entrance to the parking lot. Last year that was not the plan and they were supposed to drop off

at GTC. I was wondering how that is going to happen this year and how you plan to control that.

Audrey Williams –

We will request that the resort shuttles drop their guests off at GTC, but that is all we can do since they sometimes will still listen to their guests and drop them off as close to the tent as possible.

Commissioner Levy –

Will you have staff there at the entrance to the Knoll Parking Lot to facilitate that drop off?

Audrey Williams –

Yes.

Commissioner Curtis –

Referencing Janet Faller's letter from the Forest Service do you anticipate using YVMC parking spaces just during the time of the music fest or throughout the whole season?

Perlman –

This would only be during the music fest. Those are the only alternative spaces besides the newly expanded Meadows Lot.

Commissioner Curtis –

Are those the only other alternative parking spaces that you would be able to use?

Perlman –

Those are the only alternative spaces available to us, but we don't foresee needing any additional offsite parking.

Commissioner Curtis –

In our packet on pg 3-28 there's a reference to the properties and number of units that will be utilized by the music fest attendees. Could you explain that a little bit? Can you explain how the percentages being used all came about and is that new or has that been used in the past?

Katie Brown –

This is where the guests are staying.

Commissioner Curtis –

Is this just during the time of the music fest or is this during the entire time of the ski season?

Katie Brown –

This will only be during the time of the music fest.

Commissioner Curtis –

With the units where you will be renting the whole property out, with the exception of a few owners, has there been any kind of consensus with those few owners that they agreed to rent their entire properties out to these music fest attendees?

Katie Brown –

She explained how the owners thought about this and how the management companies would help to house the music fest attendees.

Commissioner Dixon –

In the letter from John Kwiatkowski, you mentioned that you would be renting out the whole property of Snow Flower for this event. Is that letter of a concern?

Gavin McMillan –

This is a surrounding property owner, so yes, the letter is valid

Katie Brown –

This is just a property owner that's concerned about having empty bottles and trash thrown on his property.

Commissioner Dixon –

Do you have people that clean up after each event and will that concern be taken care of?

Perlman –

Yes, we want it to be a pleasant experience for everyone. This is supposed to be a family oriented event, but there are always a few sour apple's who ruin it for everyone.

Katie Brown –

We have not seen that traffic has been a problem with the surrounding property owners in the past.

Commissioner Curtis –

The past year, you indicated that you were going to be upgrading your master plan. Can you give us any more information of the overall master plan and do you have any information on permit parking in the area?

Jim Snyder –

We will have close to 200 spaces in the winter. We have only seen a couple of days where we went into overflow. We think that we can handle all of the cars.

Chairman Meyer –

The staff report on pg 3-25 indicated the existing parking at 800 and the expanded at 1000. What you're saying is that you were not able to finish the paving for this year? The amount for this year will be 100?

Jim Snyder –

When we finally did get a letter of credit it was too late and we were unable to finish the paving in time. We will pick that up in the summer and there will be 200 additional spaces available.

Chairman Meyer –

So you'll complete another 100 spaces next year, giving a total for next year of 200. What about all of the construction right now that's being staged and stored in the Meadows Parking Lot?

Jim Snyder –

It will be removed.

Commissioner Levy –

Do we have any record of any noise complaints from last year's event and location?

Gavin McMillan –

No.

Commissioner Levy –

You talk about the Director being able to review the criteria for this application and ensure that it substantially conforms. I want to make sure that includes any issues like noise, traffic, etc. I don't know how much of that is in use with the criteria if all of those factors can be used in reviewing the administrative approval after this year.

Gavin McMillan –

The intent of that is to give the Director the discretion to say that if there was a complaint about the event last year, then we would review it in a public hearing. That's the method that we came up with.

Commissioner Levy –

Is that condition open to what criteria the Director can use to review the product?

Gavin McMillan –

Correct.

Commissioner Levy –

We're losing 136 spaces and gaining 100 with The Meadows expansion. During the week there is still a net loss in parking. Of your documented overflow days were those during the tent event during the week?

Audrey Williams –

There were only 2 days where we had overflow parking and this was after the tent event. There were no overflow dates prior to January 12th.

Commissioner Levy –

If we had a powder day during the week last year during the tent event was there any overflow parking?

Audrey Williams –

No.

Commissioner Levy –

All of our records for overflow parking are just based upon these observations. Do we have any of our own records?

Gavin McMillan –
Not that I'm aware of.

PUBLIC COMMENTS

Bill Jameson –
To come back this year I think is great. The tent went up before the festival. Their parking last year was plenty adequate. I don't know how someone can have a joint parking agreement and have plenty of parking for their business. They need YVMC to have a certain number of parking spots available. When they put the tent up before they have the event, then they should be trucking snow before they use non-Ski Corp. sites. I don't have any problems with the noise and tents since I live on Burgess Creek Road. Their onsite overflow parking should be adequate and they need a better solution. For you to put up on a tent, you need to make sure you have the parking spots available for overflow parking.

FINAL APPLICANT COMMENTS

Jim Snyder –
The construction of the parking lot doesn't operate on the weekends. That's not an issue of their requirements to have these additional parking spaces. The snow storage isn't a problem. The problem is finding a place to store it. By taking up a few parking spaces for the snow storage isn't a problem since we have ample parking for the next few years.

FINAL STAFF COMMENTS

Commissioner Levy –
Does the permit date start January 6 and is that the only time that they can start to use the parking structure for the erection of the tent?

Gavin McMillan –
That's the information that we received. To have the tent from January 6-20.

Commissioner Levy –
When does their permit allow them to start occupying spaces? The weekend before is a Monday, but the weekend before is the 3rd and 4th and I would imagine that we will still be seeing high traffic from the holidays on those dates.

Perlman –
Our permit actually starts on January 2nd. We understand that is a busy weekend. We're going to try to put the tent up on the 4th, but it may be on the 3rd instead.

Chairman Meyer –
Your tent is up until the 23rd, is that correct?

Gavin McMillan –

Yes, the event is from the 6th to the 20th. The permit states that the tent will be up from the 2nd –23rd.

RECOMMENDED MOTION:

Staff finds that the Development Plan for a temporary structure to be used for a temporary event to be held for twelve days between January 6, 2009 and January 20, 2009 at the Knoll Parking Lot is consistent with the Criteria for Approval for a Development Plan with the following conditions;

- 1.) The applicant will maintain a clear pedestrian walkway from the Knoll Lot to the Grand Hotel for the duration of the temporary event.
- 2.) This approval will be valid for a period of three years to allow a temporary event and the associated temporary structure to be located on the knoll lot during January of 2009, 2010, and 2011. The applicant will be required to complete a Use with Criteria application for a temporary event before each of these subsequent events. The Director of the Department of Planning and Community Development will review the Use with Criteria application to ensure that the proposed event substantially conforms to the temporary structure approved in file #DP-08-04. If the Use with Criteria application does not substantially conform with the temporary structure approved in file #DP-08-04 the Director may require that the event obtain approval of a Development Plan.

MOTION

Commissioner Hanlen moved to approve DP-08-04 for The Knoll, Lot 2 (Music Fest Tent) with the listed conditions and the change of dates from January 2nd-23rd
Commissioner Dixon seconded the motion.

DISCUSSION ON THE MOTION

Commissioner Levy –

I have concerns with relying on Ski Corps record for overflow parking and I was wondering if City staff or a compliance enforcement officer could take a little bit more of an active role in the situation during this time period. I don't want to add this as an amendment if staff doesn't think that it is reasonable. I would like to see a little bit more of an active role by the City so that when it does come up for administrative review we do have some of our own data. Do you feel that is appropriate?

Tom Leeson –

Yes, we can do that.

Commissioner Levy –

Do I need to make that as a friendly amendment to the conditions?

Tom Leeson –

No, because that's not something that they have any control over.

Commissioner Curtis –

Regarding the letter from the Forest Service do you know if they're concurring with this proposal? I'm not seeing anything stating that they concur with the parking scenario other than what they do say is that the master plan that the Ski Corp. has submitted

does not reflect the actual situation on the ground. I'm not clear if they have to upgrade their master plan to the Forest Service or what the Forest Service's position is with this policy.

Commissioner Dixon –

In the 2nd paragraph, last sentence, it does state that the parking they will be providing is consistent.

Gavin McMillan –

This parking plan does meet the requirements of the master plan.

VOTE

Vote: 5-0

Voting for approval of motion to approve: Meyer, Curtis, Dixon, Levy and Hanlen.

Absent: Beauregard, Ernst, and Fox.

Discussion on this agenda item concluded at approximately 6:45 p.m.



October 18, 2011

City of Steamboat Springs
Dept. of Planning
P.O. Box 775088
Steamboat Springs, CO 80477

RE: Music Fest/Lot 2, Knoll Subdivision DP-08-04

Entering its 27th year, MusicFest 2012 will bring approximately 4,800 people from around the country to Steamboat Springs this January. This event draws thousands of ski-loving, music-loving folks to Ski Town, USA, including more than 30 bands playing Texas and Americana music.

MusicFest represents an extremely important piece of business during a need time frame for the entire Steamboat Springs community. The Steamboat Ski & Resort Corporation would like to amend the condition of approval for the MusicFest tent in the Knoll Lot in January indefinitely. Attached please find a check in the amount of \$1000.00 for the 2012 MusicFest tent for this request per Jason Peasley. I have also attached a copy of the concert/event schedule for the upcoming event in January 2012.

Last year, the event extended house music time until 11:30pm. It worked well that the guests were not ushered out of the tent so quickly and there was not a mass rush to the Steamboat Grand and to the Gondola Square Transit Center. This allowed shuttle busses to have time and capacity to do a couple of rounds to various lodging properties and the Gondola Square Transit Center. A clear pedestrian walkway will be maintained from the Knoll lot to the Grand Hotel for the duration of the temporary event.

Sincerely,

A handwritten signature in cursive script that reads "Audrey Williams". The ink is dark and the signature is fluid.

Audrey Williams 871-5336
Facilities Director
Steamboat Ski & Resort Corp.

2012 Tent Schedule

Name	Date of Function	Location	Type of Event	Time
MusicFest	1/6/12	Tent	Concert	5pm-11:30pm
MusicFest	1/7/12	Tent	Concert	2pm-11:30pm
MusicFest	1/8/12	Tent	Concert	5pm-11:30pm
MusicFest	1/9/12	Tent	Concert	2pm-11:30pm
MusicFest	1/6/12	*New Stage	Concert	1pm-3:30pm
MusicFest	1/7/12	*New Stage	Concert	1pm-3:30pm
MusicFest	1/8/12	*New Stage	Concert	1pm-3:30pm
MusicFest	1/9/12	*New Stage	Concert	1pm-3:30pm
Employee party	1/10/12	Tent	DJ	5pm-7:30pm
Public Concert**	1/10/12	Tent	Concert	7:30pm-11:30pm

*New Stage at Base Area – concert open to the public

**Tentative concert

AGENDA ITEM # 0

CITY COUNCIL COMMUNICATION FORM

FROM: Bob Keenan, Senior Planner (Ext. 260)
Tyler Gibbs, AIA, Director of Planning and Community Development
(Ext. 244)

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

DATE: December 20, 2011

ITEM: Gondola Square Condominiums (Hungry Dog Food Cart)
#DP-11-05

NEXT STEP: If City Council approves this application then the applicant may proceed with the outdoor sales use.

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

PROJECT NAME: Gondola Square Condominiums (Hungry Dog Food Cart)
#DP-11-05

LOCATION: 2305 Mount Werner Circle

PETITION: A conditional use permit for outdoor sales in a mobile vending cart located at Gondola Square Condominiums.

APPLICANT: Bradley Somers, PO Box 776237, Steamboat Springs, CO 80477
(970) 819-2224

PC ACTION: Planning Commission voted to approve on December 8, 2011; Vote: 7-0;

EXECUTIVE SUMMARY:

The applicant is proposing outdoor sales in a mobile food cart (see Attachment 1) at 2305 Mount Werner Circle or Gondola Square Condominiums. Gondola Square Condominiums is located at the heart of the Steamboat base area and is also known as Gondola Square. The applicant is proposing to locate the food cart in the area where Gondola Square transitions to the One Steamboat Place plaza and adjacent to Christy Sports, the Steamboat Ticket Office, and Ski School Ticket Office.

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. Conditions may be placed upon these uses as deemed appropriate in order to avoid or mitigate potential impacts.

Please see attached Planning Commission Staff Report for more detailed information.

Planning Commission Discussion:

The Planning Commission discussion on this item was very brief. They asked the applicant if he had a plan to deal with snow storage at his cart location in which he answered that he does.

They had also mentioned that outdoor sales use should be revisited to see if there is a better way to process these types of uses. This will be a policy discussion item for a future Planning Commission meeting.

Please see attached meeting minutes for more information.

Public Comment:

There was no public comment on this item.

Recommended Motion:

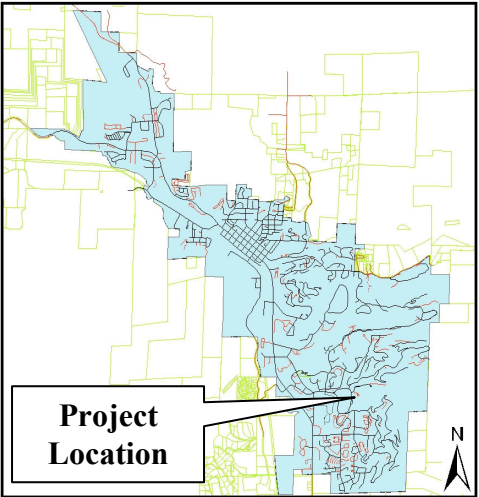
On December 8th, with a vote of 7-0, the Planning Commission recommended approval of the outdoor sales conditional use for the Hungry Dog Food Cart.

List of attachments:

Attachment 1 – Planning Commission Staff Report
Attachment 2 – Planning Commission Draft Meeting Minutes

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT STAFF REPORT

PLANNING COMMISSION AGENDA ITEM # 5:	
Project Name:	Gondola Square Condominiums (Hungry Dog Food Cart) #DP-11-05
Prepared By:	Bob Keenan, Senior Planner (ext. 260)
Through:	Tyler Gibbs, AIA, Director of Planning and Community Development (Ext 244)
Planning Commission (PC):	December 8, 2011
City Council (CC):	December 20, 2011
Zoning:	Gondola - Two (G-2)
Applicant:	Bradley Somers, PO Box 776237, Steamboat Springs, CO 80477 (970) 819-2224
Request:	A conditional use permit for outdoor sales in a mobile vending cart located at Gondola Square Condominiums.



Project Location

2305 Mount Werner Circle

Staff Report - Table of Contents		
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I. COMMUNITY DEVELOPMENT CODE (CDC) – STAFF ANALYSIS SUMMARY

CDC - SECTION 26-65 (E): NO DEVELOPMENT PLAN SHALL BE APPROVED UNLESS THE PLANNING COMMISSION AND CITY COUNCIL FIND THAT THE PLAN MEETS ALL OF THE FOLLOWING CRITERIA:

Subsection	Consistent			Notes
	Yes	No	NA	
1) Complete Application	<input checked="" type="checkbox"/>			
2) Conformity with Community Plan	<input checked="" type="checkbox"/>			
3) Consistency with Surrounding Uses	<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"/>	One Phase
8) Compliance With Other Standards	<input checked="" type="checkbox"/>			
9) Variance Criteria			<input checked="" type="checkbox"/>	No variance requested

Staff Finding: Staff finds that the outdoor sales application to operate a food cart at Gondola Square is consistent with the required findings for approval of a Conditional Use Permit.

.... (Detailed projectg analysis is located in Section IV; Staff Findings and Conditions are in Section V)

Project Location Map: 2305 Mount Werner Circle



II. PROJECT DESCRIPTION

The applicant is proposing outdoor sales in a mobile food cart (see Attachment 1) at 2305 Mount Werner Circle or Gondola Square Condominiums. Gondola Square Condominiums is located at the heart of the Steamboat base area and is also known as Gondola Square. The applicant is proposing to locate the food cart in the area where Gondola Square transitions to the One Steamboat Place plaza and adjacent to Christy Sports, the Steamboat Ticket Office, and Ski School Ticket Office.

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. Conditions may be placed upon these uses as deemed appropriate in order to avoid or mitigate potential impacts.

III. PRINCIPAL DISCUSSION ITEMS

Are outdoor sales in a mobile vending cart an appropriate use in the G-2 Zone District in Gondola Square?

Planning staff finds that this is an appropriate use in this pedestrian oriented plaza area at the heart of the Steamboat base area. However, staff believes that with the help of the local business interest group there could be some kind of plan for location and aesthetics for these food carts and kiosks. This would also be appropriate for the downtown area.

IV. PROJECT ANALYSIS

A) CRITERIA FOR APPROVAL

CDC - Section 26-65 (e): 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(e)(1): Complete Application

Staff Analysis: **Consistent;** The Development Plan application and supporting materials for the proposed outdoor sales are complete.

CDC - Section 26-65(e)(2): Conformity with Community Plan

Staff Analysis: **Consistent;** The proposed use furthers the following Community Plan goals and policies:

- Goal ED-2: Steamboat Springs will support the maintenance and expansion of local businesses.
- Policy ED-2.1: Support opportunities to expand and increase the number of local businesses in Steamboat Springs.

CDC – Section 26-65 (e)(3): Consistency with Surrounding Uses

Staff Analysis: **Consistent;** The proposed outdoor sales in the mobile vending cart is consistent with adjacent commercial uses in this pedestrian oriented plaza within the Steamboat base area.

CDC – Section 26-65 (e) (4) Minimize Adverse Impacts

Staff Analysis: **Consistent;** Staff finds that the proposed use will minimize adverse impacts on the surrounding uses in the area. The activity generated by a mobile vending cart is consistent with the activity generated by the other commercial uses in the area.

CDC – Section 26-65 (e) (5) Access

Staff Analysis: **Consistent;** Staff finds that the existing development provides adequate access for pedestrians and vehicles.

CDC – Section 26-65 (e) (6) Minimize Environmental Impacts

Staff Analysis: **Consistent;** The proposed use minimizes adverse impacts on the natural environment. The applicant must receive approval from Routt County Environmental Health to operate a mobile vending cart.

CDC – Section 26-65 (e) (7) Phasing

Staff Analysis: **NA;** The project will be developed in one phase.

CDC – Section 26-65 (e) (8) Compliance with other Standards:

Staff Analysis: **Consistent;** Staff finds that the proposed use complies with all other applicable requirements of the CDC.

V. STAFF FINDING & CONDITIONS

Staff Finding

Staff finds that the application to conduct outdoor sales in a mobile vending cart at Gondola Square Commercial is consistent with the required findings for approval of a Conditional Use Permit with the following conditions:

VI. ATTACHMENTS

Attachment 1 – Site Plan and supporting material

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**STEAMBOAT SPRINGS PLANNING COMMISSION MINUTES
DECEMBER 8, 2011**

The special meeting of the Steamboat Springs Planning Commission was called to order at approximately 5: p.m. on Thursday, December 8, 2011, in the Citizens' Meeting Room, Centennial Hall, 124 10th Street, Steamboat Springs, Colorado.

Planning Commission members in attendance were Chairman Jason Lacy, Troy Brookshire, Brian Hanlen, Rich Levy, Kathi Meyer, Jennifer Robbins and Norbert Turek.

Absent: None

One alternate position is vacant.

Staff members present were City Planner Seth Lorson, Senior Planner Bob Keenan and Staff Assistant Carolyn Sandstrom.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None.

ELECTION OF OFFICERS

Nominations were requested for Chairman, Steamboat Springs Planning Commission.

Commissioner Meyer nominated Jason Lacy to continue as Chairman of the Commission. That motion was seconded by Commissioner Hanlen.

Vote in favor or retaining Jason Lacy as Chairman. Unanimous 7-0 non opposed

Commissioner Robbins nominated Kathi Meyer as Vice Chairman. The motion was seconded by Commissioner Hanlen.

Vote was unanimous to retain Kathi Meyer as Vice Chairman. 7-0

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Original Town of Steamboat Springs, Block 8 Lots 11 & 12 (Tread of Pioneers) #DPF-11-02 (PUD) Demolish the existing historically significant collections house and construct a new collections building and additional display space

Discussion on this agenda item started at approximately 5:10 p.m.

Commissioner Meyer stepped down from this discussion and agenda item stating there was not a direct conflict but may have an inadvertent conflict that she did not wish to bring forward and excused herself from the meeting.

STAFF PRESENTATION

Seth Lorson –

The proposed project is a 3,215 square foot addition consisting of a new collections building and a 500 sq ft display space.

The proposal has 4 variances and hence is being processed as a PUD. The variances include a .62 floor area ratio, the standard is .50, 4 ft. front set back, which varies from the standard 10 ft. and 5 ft. side set back which varies from the 10 ft. standards. And proposing zero additional parking spaces are proposed with 4 existing and another 1.8 will be required for this addition.

The proposed design is consistent with the existing commercial neighborhood design standards, as you know this project has been heard at Historic Preservation Commission, at which time they recommended demolition of this historically eligible building. The minutes are in your packets. The pre-application was also heard by Planning Commission and City Council at which time there was no vote.

Staff finds that it is consistent with applicable development standards and consistent with criteria for review and approval for the proposed variances. The applicant is here to respond to any specific questions as well staff is here to respond to any questions on the report and the CDC.

APPLICANT PRESENTATION

Eric Smith-

Essentially the building that is before you tonight is the same application for intensive purposes. I am to make a presentation or answer questions from the board, basically this is the same application you have looked at before.

Commissioner Robbins-

There are no changes at all?

Eric Smith-

Very minor changes; a couple little tweaks to the elevation, but basically what you are seeing tonight is what you saw at the Pre-App.

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Commissioner Levy-

As this is a pretty big public interest, I would think maybe some short presentation might be appropriate for those who were not here for the Pre-App.

Commissioner Lacy-

Would you be prepared to do that Eric?

Eric Smith-

I am happy to do that; (using a PowerPoint presentation) The perspective you see, and I will reference the one on the right if it is easier for you to see, the existing Zimmerman House with the existing Utterback House is located next to it, what we are proposing is to simply reconstruct the collections house behind the Zimmerman House and do a connecting link that will expand the basic exhibit space for the museum and we are going to incorporate the current free standing building that encloses the snow cat into a connecting link that will connect the museum to the collection house.

(Next Slide) This is a site plan showing the existing layout on the property with the Utterback, Zimmerman and the existing Collections House, a couple things that are interesting to note is that the existing collections house sits basically a foot off of the alley, its approximately ten foot off of 8th street. (pointing to the slide) This is where that existing snow cat sits, which comes up to about five feet from the property line on 8th street, the existing Zimmerman House is a little less than a five foot setback from 8th street with the front porch there, and this diagonal line you see is the electrical service that comes into the existing Zimmerman House, there is a lot of electrical switch gear and so forth on the back corner of the building.

(Next Slide) This is the proposed new collections house building and the connecting link we are proposing to add to the existing Zimmerman House which provides for expansion of the existing exhibit space in the museum, and then we are building in the snow cat display storage in front, proposing to change the sidewalk that currently does not physically goes to the front of that. We think that display is something that pedestrians should be encouraged to go up to, and look at that exhibit so we are proposing to expand that sidewalk neck to the front of that snow cat display area so we have a visual connection.

One thing that is important to note is that this electrical line stays so we don't have to spend the money to relocate all the electrical service to the Zimmerman House which then feeds the entire property. The proposed collection building reconstruction stays clear of that electrical line which saves a substantial amount of money.

(Next Slide) This is the floor plan showing the main floor of the Utterback House, the main floor of the Zimmerman House that currently ends right here (pointing to an area on the slide) so we are doing an expansion on the back of the Zimmerman House which will essentially work as an expansion to the exhibit space in the museum itself and then the collection house in the back will basically be a work room, it will have a lift or freight elevator actually to be able to move these things from floor to floor, the basement has a large rectangular storage area connected by an exit stair and then the loft up above essentially is a large rectangle as well to accommodate these large moving storage

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systems to maximize the display space we have within the building and then a back porch in the back to accommodate all our loading and unloading in a covered area.

(Next Slide) This is an elevation super imposed the proposed collection house that shows basically the relocation of this free standing snow cat building up against the building to provide a physical connection there. This is the alley elevation of the house, you'll note the front and back elevations essentially maintain the same twelve twelve pitch roof that is characteristic with the pitched roves in the neighborhood, with the dormers on each side to breakdown the mass of that building. Have a front porch on the front section and a back porch on the back section that will accommodate our loading and covered storage for the trash cans.

(Next Slide) This is the rear elevation from the parking lot, you can see the Utterback House and Zimmerman House in the background and this is the flat roof connection that will occur, this is where the existing property ends. So this is that flat connection and the collections house behind it facing the alley. Might add that the setback now is back five foot from the alley to be able to provide some sort snow storage off the alley and to make sure we are setting ourselves back from that alley exposure.

(Next Slide) This is just a photograph looking at the front of the Zimmerman House; you can see the existing collection house in the background and essentially the new collections house will be in the same location.

(Next Slide) This is from the Utterback House and another shot from and angle from the front.

(Next Slide) This is the front of the existing collection house, you can see the corner of the snow cat storage case, this is the alley view showing the backside of this house where windows have been cut out, there have actually been a lot of modifications at this house over the years. This is the trash storage area looking again from the alley back towards the back corner of the building.

(Next Slide) This is the side of the collection house that faces into the Zimmerman House, again siding is metal, the old siding has been destroyed and the windows are gone and have been boarded up in this location.

And that is it, I am happy to answer any questions.

COMMISSIONER QUESTIONS

None

PUBLIC COMMENTS

Jane Hill-

I am a long time board member for the Tread of Pioneers Museum; this has been something we have labored over and I think the issue has come out in the paper today. I think our decision is what's inside that collection house tells the very story of the heart and soul of Steamboat Springs and those artifacts. And the house itself has had not significant person ever lived in it, the history house as far as personality it is really not there, the

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condition of the house is poor, we have to do a very specialized basement because we are in water flow area from the river, we would have to lift that house, place it somewhere else while we did that work, and then bring it back. I am not sure where we would keep the house, be it in the parking lot across the street which I am sure the City would not be too happy about having the house sitting there. There are just so many problems with this old house, we have after giving it much thought and we have been in this process for three years, we have decided that it is better to provide a place for the things that belong to Steamboat Springs and tell our story then to preserve a house that really doesn't teach people much and doesn't have much of a story.

I have been on this side of Historic Preservation for many years now, having chaired the little red school house out on the highway, serving on Historic Routt County it has been an argument for me emotionally but my conclusion is we've made the right decision to replace the house with a structure that serves our purpose and gives us the square footage we need because the old house does not give us the square footage we need, and so that is our decision and I hope you will support it.

Towney Anderson-

I think you all got a copy of the letter that I was a coauthor and I really wanted to be here tonight. Our purpose in sending the letter was to encourage a conversation that we shoulder as stewards of our heritage. We hoped that conversation would happen outside the formal review process but that didn't happen. I do not think the irony is lost on any of us that we are demolishing a historic resource in order to preserve historic resources. We had hoped the light of it last October would have e-listed conversation of our roles in a community ethic more supportive and protective of our heritage. The fact that we have received no response speaks volumes of the distance we still have to go to achieve a place where the great decisions that confront is not whether we preserve our historic resources but how we preserve them. We do not know whether the "to preserve or not" discussion even happened. The fact that this particular application was submitted by our foremost heritage organization Tread of the Pioneers and the largest beneficiary by the museum and heritage tax is clearly troubling. If those of us committed to serving these beneficiary of museum and heritage tax organizations don't have a preservation ethic to whom do we turn to set the example? This is not about whether to preserve the building at the expense of having a better collections house it's about integrating the collections house into a better collections facility. If I were disturbed by the conditions of the buildings I would have had to find another means of livelihood since I was about twenty-one years old. Preservation is about attitude and how you approach what you plan to do. It does not insure that every historic resource is saved at all costs nor does it prohibit plans for development, it simply means we approach our ambitions for expansion and development with a question that is asked first, can this historic resource be a part of our plans. And we approach it this way as we want this resource to be a part of our future. And we do not make that directive to the professionals who are there to serve us it becomes a very easy decision to demolish. In the interest of long term community health we should be asking ourselves why can't we adopt this approach. We brought this up now because if we do not when is it going to happen. I hope that you our planning commission will take the lead in this approach and perhaps a better long term approach will come from this lost of a historic resource.

Kathy Kline-

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I have been a resident of Routt County for over thirty years, and I come before you tonight as a preservation advocate, I was one of the signers and contributors to the letter. I also come as a neighbor of the museum and I love having the museum as a neighbor it is one of the 1st requests my nieces have when they come to visit. I also come to you as a loyal museum supporter over many years as well. And if it were not for your posting process, myself, neighbors and other museum board members would not even be aware of this process or project. The reason and the intent we wrote the letter to the museum board was to have a discussion, not to alienate or judge, it was to say can we help in this process. I know that the museum has been working on this for three years, and I think we are lucky in that respect and that we have all these things and we need to be able to store them safely and have room for them and provide for more room in the future. And we are lucky in 2011 to have technology and process and other avenues we can pursue, so if we could only have conversations of the intent and the reason we put it in the public packet is because we did not get any conversation or response. And I know your job here tonight in light of what Seth has said, there is only so much you can do here tonight and perhaps its too late, to start the discussion or reconvene the discussion, because I think Historic Preservation has been identified as a community priority. It is in the visioning process and a chapter in the community plan, my hope and my intent with this letter was to enable this discussion so that it eventually becomes policy or possibly code so we can have some directive and tools to nurture this policy. I believe it is mutually beneficial to save the old house, as the library did with their expansion. So I am looking for help on how can we have this discussion. I do find the irony in the fact that the Utterback House and the Zimmerman House were moved there and the only original structure to that site is going to be gone. There are just a lot of things to consider in a decision like this, and I appreciate your consideration.

Bill Petrillo-

I would like to see you put a flag pole on this project if you approve it, I believe they should have an American Flag and a flag pole. And a state flag.

John Marshall-

President of the Board, Tread of the Pioneers Museum. Just a couple of things, first of all the article in the newspaper today kind of had history verses history and it really is not Historical Preservation and the Tread of the Pioneers going at it, we have the same mission, we have the same vision, we have a long history and have worked together for many many years, and we will work together for many years going forward.

My major concerns with the building, when we went to the Historic Preservation Commission in August and we received a 3-1 vote, there are safety issues in this building, there are health issues, we really don't want to put anyone at risk, I don't want to put anyone in that building, we have had people get sick in that building. We have tried to give the building away, some people have come through it and had some interest, but they have all rejected the process and they have had builders look at it that have rejected the building. I've only been on the board for six years, but I have been connected with the museum for forty. The museum has looked at this project for many years, the building probably cannot be moved, it has asbestos it has lead paint it has no fire escapes it has no fire prevention, the basement is useless, we would as Jane stated have to move the house build a new basement and move the house back, tear off the back of the building and Eric can give you all the other specifics. So to us it has just not been a reasonable alternative,

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we would love to reserve some but we can't, and as much as we respect Historic Preservation and work with them, we just don't think it is a reasonable alternative.

Commissioner Lacy-

Seeing no additional public comment, we will close public comment and come back to commissioners for additional questions.

COMMISSIONER QUESTIONS

Commissioner Levy-

I have a question for staff.

It was brought up during public comment the community area plan and the historic preservation section in the plan and specifically HP1 is to find ways to prevent the loss of historic and cultural sites. I was just wondering, we don't have any mechanism to prevent demolition, accept the need for a development permit. How far does this go with the PUD where we have to way advantages verses disadvantages and some of the criteria for the PUD which also require it to meet other standards in the code? How far back can we go to say they are not meeting the code because they are demoing a building which we cannot prevent under normal circumstances, but because it's a PUD does that reach this far back?

Seth Lorson-

Thank you Rich, as we were quoted in the newspaper, we feel this proposal is a net benefit to Historic Preservation in Steamboat Springs. We relied heavily upon the Historic Preservation Commissions approval to demolish the structure. It was reviewed by Historic Preservation staff and then reviewed at the public hearing level before the Historic Preservation Commission, their recommendation coupled with the new proposal meeting the needs of the Tread of Pioneers Museum as well as meeting the design standards in working with the pattern of the existing neighborhood all came into the consideration when we said that the advantages outweigh the disadvantages. And that there is superior development here.

Commissioner Levy-

Thank you, that's all.

Commissioner Hanlen-

I have a question on condition number three, I am concerned about the current language of that, it seems really vague and I would propose tonight that we either strike number three altogether or put the language that you proposed needs to be there. But I don't think it should stay in its current form.

Commissioner Lacy-

Yes, I had a question about that too, has there been any discussion about the possibility of this being moved? Is that how this came up?

Seth Lorson-

There absolutely has, there actually was talk it and you heard that in public comment. I don't know if that's moving forward, at this point the general discussion was around a large evergreen tree that's in front of that building, from what I understand, and we had a lot of discussion about during development review and felt it was important to maintain that tree.

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Also, it was brought to my attention that if we move the building that they would have to cut the tree down. So that is kind of what the reference of this was that there may have been other issues with the moving of that building, so I wanted to leave it open ended so we could reopen that conversation because it does change what's being proposed from a demolition to moving the building. Of course and I open to new ideas for that condition.

Commissioner Robbins-

I thought it was just said in public comment that they couldn't move the building.

Eric Smith-

Let me maybe clarify, having been through a number of building relocations where we have taken buildings and moved them, what has to happen to physically move the building is it has to be jacked up off its foundation, they put big steel beams under it, roll the building if you will on these beams onto a flat bed so that they can move the structure. They don't pick it up so to speak and move it sideways or move it diagonally because of the way the structure has to be held up. So to pick this house up, it would have to be picked up and moved to the street as we cannot move it to the alley as there is not enough space to line the truck up and slide it onto the truck, there is not enough space to slide it out the back either and make the turn movement. So it would be the type that this thing would have to move forward to the street, and there were discussions when we went through the HPC hearing about gee it would be nice to preserve this asset if we could have it relocated, and there have been people who have come in and looked at it with that possibility in mind and from the museum stand point we'd be happy to have this thing relocated. The challenge is we are dealing with a little bit of a catch 22, to satisfy a potential objective that if the house gets moved, we can't do it with that tree in the way. So, the reality is to physically move it that tree would probably have to go along with any vegetation in the front. The reality from the people I've talked to and my experience, there is not much value in physically moving the structure because once you move it you have to put a new foundation under it, there's no significant architectural features that would make somebody want to preserve this house because they are preserving the interesting trim details or interior details. There's an old coble upstairs that doesn't meet code, the windows are gone for all intents and purposes, the old siding is gone, the floor system doesn't meet code and would have to be replaced, the roof system doesn't meet code and would have to be replaced. All of the walls in order to put a second story on would have to be replaced, so for somebody to move it they would have to put in a new foundation, a new floor, a new roof, new walls, new windows, new siding. Once they spend the money to move this there is no value that they have so it is highly unlikely that this would be moved, unlike the Zimmerman House and Utterback House that have a lot more interesting architectural detail and structural integrity. There's not that much left of this to move, so we think that likelihood is low, but it would require removal of that tree to do it.

Commissioner Lacy-

Seth, correct me if I'm wrong, but if the scope of the project changes, they would have to come back to us anyways.

Seth Lorson-

That is why I specified about the building being moved, because what happens is we have to relook at the landscape plan and so it could be a small change to what we are reviewing

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right now and I would propose that we could do that administratively. It would probably be within substantial performance of approval. I would want to make sure if they were doing that and changing the landscape plan, we would want to take a look at it.

Eric Smith-

I don't think we would have a problem with that at all, the only concern that we would have is that if one of the goals is to find a new location for this house, we wouldn't want to do something procedurally that is somebody came in, in the eleventh hour and said I'll take it I'll move it and I can do it in this time frame, that we would get delayed having to go through a planning process, we do not want to do it in a manner that is not in Tread of Pioneers Museum's best interest by facilitating it getting moved by lengthening the process. So if we could do it on a staff level that really would not create a problem.

Seth Lorson-

And that is what I am referencing, amendment to the approval, amendment to the plan that we are referencing today, it would be the landscape plan. But it would be an administrative amendment.

Commissioner Lacy-

Would you want to clarify in here that it would be administrative?

Seth Lorson-

Yes that would be fine.

Commissioner Robbins-

I do not really like how it is worded where it state that if the scope of this project changes, I think it should just be if the existing collections building is to be moved instead of demolished, an administrative amendment to this approval would be required. Because the scope of the project isn't really changing, your still building a new building.

Commissioner Hanlen-

And do we need to facilitate that amendment solely to the landscape plan? Currently it is so open ended.

Commissioner Lacy-

I believe with Jennifer's wording of if the building is moved that what ever happens if the building is moved there a need for administrative amendment.

Seth Lorson-

I have worked on this to state; If the existing collections building is to be moved an administrative amendment to this approval is require.

Eric Smith-

I think Brian's suggestion is good in the sense that administrative review is required to amend landscaping. Because the only thing that would be impacted by relocation of that building would be landscaping, I assume that is staffs concern. Not the new building.

Commissioner Hanlen-

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I believe it really needs to be specific to the landscaping.

Commissioner Robbins-
But if we make it that specific we limit ourselves to just the review of the landscaping.

Seth Lorson-
That's right if the sidewalk is destroyed or something of that nature.

Eric Smith-
Well, impacts of the move, I guess is what your saying.

Seth Lorson-
Basically the reason I feel there should be no fear about this being open ended is that our analysis this project right now says that it is consistent with criteria for review and approval as well as the standard of the CDC. If something were to become non consistent with this move that is what we would be reviewing.

Commissioner Lacy-
Are commissioners fine with the language we have proposed to change on condition three?

Commissioner Hanlen-
Clarify for me, did we say that we are simply going to review impacts from the move of the building or is it still left open ended?

Seth Lorson-
I would like to leave it open ended.

Commissioner Lacy-
By leaving it open ended it does allow review for any impacts caused by removal of the building.

Commissioner Hanlen-
My concern is that if this is something that does not get started in six months and is something that gets started at the longer term, potentially it is not Seth doing the review, then we have someone whom has never seen this project before and that planner needs to start from scratch and then it begs a more thorough review that Tread of Pioneers isn't anticipating and all of the sudden this whole thing gets opened back up. So when variances are involved, and to Rich's point earlier vague descriptions to advantages outweighing disadvantages and under new staff member eyes it has potential to go where we are not anticipating, and that is why I am pushing for specifying what we are reviewing and not having it open ended.

Commissioner Robbins-
What if we added administrative review in conjunction to the existing collections building being moved?

Seth Lorson-

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What if it read like this Brian, If the existing Collections Building is to be moved an administrative amendment to approval to address impacts of the move is required.

Commissioner Hanlen-
Perfect!

All commissioners agreed.

Commissioner ???

Eric what is the architectural type of the existing building? Does it have a name?

Eric Smith-

Not really, there is really no defined style, it was done in two phases, the built the main structure then added the shed portion to the side at some point, maybe early on in the structure.

The group discussed the structure of the existing building and commented that it has been called cowboy rustic, but due to its condition even modification made to the building the building itself is not sturdy enough to maintain those modifications.

Eric Smith-

To clarify a couple of public comments this has not been a surprise there have been numerous board meetings, and public hearings so this is not something that has been sprung on anyone at the eleventh hour.

Commissioner Hanlen-

A quick question for the applicant, is the standard vesting period acceptable?

Eric Smith-

Yes the three year period is acceptable.

Commissioner Lacy-

Eric on your narrative that is provided in the packet, page 3-25, under the last sentence on your "intent" segment you stated that the entire addition complies with our commercial neighborhood zone district standards, that is will also comply with the Colorado Historical Society Standards, and the Secretary of the Interiors standards. Can you talk to us on what that entails?

Eric Smith-

Good question, if you would flip back to the 8th street elevation, what the Secretary of Interiors deals with in these expansions is when you do an extension to an historic structure what they do not want you to do is an addition that mimics or copies all of the detail to where some one walking up to the building after the fact could not tell the difference between the historic structure and the integrity of that structure, and what components your adding to it.

Commissioner Lacy-
Thank you.

RECOMMEND MOTION

MOTION

Commissioner Hanlen motioned to approve DPF-11-02 with the amended condition number three.

Commissioner Robbins seconded the motion.

DISCUSSION ON MOTION

None

VOTE

Vote: 7-0

Voting for approval of motion to approve: Lacy, Brookshire, Hanlen, Levy, Meyer, Robbins and Turek

Absent:

One alternate position vacant

Discussion on this agenda item ended at approximately 5:50 p.m.

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Text Amendment to CDC – Use Chart Definitions #TXT-11-15 A public hearing on proposed changes to the Permitted Use Table and Definitions sections of the Community Development Code. These proposed changes are a result of a Permitted Use Table audit with the goal to allow greater predictability where a particular use is allowed and greater administrative review of particular uses which will result in less cost and paperwork associated with approving new uses. More specifically, text amendments are proposed for Section 26-92 (Permitted Use Table) and Section 26-402 (Definitions and Use Criteria).

Discussion on this agenda item started at approximately 5:55 p.m.

Commissioner Meyer rejoined the meeting.

STAFF PRESENTATION

Bob Keenan –

Brief introduction and presentation on this item, Bob handed out extra copies to the public. Before you is the Text Amendments to Section 26-92, Permitted Use Table, to allow more uses by Right and Uses with Criteria and to add brewery and brewpub uses to the permitted use table. Text Amendments to Section 26-402, Definitions and Use Criteria, that updates child care definitions to be consistent with the Colorado Revised Statutes, creates new definitions for brewery and brewpub, and to add new use criteria to specific uses.

Basically this amendment is a result of meetings with Planning Commission and City Council and given direction on ways we can do more administrative review throughout the Community Development Code and this is just one area that was identified as potential area to address. Basically with the idea of allowing more administrative review, to reduce permit fees increase efficiency and to create more predictability within the process. To give an example of this type of change to the use with criteria, and why we are proposing it, as you can see with Tavern use, there are basically two criteria with this use, one is review will be prior to development or building permit as applicable, well, this is the same as the restaurant use with criteria. So as of right now, an applicant wanting to have a tavern use would have to post a \$50.00 application fee, submit an application, and only to be reviewed by this criteria here. Staff did not find that this was a very appropriate use of the applicant's time and money, and created no real benefit to the community or the applicant. Second one is an example of a conditional use moving to a use with criteria, it is processed through a development plan which is processed through a public hearing, application fees are \$1500.00 and the end the applicant would have to go through the full process to find out whether this use would be allowed. An example is automobile filling station, currently there are no criteria for this use, and staff is proposing adding criteria for this use to give certain criteria to give certainty to the community and the applicant on where and when this type of use would be allowed. Staff finds that if we can identify what these negative impacts associated with a use such as this is, then we can address the issue of why wouldn't this be an allowed use with criteria for these zone districts. We feel this gives both the community and the applicant some sense of certainty of when and where this use is going to be allowed.

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The last thing we wanted to note that even if a use is listed as a use by right, that is being allowed without public hearing or by administrative approval it does not necessary mean that there will be no public review of the proposed development including site planning and architecture, only in limited cases where a building exists, that can accommodate the proposed allowed use, will there be no public hearing. Meaning, for example we can take the automobile filling station, if some one wants to come to Steamboat and put in a new automobile filling station in the CC and CS Zone Districts, if they find an existing spot with an existing building and existing canopy, the they can just move right in, maybe they will have to do a use with criteria application and have to notify surrounding area property owners. But it is very unlikely that they will find an existing location like that, that has not already been a gas station, so the point it they are going to have to come in and seek approval through the final development plan process and the development plan process for the site plan and architectural plan. Where is gives the applicant and the community and idea of where the use is going to be allowed, there will still be a public hearing to discuss how it meets the site planning, architecture, and other requirements of the community development code.

The second point is, the code requires a change of use application for uses by right and uses with criteria that significantly differ from the previous use, of the lot or the building. And with this change of use, the applicant would do surrounding property owners notification, and example of this that involves tavern was what was going to be the Powder Room Club, a night club use at that location was a use with criteria, basically an administrative allowed use, however the previous use was office. So that was a significant change of use, so we had the applicant go through a change of use process and notify the surrounding property owners. So the point is that even though it is an administrative process, there will me a public review process of the development unless it already exists.

Moving on, at our Worksession there was one change suggestion to the timeshare definition which is on page 4-59, and we will strike the words multiple owners. We will update this for the city council hearings.

COMMISSIONER QUESTIONS

Commissioner Hanlen-

Following up on the timeshare definition, it seems like the definition that has been added made it more complicated then where we left off before. What I mean by that is that a lot of single family homes can be owned in the structure that you described here. Based on the way we are describing it, I believe it is becoming more problematic than it is intended. I am back to the original recommendation of striking timeshare altogether. I feel you are trying to become too specific, and the more specific we become the more problematic it becomes.

Bob Keenan-

I would beg to differ that me made it more specific; we opened it up to more of a variety of types of ways a timeshare can happen. From being specific to a form of ownership to opening it up to club membership, vacation license to general partnership interests and other forms.

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Commissioner Hanlen-

By default you have done the reverse, by stating that something that is beneficial ownership in a trust is now a timeshare.

Commissioner Robbins-

Also, left out were things like Limited Liability Company, or corporation ownership that would allow the ability to have multiple owners. So you've narrowed it to list certain things, and you've excluded certain things, so if you were owner of a timeshare as an LLC you wouldn't fall into this timeshare definition.

Commissioner Hanlen-

What I am trying to say, is there is a lot of single family homes that are owned by trusts but wouldn't be by definition a timeshare or considered a timeshare.

Bob Keenan-

Those types of ownerships don't specify a specific time of use of that property.

Commission Turek-

Going back to two workshops ago, we are trying to regulate use not ownership and we are trying to regulate use by defining ownership and you just can't get there. I agree with Brian & Jennifer on this.

Bob Keenan-

Perhaps we can revise this so it's more general.

Commissioner Hanlen-

What I propose is that we strike timeshare all together. And that the neighborhoods where we are concerned about what will be considered a hot bed, become covered by the vacation home rental properties.

Bob Keenan-

Those are specific to single family residents.

Commissioner Hanlen-

That's my point, and everywhere else in the city that isn't covered by the VHR Ordinance, would be open to timeshare. Even though we have struck the definition.

Commissioner Lacy-

So how can we do that when we strike the definition?

Commissioner Hanlen-

Doing it by default, protecting the neighborhoods we want to protect, through the VHR Ordinance.

Commissioner Lacy-

So only protect single family.

Commissioner Robbins-

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VHR also applies to duplexes which I guess are single family homes.

Bob Keenan-

Timeshare is not an allowed use in most of those zone districts that have single family homes.

Commissioner Hanlen-

I am saying that by striking timeshare all together, we are already covered without making this more complicated then it needs to be based off the way the VHR Ordinance is already set.

Bob Keenan-

Staff point of view I believe we are not prepared to strike the definition, so I would like to give it more thought before we move forward on striking that definition. We could leave it as it was and come back to it at another time...

Commissioner Hanlen-

Now's the time

Bob Keenan-

Well, we should table it then.

Commissioner Lacy asked if any other commissioners had any thoughts on this issue.

Commissioner Levy-

A real estate lawyer or some one that can specifically go to this is my fist thought, I can't argue the pros and cons from a legal standpoint.

Commissioner Robbins-

Alternatively, if you did not want to strike the definition entirely, there is a way to reword it, so it starts with formal property ownership under which a property provides for right of possession specified time of possession for a residential unit. You're just taking out all of the middle.

Commissioner Lacy-

Or you could leave in the middle and could also say, include but not limited to the following and you could say those things and not exclude any of the other entities that are out there.

Commissioner Robbins-

I just feel that listing things is kind of useless in a way.

Commissioner Turek-

I also agree with Brian that if you include something that is a form of family ownership or corporate ownership that's not a timeshare, then you are creating a problem for some one who for whatever reason has a family trust situation that decides to put it into an LLC.

Commissioner Robbins & Lacy-

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No we are not going to name any of those things. We just mentioned that you could if somebody really wanted to, but I like the example where we strike all the examples.

Commissioner Turek-

I like Brian's idea of striking timeshare all together; I think timeshare is an antiquated term and there are a hundred ways to slice the banana.

Commissioner Hanlen-

When you have entities, having a single ownership in the deed, where an LLC or Trust owns it you could have two parties in that trust or LLC or there could be fifty, whether it be a family or business partnership. So I think it is problematic to go back and police that, and that is where I am trying to be cautionary about how we approach.

Commissioner Robbins-

I agree that we should just strike it, but if there is some reason that Bob finds that we need to keep it, then I proposing an alternative amendment to how its worded.

Commissioner Turek-

But club ownership is not included in the timeshare definition you're suggesting and club ownership is another way that fifty different families could occupy a residence.

Bob Keenan-

Should we table?

Commissioner Lacy-

Lets talk about the remainder of the issues on the item.

Bob Keenan-

We have not specified that there are any problems with the definition, we have argued that there could be a problem, so I do not think we should throw everything out that we have done.

Commissioner Hanlen-

We're not throwing it out, and there have been problems with it in the past with what I call the heavy handed position with what falls under the timeshare. And just because we don't have any examples because there haven't been any examples because they did not make it through the process and I think it needs to be addressed.

Bob Keenan-

One thing that comes to mind is the resort residential zone district where you can't get a VHR permit because you have a shared driveway or more rooms or square footage then is allowed with the VHR, by striking the timeshare definition you would not be able to do any form of nightly rental. And that would be a departure of what currently exists right now.

Commissioner Meyer-

I am with Brian, I think ultimately we need to strike it, I think we are spending way too much time kind of defining the animal when we don't think there is a problem. Rather than try to table the whole thing, I would be okay with the best possible definition, Jen gave a great

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one, and then ultimately come back and report to us whether or not it can be taken out all together.

Commissioner Lacy-

Does that sound good to all the other commissioners?

The entire commissioner agreed with Commissioner Meyer's suggestion.

Commissioner Lacy-

Any public comment on this particular item?

PUBLIC COMMENTS

Bill Petrillo-

I don't have a timeshare of anything, but I have here for thirty years and I got annexed into the city, way back when I was in the county Rusty Baker would run his old bulls on my property. Way back in about 1983 I believe. So I have been around for awhile, and I read this about the code; the code is kind of like the health care these days for me. I'm a small business inside the city, so I have seen a lot of changes and I put up my mini storage building, well, first I was annexed into the City with Ron Stock and Harvey Rose, and signed an annexation agreement with the city to have industrial on one side of the bike path where my mini storage is and I had the property which is now down by the river which is also zoned industrial but under the annexation agreement it's the river walk project and under the annexation agreement I wanted to keep that open space and I had it agricultural recreational and my subdivision but that got changed when somebody thought it should be industrial down by the river. I did not quite agree with that, but when the James Brown Soul Center of the Universe Bridge went it, I was industrial and I out in my first mini storage building and it was a use by right in the industrial zone district which is pretty up front. Its just right there and with Use by Right, you meet this certain criteria and know what you up against. I went through some criticism for just putting up one building, rather than a whole project, at that time I did not know my location, I am kind of hidden, I don't border any major roads, I didn't know what size mini storage units would be detrimental to may area use or what people would want, so I put one building in and hoped to have the ability to put more buildings in, in the future. This is back in 1994-1995, and it was a use by right. Now its changed with the new code to a special use, so when I came into see Bob about putting in additional buildings, and with the one building it took me three years to put it in, so this is from a small business mans perspective. So I am wanting to put in more buildings and I want to put in eight and I wanted to do it is phases and sections, and the code says I can phase but I can't phase. So you know I can't phase the way I need to phase, because the first one took me three years, to fill up, and if I put in six buildings all at once, its going to take a lot longer to fill them, I would probably go bankrupt. So when I talked to Bob I told him I would like to do one at a time, one per year and my project go in phases and keep perspective on how its going, but with the new code under special use permit, I don't I can actually do it in eight years, they won't let me do it. So its kind of put me in a burden, so if your gonna look at it, and I'm in and industrial zone district and it's a special use for mini storage, it would be easier to have a concrete batch plant like my neighbors, I got two neighbors that have concrete batch plants and I don't know if that's a special use, but the mini storage, I do not know why it's a special use, it's a good neighbor to everybody, and the city just passed an ordinance about outdoor storage. So mini storage is actually all

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indoor, so I thought I would just mention it to you so the industrial zone district is a problem to me with the use by right, as one small business owner, every time we change the code and change it to limit, uses by right I think is good to have and some kind of criteria when I come and go for a permit is just fantastic. Special Use I have been through that process several times and if I can put my ideas in the way I want to it will be a good project and look good, but if I can't meet a certain guideline it makes it tough for me, I am not a corporation we are just a simply mom and pop business. I just thought I would mention that so you would have a view of one small business owner in town.

Commissioner Lacy-

Any other public comment on this issue, no, then we will come back to the commissioners for further questions. Rich

Commissioner Levy

I would like to address the Child Care definition to state that if there is a conflict between this definition and CRS, the definition of CRS shall prevail. If we're going to make them look it up then we should make them look it up, you know we can't keep changing it, but we can't we can have any ambiguity about what is the size of a small child care and what it isn't. Should it be our jobs to update it when the CRS changes or should it just say it's the size that the CRS recommends or what the state statute is. It seems to be just another place somebody has to go look, so here's the code and starting the day after this is adopted anyone that is doing their due diligent, is going to have to go check CRS anyway. So why not just say this size is going to be regulated by CRS.

Commissioner Robbins-

So you're recommending just removing our definition.

Commissioner Levy-

Probably, both of them just don't seem to make sense to me; right after we adopt this CRS could change their rules. Making our exact definition mute, I mean if CRS changes their definitions of small, medium and large, do we have to change our definitions about it?

Bob Keenan-

I believe this is more of a case where, somebody came in and opened a day care, and came back a few years later and changed it from five to seven kids, they could possibly be doing something that CRS rules allows outside of ours then we would have to go through a code amendment before we could give them their use and that could take a couple of months. I mean it is just kind of a safe guard.

Commissioner Lacy-

I kind of like the way it is because there could be a lag between when CRS is updated and when we update our code.

Bob Keenan-

I am not really sure this would be something that is on the radar.

Commissioner Levy-

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But it has to be, once an application comes in, who's going to make sure that small hasn't changed from five to four?

Commissioner Lacy-

Would that be part of the regular review process that staff would then look at CRS to confirm that was still the case/

Bob Keenan-

That's correct yes.

Commissioner Levy-

As long as the responsibility is on staff and not the applicant I think that is fine.

Commissioner Robbins-

Well I think the applicant has to be responsible too look up the state laws as well anyway.

Commissioner Turek-

I think we should capitalize that anyway, I mean State Department of Human Services, is that the actual department name? If that's the actual department name, capitalize it and they have to that anyway, so they ought to be able to look up the current CRS code, because they have to run their daycare according to state laws. I think this is more informational than a strict definition Rich.

Commissioner ???

I have no problem with it being stated twice.

Commissioner Lacy-

Is everyone okay with keeping it?

The commissioners unanimously agreed.

Commissioner Lacy-

Other issues?

Commissioner Robbins-

I just have a general question or comment, in the thing you handed out today, on the tavern use with criteria B you have a capital R for restaurant but throughout the code we do not capitalize terms that define terms, and I think that we should, we at least for me, when you use a term as a definition you usually capitalize that term so you know you have to go look it up and find out what it means, but we don't actually do that in our CDC and I think that it is something that we should be doing.

Commissioner Lacy-

That is very helpful to cue people that it is something they need to go look up in the definition section to see what that means.

Commissioner Robbins-

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I mean that is something that we should start doing, and as we are updating these amendments now, perhaps we should start that process.

Bob Keenan-

So whenever something is referenced in a legal document, and it is capitalized, it represents something that should have a definition.

Commissioner Lacy-

What she is saying is that in our code, when something is references in a defined code it is not capitalized.

Commissioner ???-

Bob is asking if that is what we mean and yes Bob that is what we mean.

Commissioner Lacy-

Other issues with this text amendment, Troy?

Commissioner Brookshire-

I have a question about the section under agriculture. The letter D, about dust smell and noise, shall be mitigated to the maximum extent practical. Page 4-6. Again, I feel like this is one of Brian's issues, I do not know what mitigated to the maximum extent practical means. I think the gist is that your trying to control those items, but I don't get what your suppose to do.

Commissioner Lacy-

Has that ever come up Bob as an issue?

Bob Keenan-

Not this specific one but with other ambiguous language such as that, yes it has been an issue but we are not proposing any changed to this.

Commissioner Brookshire-

But then it becomes if Bob is doing the review there is one set of mitigation and then if Tyler's doing it there's a different.

Bob Keenan-

.... Compliance that is merely beneficial to the public, that would not unreasonably burden ...

Commissioner Lacy-

So that phrase is defined elsewhere?

Commissioner Brookshire-

The last kind of question I have at this point is going back to this use by right, it seems to me, if whatever zone district your in, if you have a use by right, I don't know that you need it to go to the public hearing. I guess there are a lot of things that get reviewed depending upon the application. I guess I am just asking philosophically, if there is anything that you can do in the city, as a use by right that you are not put through the public process?

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Bob Keenan-

Yes all the list is in the permitted use table, which are allowed uses by right. Only when a new use by right is significantly different then perhaps the use of a shop which you would send out public notice of a change of use. There really is not grounds for the public to want to deny that use. Its more of just a heads up, that this is what's going in, the new use in the neighborhood.

Commissioner ???-

You reminded me that you used that example about the Powder Room, which brought it to a public hearing.

Bob Keenan-

Because our administrative decision because we as staff decided it was an appropriate change of use and the surrounding property owners in that case protested that staff did not apply the rules correctly and wanted to go to public hearing.

Commissioner Robbins-

Is an appeal the director's decision?

Commissioner Brookshire-

But if there was no neighbor that was anti the change of use, that is the way you do not have to go to public hearing, but if there is neighborhood opposition you potentially end up at a public hearing.

Commissioner Robbins-

If they file an appeal?

Commissioner Lacy-

Yes, a timely appeal.

Commissioner ???-

Even if the director denies it the applicant could appeal, so that gets back to so what is the heck is a use by right?

Commissioner Lacy-

If someone disagrees with the decision whichever way it is, what they are saying is, the person that made that decision is wrong in their application of reading their criteria. They are saying that in either one or more of the criteria either in approving or disapproving has failed in applying those criteria to that application. Is that what your looking at?

Commissioner Brookshire-

That is very helpful, but I am still struggling within the concept of whole big ball of uses that's allowed within a certain zone district. I mean if the use is allowed, I guess it's the criteria that regulate it.

Bob Keenan-

That's the key.

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Commissioner Hanlen-

When we were talking about providing examples, for the filling station and the canopy as well as for the drive thru restaurant do's and don't, nothing made it into our packets, are we not providing anything?

Bob Keenan-

You mean the use with criteria?

Commissioner Hanlen-

No, diagrammatic examples of both.

Bob Keenan-

No we did not add any visual to go along with those.

Commissioner Hanlen-

I would like to reintegrate that request; I think that especially for the drive thru restaurants it is important that we provide what we are wanting as well as what we don't want to see. Tyler provided two to me later that night and I was just anticipating they would be part of our packet.

Commissioner Lacy-

And you would want those to ultimately be in the final ordinance for City Council, and you would note that they are for demonstrative purposes only?

Bob Keenan-

Yes, Correct

Commissioner Hanlen-

And same for the example of the canopy for a filling station, just showing what we have in mind.

Bob Keenan-

Yes

Commissioner Hanlen-

One more, I though you guys were moving full speed ahead on the definition for a brew pub or brewery, wasn't that suppose to be part of this.

Commissioner Lacy-

It is, it' in the ordinance.

Commissioner Robbins-

I am having a hard time determining the definitions between brew pub and tap room/tasting room, mainly because at the end of tasting room you have food may also be served. And that makes it more in my mind more of a brew pub if they are serving food. And though it doesn't have the same criteria as brew pub, it says a portion of the facility; it doesn't really

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define what portion. Then when you add food can be served, someone could have a tap room.

Bob Keenan-

Tap room is only associated with a brewery you can't have samples in a tap room because would be considered a restaurant or bar.

Commissioner Robbins-

I feel the definition should be clear, it just says a portion of a facility; maybe it should say of a brewery.

Bob Keenan-

Yes, we can change that.

Commissioner Lacy-

Well, it does say it is on the same premises as a brewery.

Commissioner Turek-

What do you think could go wrong with the definition, what do you think could happen?

Commissioner Robbins-

Someone could put a restaurant at the brewery, in the tap room of the brewery and not have to meet the same criteria as the brew pub.

Bob Keenan-

The brewery is to address like more of the large manufacturing operation, in an industrial zone, with a limited amount of retail or service.

Commissioner Hanlen-

Are you required to serve food if you're serving alcohol, even if it's just pretzels?

Commissioner Lacy-

I don't believe so.

Commissioner Hanlen-

At what point is a restaurant an accessory use of a brew pub? I could see that being an argument.

Bob Keenan-

Currently we have accessory uses that are that is no more than 35 percent of the floor area.

Commissioner Hanlen-

How does the brew pub correlate with the zone districts where we allow restaurants?

Bob Keenan-

It is just a cap that is not to exceed.

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Commissioner Hanlen-

And my question is they different zone districts?

Bob Keenan-

No they are not.

FINAL STAFF COMMENTS

Bob Keenan-

One other definition of a timeshare definition is make a condition of approval, as we discussed, we would like to take the time to take a look to see if there are any issues and of course if there are not any issues we will take it out.

Commissioner Lacy-

And would you just report back to us after City Council and let us know how that goes?

Bob Keenan-

Yes, and then if I could address public comment, we did not suggest changing self storage facility, from condition use to a use with criteria, however in retrospect, I do not see any issues in going that route. It's only allowed in the CS and in the I zone districts, it only make sense especially in the Industrial Zone Districts, I think Bill brought up some good points, so I just wanted to address that public comment.

Commissioner Lacy-

So just to clarify, at some point that was use by right and now its conditional use?

Bob Keenan-

Yes, I think under the old code. That would be prior to 2001, and I think it was changed because they were popping up all over the place, I believe that was in the mid to late 90's.

Commissioner Meyer-

There were years when mini storage facilities were all we were approving, and we were afraid that we would end of with an industrial zone with nothing but mini storage.

Commissioner Levy-

I would be wary of changing it, as it could happen again. With people downsizing their homes and needed someplace to store their stuff; there are other uses that can only be done in the industrial zone and we could still have the threat of loosing our industrial zone to mini warehouses. So if we changed it to use by right, we might have to come back and change it or deny that use by right for a proliferation of self storage facilities.

Commissioner Robbins-

And if we change it to a use by right, we would not have the ability to deny down the road if they met the criteria.

FINAL COMMISSIONER COMMENTS

RECOMMEND MOTION

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MOTION

Commissioner Levy moved to approve the TXT-11-15 with the changes made at this hearing, timeshare and possibly eliminating it if staff finds no issues by definition and illustrative changes for drive thru and canopy.
Commissioner Meyer seconded the motion.

DISCUSSION ON MOTION

Commissioner Robbins-
I just have an additional comment, I don't know if you were going to take action on the capitalization or if you were going to do it all at once.

Bob Keenan-
I think it makes sense to just do it all at once.

Commissioner Turek-
I am an editor, and I have to tell you if you attempt to capitalize every term that is defined in the CDC probably every third word would be capitalized. Terms like Criteria and Petroleum Products have been defined; I think that from a readability point of view, you can't capitalize every defined term. In a document like this, it would read like German. I think a light hand has to be used in a situation like this one.

Commissioner Lacy-
But you have to be consistent; you can just capitalize some and not others.

Commissioner Turek-
But if you read through these definitions and think about every term that is also defined in the CDC you are talking about something that literally reads like German, every proper noun is capitalized.

Commissioner Robbins-
But you don't think that would be a huge benefit to the public that reads the CDC? We just had two of those issues tonight.

Commissioner Turek-
It's a big thick code, you have to take time to learn it you can't just capitalize it and think that makes it easier. At first I thought it was a great idea, but as I started to read through and saw how many words had definitions and would have to be capitalized, I don't think it would read much better.

Commissioner Lacy-
We will follow up on it and discuss it further as a commission, when staff brings it back

VOTE

Vote: 7-0

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Voting for approval of motion to approve: Lacy, Brookshire, Hanlen, Levy, Meyer, Robbins and Turek

Absent:

One alternate position vacant

Discussion on this agenda item ended at approximately ?p.m.

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Gondola Square Condos (Hungry Dog Cart) #DP-11-05 A Conditional Use approval through a Development Plan to allow Outdoor Sales (Hungry Dog Food Cart) at Gondola Square Condos (Steamboat Ski Area-Gondola Square).

Discussion on this agenda item started at approximately ?p.m.

STAFF PRESENTATION

Bob Keenan –

This is an application for outdoor sales at Gondola Square Condos, for a food cart for Hungry Dog. Planning staff is recommending approval. The applicant is still here and he and I are available for any questions.

APPLICANT PRESENTATION

Brad Somers-

Hello, my name is Brad Somers and I am the owner of Hungry Dog the downtown hot dog stand at 7th and Lincoln, we are proposing a mobile hot dog cart in Gondola Square Condominiums it is on Christy Sports property, bordering OSP. It would be a mobile food cart that would be brought in and out on a daily basis. With a no trace policy. There would be a few tables and chairs left out but other than that a strict no trace policy is in place. We would be operation mainly through the winter months, possibly a few times through the summer. I think it would be great for the community our customers and those visiting at the base of the ski area.

COMMISSIONER QUESTIONS

Commissioner Robbins-

So, your leaving tables and chairs there, how does that effect the snow removal in the area?

Brad Somers-

That is a bit of an issue, there is currently no snow melt in that area on that piece of cement. I will be responsible for that, as of now there is no snow removal there, but I would be clearing the area in neat manner approved by the people in the area.

Commissioner Hanlen-

Bob, why is this not being approved administratively, how come we have to see it?

Bob Keenan-

Inaudible

Commissioner Hanlen-

Is that going to be addressed in our clean up?

Bob Keenan-

It was addressed in Monday's Worksession and will be addressed in a future policy Worksession.

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Commissioner Meyer-

Could you please for the record explain that the DP has a two year term, but that two year is the time in which the applicant commences usage, so you just want to explain at what point would it go away, if the cart would go away, this is a little unusual in that usually run with the land and this is not the case.

Bob Keenan-

No it still is the case; this permit runs with the land. If for some reason they were unable to open up business, over the course of the next two years, then the approval would expire, or as he runs it seasonally, if he for some reason skipped a season that would terminate the approval.

Commissioner Levy-

Attachment 1-shows lot lines and specifically shows the cart on One Steamboat Places property so can some one address that, are we sure it is not on that property.

Bob Keenan-

We weren't able to obtain a survey of the property the lot lines on the map you have are not guaranteed to be correct, but I have mentioned this to the applicant several times and he has made sure that it is actually on Gondola Square Condos property. His application is for Gondola Square. If his use is not in Gondola Square then he is in violation of his permit, so I think the safe guard we have.

Commissioner Levy-

You stated you have permission from all the surrounding area property owners, does that include One Steamboat Place?

Brad Somers-

Yes it does, the General Manger of Christy Sports contacted everyone before we started this process and they all approved it.

PUBLIC COMMENTS

None

FINAL STAFF COMMENTS

None

FINAL COMMISSIONER COMMENTS

None

RECOMMEND MOTION

MOTION

Commissioner Robbins motioned to approve the DP-11-05
Commissioner Meyer seconded the motion.

DISCUSSION ON MOTION

December 8, 2011

DRAFT

None

VOTE

Vote: 7-0

Voting for approval of motion to approve: Lacy, Brookshire, Hanlen, Levy, Meyer, Robbins and Turek

Absent:

One alternate position vacant

Discussion on this agenda item ended at approximately ???p.m.

December 8, 2011

DRAFT

APPROVAL OF OCTOBER 27, 2011 AND NOVEMBER 10, 2011 MEETING MINUTES

MOTION

Commissioner Levy moved to approve the Planning Commission Meeting minutes from October 27, 2011. Commissioner Robbins seconded the motion.

VOTE

Vote: 4-0

Voting for approval of motion to approve: Hanlen, Levy, Meyer, and Robbins

Abstaining: Lacy, Brookshire & Turek

Absent:

One alternate position vacant

MOTION

Commissioner Robbins moved to approve the Planning Commission Meeting minutes from November 10, 2011. Commissioner Meyer seconded the motion.

VOTE

Vote: 7-0

Voting for approval of motion to approve: Lacy, Brookshire, Hanlen, Levy, Meyer, Robbins and Turek

Absent:

One alternate position vacant

DIRECTOR'S REPORT

None

ADJOURNMENT

Commissioner Levy moved to adjourn the meeting at approximately ??? p.m.
Commissioner Meyer seconded the motion.

VOTE

Vote: 7-0

Voting for approval of motion to approve: Lacy, Brookshire, Hanlen, Levy, Meyer, Robbins and Turek

Absent:

One alternate position vacant

AGENDA ITEM # 0

CITY COUNCIL COMMUNICATION FORM

FROM: Bob Keenan, Senior Planner (Ext. 260)
Tyler Gibbs, AIA, Director of Planning and Community Development
(Ext. 244)

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

DATE: December 20, 2011

ITEM: #TXT-11-15: Permitted Use Table and Definitions and Use Criteria.
Text Amendments to the Community Development Code (CDC)

NEXT STEP: If City Council approves the first reading, the second reading will
be heard on January 3, 2012.

ORDINANCE
 RESOLUTION
 MOTION
 DIRECTION
 INFORMATION

PROJECT NAME: #TXT-11-15: Permitted Use Table and Definitions and Use Criteria.
Text Amendments to the Community Development Code (CDC)

PETITION: Text Amendments to Section 26-92, Permitted Use Table, to allow
more uses by Right and Uses with Criteria and to add brewery and
brewpub uses to the permitted use table. Text Amendments to
Section 26-402, Definitions and Use Criteria, that updates child care
definitions to be consistent with the Colorado Revised Statutes,
creates new definitions for brewery and brewpub, and to add new
use criteria to specific uses.

APPLICANT: City of Steamboat Springs
124 10th Street
Steamboat Springs, CO 80487

PC ACTION: Planning Commission voted to approve on December 8, 2011; Vote: 7-0;

EXECUTIVE SUMMARY:

Text amendments are proposed for Section 26-92, Permitted Use Table, to allow more uses by Right and Uses with Criteria than what is currently allowed and changes to Section 26-402, Definitions and Use Criteria that correspond to the Permitted Use Table changes to update definitions and include new use criteria. As part of this amendment, staff also recommends adding two new uses, brewery and brewpub, to our permitted use table and definitions section.

Uses with Criteria to Use by Right- Staff recommends moving certain uses from a Use with Criteria (administrative review and permit required) to a Use by Right (administrative review with no permit required) with same criteria for approval. Staff has reviewed the Permitted Use Table to identify uses that require the Use with Criteria application and approval and have identified the following uses where this type of application has not been beneficial to the applicant or the community:

- Agriculture
- Duplex
- Single-family Dwelling Unit
- Tavern
- Taxidermy

Conditional Uses to Use with Criteria or Use by Right – Staff recommends moving certain Conditional Uses (Public Hearing through Planning Commission and City Council) to either a Use with Criteria or a Use by Right with criteria. This proposed change will allow the uses listed below to be processed administratively rather than through the public hearing process. Staff has added new criteria to these conditional uses in an effort to offset any potential negative impacts they may have. Staff believes this change is necessary to give an applicant and the community more certainty on whether use may be allowed. The uses that are proposed to be changed are as follows:

Conditional Uses to Use with Criteria

- Hostel
- Inn
- Lodge

Conditional Uses to Use by Right

- Automobile Car Wash w/ criteria
- Automobile Filling Station w/criteria
- Automobile Rental w/criteria
- Media Production w/criteria

CITY COUNCIL COMMUNICATION FORM

#TXT-11-15: Permitted Use Table and Definitions and Use Criteria. Text Amendments to the Community Development Code (CDC)

December 20, 2011

- Museum
- Nursing Home
- Office – Medical Dental w/criteria
- Outdoor Equipment Sales and Rental w/criteria
- Restaurant Drive-thru w/criteria
- Timeshare (includes updated definition)

New Uses – While we are making changes to the Permitted Use Table and Definitions, Planning Staff recommends adding “brewpub” and “brewery” uses as we currently do not have uses within the use chart that would accommodate these uses. Staff has researched a number of municipalities statewide and believes that the proposed definitions are a good match for our community.

Please see the attached ordinance for the proposed text amendments. Please see attached Planning Commission Staff Report for more detailed information and the Planning Commission Memo for examples of changes.

Planning Commission Discussion:

The Planning Commission discussion generally pertained to the specific changes being made. A discussion regarding whether to eliminate “timeshare” from the definition and use chart as some commissioners thought this type of use was no longer needed given the variety of products now available for timeshare. However, it was agreed that the definition shall stay in place because it is not an allowed use if it is not listed in the use chart. The remaining discussion was general questions and answers.

The planning commission had requested visual aids to be included in the code to help visualize what is being required for automobile car wash, automobile filing station, and automobile rental, and restaurant drive-thru. Due to the limited time between the Planning Commission hearing and the date of this report; staff will need until second reading to develop these visuals.

Please see attached meeting minutes for more information.

Public Comment:

Bill Petrillo spoke about self-storage facilities and that they are a conditional use and thought they should be an allowed use by right in the Industrial zone district.

Please see attached meeting minutes for more information.

Recommended Motion:

On December 8th, with a vote of 7-0, the Planning Commission recommended approval of the draft ordinance amending the Use Chart and Definition sections of the Community Development Code.

CITY COUNCIL COMMUNICATION FORM

#TXT-11-15: Permitted Use Table and Definitions and Use Criteria. Text Amendments to the
Community Development Code (CDC)

December 20, 2011

List of attachments:

Attachment 1 – Ordinance

Attachment 2 – Staff Memo to Planning Commission

Attachment 3 – PC Staff Report TXT-11-15

Attachment 4 - Draft Planning Commission Minutes from December 8th Meeting

Planning Commission Public Hearing

Examples of Definition and Use Changes

Background on Proposed Changes:

Planning Staff has developed these proposed changes based upon the direction that we had received from the Planning Commission and City Council to allow for more administrative review (when appropriate), reduce permit fees, increase efficiency, and create more predictability within the process.

Use with Criteria (CR) to a Use by Right (R) with same criteria:

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" **use criteria.**

Reason for Change: No benefit to applicant or community to have them pay \$50 fee, fill-out application, and wait for approval only to put them on notice for the very minimal criteria involved with a tavern use.

Conditional Use to a Use with Criteria:

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

- (1) *Use criteria.*
 - a. **Shall not be located adjacent to property zoned RE, RN, RO, MF, and MH. (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.)**
 - b. **The gas pump canopy cannot be placed closer to the street frontage than the principal structure.**

Reason for Change: Currently, there are no criteria or conditions to indicate under what parameters this type of use might be acceptable. Because of this, both the community and the

applicant will not know whether this type of use will be allowed on a particular lot until an applicant applies for Development Plan and goes through the public hearing process. Staff suggests that for particular uses such as Automobile Filing Station that there is an opportunity to create standards that address potential negative impacts and include them as an allowed use but with criteria.

*It is important to note that even if a use is listed as a use by right (allowed without public hearing) it does not necessarily mean that there will be no public review of the proposed development including site planning and architecture. Only in limited cases where a building already exists that can accommodate the proposed allowed use will there be no public hearing.

**It is also important to note that the code requires a Change of Use application for uses by right and uses with criteria that significantly differ from the previous use of the lot or building. This means that the applicant will be required to provide surrounding property notifications and compliance with CDC standards.

AGENDA ITEM # 4

PLANNING COMMISSION COMMUNICATION FORM

FROM: Bob Keenan, Senior Planner (Ext. 260)

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

DATE: December 8, 2011

ITEM: #TXT-11-15: Permitted Use Table and Definitions and Use Criteria. Text Amendments to the Community Development Code (CDC)

NEXT STEP: Planning Commission's recommendation will be forwarded to the City Council for First Reading of this Ordinance on December 20, 2011.

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

PROJECT NAME: #TXT-11-15: Permitted Use Table and Definitions and Use Criteria amendments.

PETITION: Text Amendments to Section 26-92, Permitted Use Table, to allow more uses by Right and Uses with Criteria and to add brewery and brewpub uses to the permitted use table. Text Amendments to Section 26-402, Definitions and Use Criteria, that updates child care definitions to be consistent with the Colorado Revised Statutes, creates new definitions for brewery and brewpub, and to add new use criteria to specific uses.

APPLICANT: City of Steamboat Springs, Department of Planning and Community Development, c/o Bob Keenan, Senior Planner, Centennial Hall, 124 10th Street, PO Box 775088, Steamboat Springs, CO 80477, 970-879-2060.

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

CDC - Section 26-61(D): Criteria for approval. <i>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:</i>					
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 health, safety, & welfare	<input checked="" type="checkbox"/>			
Staff Finding: Staff finds that the proposed Community Development Code Text Amendments, #TXT-11-15, to section 26-92, Permitted Use Table and section 26-402, Definitions and Use Criteria, <u>are consistent with the criteria for approval per CDC Sec. 26-61(D).</u>					

II. BACKGROUND

At the direction of the Planning Commission and the City Council, city staff has developed a proposed ordinance to amend the Community Development Code with the goal to allow greater predictability where a particular use is allowed and greater administrative review of particular uses which will result in less cost and paperwork associated with approving new uses.

A public work session on these proposed changes took place at the October 27th Public Hearing of the Planning Commission and a follow-up discussion occurred at the November 14th Worksession of the Planning Commission. At these meeting Planning Staff took comments from the commissioners and public and have since formulated a draft ordinance for these proposed changes.

The proposed changes are described in greater detail below.

III. DESCRIPTION

Text amendments are proposed for Section 26-92, Permitted Use Table, to allow more uses by Right and Uses with Criteria then what is currently allowed and changes to Section 26-402, Definitions and Use Criteria that correspond to the Permitted Use Table changes to update definitions and include new use criteria. As part of this amendment staff is also recommends adding two new uses, brewery and brewpub, to our permitted use table and definitions section.

Uses with Criteria to Use by Right- Staff recommends moving certain uses from a Use with Criteria (administrative review and permit required) to a Use by Right (administrative review with no permit required) with same criteria for approval. Staff has reviewed the Permitted Use Table to identify uses that require the Use with Criteria application and approval and have identified the

following uses where this type of application has not been beneficial to the applicant or the community:

- Agriculture
- Duplex
- Single-family Dwelling Unit
- Tavern
- Taxidermy

Conditional Uses to Use with Criteria or Use by Right – Staff recommends moving certain Conditional Uses (Public Hearing through Planning Commission and City Council) to either a Use with Criteria or a Use by Right with criteria. This proposed change will allow the uses listed below to be processed administratively rather than through the public hearing process. Staff has added new criteria to these conditional uses in an effort to offset any potential negative impacts they may have. Staff believes this change is necessary to give an applicant and the community more certainty on whether use may be allowed. The uses that are proposed to be changed are as follows:

Conditional Uses to Use with Criteria

- Hostel
- Inn
- Lodge

Conditional Uses to Use by Right

- Automobile Car Wash w/ criteria
- Automobile Filling Station w/criteria
- Automobile Rental w/criteria
- Media Production w/criteria
- Museum
- Nursing Home
- Office – Medical Dental w/criteria
- Outdoor Equipment Sales and Rental w/criteria
- Restaurant Drive-thru w/criteria
- Timeshare (includes updated definition)

New Uses – While we are making changes to the Permitted Use Table and Definitions, Planning Staff recommends adding “brewpub” and “brewery” uses as we currently do not have uses within the use chart that would accommodate these uses. Staff has researched a number of municipalities statewide and believe that the proposed definitions are a good match for our community.

Please see the attached ordinance for the proposed text amendments. Please see attached 10/27/11 Planning Commission Work Session Packet for an explanation for each change being made.

IV. CRITERIA FOR REVIEW AND APPROVAL

CDC Sec. 26-61. CDC text amendments.

(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 Amendment is consistent with the following Steamboat Springs Area Community Plan goals:

- Policy CD-1.4: Encourage high quality site planning and building design.
- Policy CD-4.1: Major highways and arterials shall maintain a high quality of design.
- Goal ED-2: Steamboat Springs will support the maintenance and expansion of local businesses.
- Policy ED-2.1: Support opportunities to expand and increase the number of local businesses in Steamboat Springs.
- Goal ED-3: Steamboat Springs will maintain its role as a regional economic center.

- (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 Amendment will further the Community's goals and objectives as outlined above. This change is not being made to address an "error" in the code.

- (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

Staff finds that the proposed Community Development Code Text Amendment, #TXT-11-15, for changes to Section 26-92, Permitted Use Table, and Section 26-402, Definitions and Use Criteria, as specified in the attached ordinance, are consistent with the criteria for approval per CDC Sec. 26-61(D).

VI. ATTACHEMENTS

1. 10/27/11 Worksession Packet
2. 10/27/11 Planning Commission Worksession Minutes
3. Draft Ordinance (detailed text amendments)

December 8, 2011

DRAFT

**STEAMBOAT SPRINGS PLANNING COMMISSION MINUTES
DECEMBER 8, 2011**

The special meeting of the Steamboat Springs Planning Commission was called to order at approximately 5: p.m. on Thursday, December 8, 2011, in the Citizens' Meeting Room, Centennial Hall, 124 10th Street, Steamboat Springs, Colorado.

Planning Commission members in attendance were Chairman Jason Lacy, Troy Brookshire, Brian Hanlen, Rich Levy, Kathi Meyer, Jennifer Robbins and Norbert Turek.

Absent: None

One alternate position is vacant.

Staff members present were City Planner Seth Lorson, Senior Planner Bob Keenan and Staff Assistant Carolyn Sandstrom.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None.

ELECTION OF OFFICERS

Nominations were requested for Chairman, Steamboat Springs Planning Commission.

Commissioner Meyer nominated Jason Lacy to continue as Chairman of the Commission. That motion was seconded by Commissioner Hanlen.

Vote in favor or retaining Jason Lacy as Chairman. Unanimous 7-0 non opposed

Commissioner Robbins nominated Kathi Meyer as Vice Chairman. The motion was seconded by Commissioner Hanlen.

Vote was unanimous to retain Kathi Meyer as Vice Chairman. 7-0

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DRAFT

Original Town of Steamboat Springs, Block 8 Lots 11 & 12 (Tread of Pioneers) #DPF-11-02 (PUD) Demolish the existing historically significant collections house and construct a new collections building and additional display space

Discussion on this agenda item started at approximately 5:10 p.m.

Commissioner Meyer stepped down from this discussion and agenda item stating there was not a direct conflict but may have an inadvertent conflict that she did not wish to bring forward and excused herself from the meeting.

STAFF PRESENTATION

Seth Lorson –

The proposed project is a 3,215 square foot addition consisting of a new collections building and a 500 sq ft display space.

The proposal has 4 variances and hence is being processed as a PUD. The variances include a .62 floor area ratio, the standard is .50, 4 ft. front set back, which varies from the standard 10 ft. and 5 ft. side set back which varies from the 10 ft. standards. And proposing zero additional parking spaces are proposed with 4 existing and another 1.8 will be required for this addition.

The proposed design is consistent with the existing commercial neighborhood design standards, as you know this project has been heard at Historic Preservation Commission, at which time they recommended demolition of this historically eligible building. The minutes are in your packets. The pre-application was also heard by Planning Commission and City Council at which time there was no vote.

Staff finds that it is consistent with applicable development standards and consistent with criteria for review and approval for the proposed variances. The applicant is here to respond to any specific questions as well staff is here to respond to any questions on the report and the CDC.

APPLICANT PRESENTATION

Eric Smith-

Essentially the building that is before you tonight is the same application for intensive purposes. I am to make a presentation or answer questions from the board, basically this is the same application you have looked at before.

Commissioner Robbins-

There are no changes at all?

Eric Smith-

Very minor changes; a couple little tweaks to the elevation, but basically what you are seeing tonight is what you saw at the Pre-App.

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Commissioner Levy-

As this is a pretty big public interest, I would think maybe some short presentation might be appropriate for those who were not here for the Pre-App.

Commissioner Lacy-

Would you be prepared to do that Eric?

Eric Smith-

I am happy to do that; (using a PowerPoint presentation) The perspective you see, and I will reference the one on the right if it is easier for you to see, the existing Zimmerman House with the existing Utterback House is located next to it, what we are proposing is to simply reconstruct the collections house behind the Zimmerman House and do a connecting link that will expand the basic exhibit space for the museum and we are going to incorporate the current free standing building that encloses the snow cat into a connecting link that will connect the museum to the collection house.

(Next Slide) This is a site plan showing the existing layout on the property with the Utterback, Zimmerman and the existing Collections House, a couple things that are interesting to note is that the existing collections house sits basically a foot off of the alley, its approximately ten foot off of 8th street. (pointing to the slide) This is where that existing snow cat sits, which comes up to about five feet from the property line on 8th street, the existing Zimmerman House is a little less than a five foot setback from 8th street with the front porch there, and this diagonal line you see is the electrical service that comes into the existing Zimmerman House, there is a lot of electrical switch gear and so forth on the back corner of the building.

(Next Slide) This is the proposed new collections house building and the connecting link we are proposing to add to the existing Zimmerman House which provides for expansion of the existing exhibit space in the museum, and then we are building in the snow cat display storage in front, proposing to change the sidewalk that currently does not physically goes to the front of that. We think that display is something that pedestrians should be encouraged to go up to, and look at that exhibit so we are proposing to expand that sidewalk neck to the front of that snow cat display area so we have a visual connection.

One thing that is important to note is that this electrical line stays so we don't have to spend the money to relocate all the electrical service to the Zimmerman House which then feeds the entire property. The proposed collection building reconstruction stays clear of that electrical line which saves a substantial amount of money.

(Next Slide) This is the floor plan showing the main floor of the Utterback House, the main floor of the Zimmerman House that currently ends right here (pointing to an area on the slide) so we are doing an expansion on the back of the Zimmerman House which will essentially work as an expansion to the exhibit space in the museum itself and then the collection house in the back will basically be a work room, it will have a lift or freight elevator actually to be able to move these things from floor to floor, the basement has a large rectangular storage area connected by an exit stair and then the loft up above essentially is a large rectangle as well to accommodate these large moving storage

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systems to maximize the display space we have within the building and then a back porch in the back to accommodate all our loading and unloading in a covered area.

(Next Slide) This is an elevation super imposed the proposed collection house that shows basically the relocation of this free standing snow cat building up against the building to provide a physical connection there. This is the alley elevation of the house, you'll note the front and back elevations essentially maintain the same twelve twelve pitch roof that is characteristic with the pitched roves in the neighborhood, with the dormers on each side to breakdown the mass of that building. Have a front porch on the front section and a back porch on the back section that will accommodate our loading and covered storage for the trash cans.

(Next Slide) This is the rear elevation from the parking lot, you can see the Utterback House and Zimmerman House in the background and this is the flat roof connection that will occur, this is where the existing property ends. So this is that flat connection and the collections house behind it facing the alley. Might add that the setback now is back five foot from the alley to be able to provide some sort snow storage off the alley and to make sure we are setting ourselves back from that alley exposure.

(Next Slide) This is just a photograph looking at the front of the Zimmerman House; you can see the existing collection house in the background and essentially the new collections house will be in the same location.

(Next Slide) This is from the Utterback House and another shot from and angle from the front.

(Next Slide) This is the front of the existing collection house, you can see the corner of the snow cat storage case, this is the alley view showing the backside of this house where windows have been cut out, there have actually been a lot of modifications at this house over the years. This is the trash storage area looking again from the alley back towards the back corner of the building.

(Next Slide) This is the side of the collection house that faces into the Zimmerman House, again siding is metal, the old siding has been destroyed and the windows are gone and have been boarded up in this location.

And that is it, I am happy to answer any questions.

COMMISSIONER QUESTIONS

None

PUBLIC COMMENTS

Jane Hill-

I am a long time board member for the Tread of Pioneers Museum; this has been something we have labored over and I think the issue has come out in the paper today. I think our decision is what's inside that collection house tells the very story of the heart and soul of Steamboat Springs and those artifacts. And the house itself has had not significant person ever lived in it, the history house as far as personality it is really not there, the

December 8, 2011

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condition of the house is poor, we have to do a very specialized basement because we are in water flow area from the river, we would have to lift that house, place it somewhere else while we did that work, and then bring it back. I am not sure where we would keep the house, be it in the parking lot across the street which I am sure the City would not be too happy about having the house sitting there. There are just so many problems with this old house, we have after giving it much thought and we have been in this process for three years, we have decided that it is better to provide a place for the things that belong to Steamboat Springs and tell our story then to preserve a house that really doesn't teach people much and doesn't have much of a story.

I have been on this side of Historic Preservation for many years now, having chaired the little red school house out on the highway, serving on Historic Routt County it has been an argument for me emotionally but my conclusion is we've made the right decision to replace the house with a structure that serves our purpose and gives us the square footage we need because the old house does not give us the square footage we need, and so that is our decision and I hope you will support it.

Towney Anderson-

I think you all got a copy of the letter that I was a coauthor and I really wanted to be here tonight. Our purpose in sending the letter was to encourage a conversation that we shoulder as stewards of our heritage. We hoped that conversation would happen outside the formal review process but that didn't happen. I do not think the irony is lost on any of us that we are demolishing a historic resource in order to preserve historic resources. We had hoped the light of it last October would have e-listed conversation of our roles in a community ethic more supportive and protective of our heritage. The fact that we have received no response speaks volumes of the distance we still have to go to achieve a place where the great decisions that confront is not whether we preserve our historic resources but how we preserve them. We do not know whether the "to preserve or not" discussion even happened. The fact that this particular application was submitted by our foremost heritage organization Tread of the Pioneers and the largest beneficiary by the museum and heritage tax is clearly troubling. If those of us committed to serving these beneficiary of museum and heritage tax organizations don't have a preservation ethic to whom do we turn to set the example? This is not about whether to preserve the building at the expense of having a better collections house it's about integrating the collections house into a better collections facility. If I were disturbed by the conditions of the buildings I would have had to find another means of livelihood since I was about twenty-one years old. Preservation is about attitude and how you approach what you plan to do. It does not insure that every historic resource is saved at all costs nor does it prohibit plans for development, it simply means we approach our ambitions for expansion and development with a question that is asked first, can this historic resource be a part of our plans. And we approach it this way as we want this resource to be a part of our future. And we do not make that directive to the professionals who are there to serve us it becomes a very easy decision to demolish. In the interest of long term community health we should be asking ourselves why can't we adopt this approach. We brought this up now because if we do not when is it going to happen. I hope that you our planning commission will take the lead in this approach and perhaps a better long term approach will come from this lost of a historic resource.

Kathy Kline-

December 8, 2011

DRAFT

I have been a resident of Routt County for over thirty years, and I come before you tonight as a preservation advocate, I was one of the signers and contributors to the letter. I also come as a neighbor of the museum and I love having the museum as a neighbor it is one of the 1st requests my nieces have when they come to visit. I also come to you as a loyal museum supporter over many years as well. And if it were not for your posting process, myself, neighbors and other museum board members would not even be aware of this process or project. The reason and the intent we wrote the letter to the museum board was to have a discussion, not to alienate or judge, it was to say can we help in this process. I know that the museum has been working on this for three years, and I think we are lucky in that respect and that we have all these things and we need to be able to store them safely and have room for them and provide for more room in the future. And we are lucky in 2011 to have technology and process and other avenues we can pursue, so if we could only have conversations of the intent and the reason we put it in the public packet is because we did not get any conversation or response. And I know your job here tonight in light of what Seth has said, there is only so much you can do here tonight and perhaps its too late, to start the discussion or reconvene the discussion, because I think Historic Preservation has been identified as a community priority. It is in the visioning process and a chapter in the community plan, my hope and my intent with this letter was to enable this discussion so that it eventually becomes policy or possibly code so we can have some directive and tools to nurture this policy. I believe it is mutually beneficial to save the old house, as the library did with their expansion. So I am looking for help on how can we have this discussion. I do find the irony in the fact that the Utterback House and the Zimmerman House were moved there and the only original structure to that site is going to be gone. There are just a lot of things to consider in a decision like this, and I appreciate your consideration.

Bill Petrillo-

I would like to see you put a flag pole on this project if you approve it, I believe they should have an American Flag and a flag pole. And a state flag.

John Marshall-

President of the Board, Tread of the Pioneers Museum. Just a couple of things, first of all the article in the newspaper today kind of had history verses history and it really is not Historical Preservation and the Tread of the Pioneers going at it, we have the same mission, we have the same vision, we have a long history and have worked together for many many years, and we will work together for many years going forward.

My major concerns with the building, when we went to the Historic Preservation Commission in August and we received a 3-1 vote, there are safety issues in this building, there are health issues, we really don't want to put anyone at risk, I don't want to put anyone in that building, we have had people get sick in that building. We have tried to give the building away, some people have come through it and had some interest, but they have all rejected the process and they have had builders look at it that have rejected the building. I've only been on the board for six years, but I have been connected with the museum for forty. The museum has looked at this project for many years, the building probably cannot be moved, it has asbestos it has lead paint it has no fire escapes it has no fire prevention, the basement is useless, we would as Jane stated have to move the house build a new basement and move the house back, tear off the back of the building and Eric can give you all the other specifics. So to us it has just not been a reasonable alternative,

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we would love to reserve some but we can't, and as much as we respect Historic Preservation and work with them, we just don't think it is a reasonable alternative.

Commissioner Lacy-

Seeing no additional public comment, we will close public comment and come back to commissioners for additional questions.

COMMISSIONER QUESTIONS

Commissioner Levy-

I have a question for staff.

It was brought up during public comment the community area plan and the historic preservation section in the plan and specifically HP1 is to find ways to prevent the loss of historic and cultural sites. I was just wondering, we don't have any mechanism to prevent demolition, accept the need for a development permit. How far does this go with the PUD where we have to way advantages verses disadvantages and some of the criteria for the PUD which also require it to meet other standards in the code? How far back can we go to say they are not meeting the code because they are demoing a building which we cannot prevent under normal circumstances, but because it's a PUD does that reach this far back?

Seth Lorson-

Thank you Rich, as we were quoted in the newspaper, we feel this proposal is a net benefit to Historic Preservation in Steamboat Springs. We relied heavily upon the Historic Preservation Commissions approval to demolish the structure. It was reviewed by Historic Preservation staff and then reviewed at the public hearing level before the Historic Preservation Commission, their recommendation coupled with the new proposal meeting the needs of the Tread of Pioneers Museum as well as meeting the design standards in working with the pattern of the existing neighborhood all came into the consideration when we said that the advantages outweigh the disadvantages. And that there is superior development here.

Commissioner Levy-

Thank you, that's all.

Commissioner Hanlen-

I have a question on condition number three, I am concerned about the current language of that, it seems really vague and I would propose tonight that we either strike number three altogether or put the language that you proposed needs to be there. But I don't think it should stay in its current form.

Commissioner Lacy-

Yes, I had a question about that too, has there been any discussion about the possibility of this being moved? Is that how this came up?

Seth Lorson-

There absolutely has, there actually was talk it and you heard that in public comment. I don't know if that's moving forward, at this point the general discussion was around a large evergreen tree that's in front of that building, from what I understand, and we had a lot of discussion about during development review and felt it was important to maintain that tree.

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Also, it was brought to my attention that if we move the building that they would have to cut the tree down. So that is kind of what the reference of this was that there may have been other issues with the moving of that building, so I wanted to leave it open ended so we could reopen that conversation because it does change what's being proposed from a demolition to moving the building. Of course and I open to new ideas for that condition.

Commissioner Robbins-

I thought it was just said in public comment that they couldn't move the building.

Eric Smith-

Let me maybe clarify, having been through a number of building relocations where we have taken buildings and moved them, what has to happen to physically move the building is it has to be jacked up off its foundation, they put big steel beams under it, roll the building if you will on these beams onto a flat bed so that they can move the structure. They don't pick it up so to speak and move it sideways or move it diagonally because of the way the structure has to be held up. So to pick this house up, it would have to be picked up and moved to the street as we cannot move it to the alley as there is not enough space to line the truck up and slide it onto the truck, there is not enough space to slide it out the back either and make the turn movement. So it would be the type that this thing would have to move forward to the street, and there were discussions when we went through the HPC hearing about gee it would be nice to preserve this asset if we could have it relocated, and there have been people who have come in and looked at it with that possibility in mind and from the museum stand point we'd be happy to have this thing relocated. The challenge is we are dealing with a little bit of a catch 22, to satisfy a potential objective that if the house gets moved, we can't do it with that tree in the way. So, the reality is to physically move it that tree would probably have to go along with any vegetation in the front. The reality from the people I've talked to and my experience, there is not much value in physically moving the structure because once you move it you have to put a new foundation under it, there's no significant architectural features that would make somebody want to preserve this house because they are preserving the interesting trim details or interior details. There's an old coble upstairs that doesn't meet code, the windows are gone for all intents and purposes, the old siding is gone, the floor system doesn't meet code and would have to be replaced, the roof system doesn't meet code and would have to be replaced. All of the walls in order to put a second story on would have to be replaced, so for somebody to move it they would have to put in a new foundation, a new floor, a new roof, new walls, new windows, new siding. Once they spend the money to move this there is no value that they have so it is highly unlikely that this would be moved, unlike the Zimmerman House and Utterback House that have a lot more interesting architectural detail and structural integrity. There's not that much left of this to move, so we think that likelihood is low, but it would require removal of that tree to do it.

Commissioner Lacy-

Seth, correct me if I'm wrong, but if the scope of the project changes, they would have to come back to us anyways.

Seth Lorson-

That is why I specified about the building being moved, because what happens is we have to relook at the landscape plan and so it could be a small change to what we are reviewing

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right now and I would propose that we could do that administratively. It would probably be within substantial performance of approval. I would want to make sure if they were doing that and changing the landscape plan, we would want to take a look at it.

Eric Smith-

I don't think we would have a problem with that at all, the only concern that we would have is that if one of the goals is to find a new location for this house, we wouldn't want to do something procedurally that is somebody came in, in the eleventh hour and said I'll take it I'll move it and I can do it in this time frame, that we would get delayed having to go through a planning process, we do not want to do it in a manner that is not in Tread of Pioneers Museum's best interest by facilitating it getting moved by lengthening the process. So if we could do it on a staff level that really would not create a problem.

Seth Lorson-

And that is what I am referencing, amendment to the approval, amendment to the plan that we are referencing today, it would be the landscape plan. But it would be an administrative amendment.

Commissioner Lacy-

Would you want to clarify in here that it would be administrative?

Seth Lorson-

Yes that would be fine.

Commissioner Robbins-

I do not really like how it is worded where it state that if the scope of this project changes, I think it should just be if the existing collections building is to be moved instead of demolished, an administrative amendment to this approval would be required. Because the scope of the project isn't really changing, your still building a new building.

Commissioner Hanlen-

And do we need to facilitate that amendment solely to the landscape plan? Currently it is so open ended.

Commissioner Lacy-

I believe with Jennifer's wording of if the building is moved that what ever happens if the building is moved there a need for administrative amendment.

Seth Lorson-

I have worked on this to state; If the existing collections building is to be moved an administrative amendment to this approval is require.

Eric Smith-

I think Brian's suggestion is good in the sense that administrative review is required to amend landscaping. Because the only thing that would be impacted by relocation of that building would be landscaping, I assume that is staffs concern. Not the new building.

Commissioner Hanlen-

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I believe it really needs to be specific to the landscaping.

Commissioner Robbins-

But if we make it that specific we limit ourselves to just the review of the landscaping.

Seth Lorson-

That's right if the sidewalk is destroyed or something of that nature.

Eric Smith-

Well, impacts of the move, I guess is what your saying.

Seth Lorson-

Basically the reason I feel there should be no fear about this being open ended is that our analysis this project right now says that it is consistent with criteria for review and approval as well as the standard of the CDC. If something were to become non consistent with this move that is what we would be reviewing.

Commissioner Lacy-

Are commissioners fine with the language we have proposed to change on condition three?

Commissioner Hanlen-

Clarify for me, did we say that we are simply going to review impacts from the move of the building or is it still left open ended?

Seth Lorson-

I would like to leave it open ended.

Commissioner Lacy-

By leaving it open ended it does allow review for any impacts caused by removal of the building.

Commissioner Hanlen-

My concern is that if this is something that does not get started in six months and is something that gets started at the longer term, potentially it is not Seth doing the review, then we have someone whom has never seen this project before and that planner needs to start from scratch and then it begs a more thorough review that Tread of Pioneers isn't anticipating and all of the sudden this whole thing gets opened back up. So when variances are involved, and to Rich's point earlier vague descriptions to advantages outweighing disadvantages and under new staff member eyes it has potential to go where we are not anticipating, and that is why I am pushing for specifying what we are reviewing and not having it open ended.

Commissioner Robbins-

What if we added administrative review in conjunction to the existing collections building being moved?

Seth Lorson-

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What if it read like this Brian, If the existing Collections Building is to be moved an administrative amendment to approval to address impacts of the move is required.

Commissioner Hanlen-
Perfect!

All commissioners agreed.

Commissioner ???

Eric what is the architectural type of the existing building? Does it have a name?

Eric Smith-

Not really, there is really no defined style, it was done in two phases, the built the main structure then added the shed portion to the side at some point, maybe early on in the structure.

The group discussed the structure of the existing building and commented that it has been called cowboy rustic, but due to its condition even modification made to the building the building itself is not sturdy enough to maintain those modifications.

Eric Smith-

To clarify a couple of public comments this has not been a surprise there have been numerous board meetings, and public hearings so this is not something that has been sprung on anyone at the eleventh hour.

Commissioner Hanlen-

A quick question for the applicant, is the standard vesting period acceptable?

Eric Smith-

Yes the three year period is acceptable.

Commissioner Lacy-

Eric on your narrative that is provided in the packet, page 3-25, under the last sentence on your "intent" segment you stated that the entire addition complies with our commercial neighborhood zone district standards, that is will also comply with the Colorado Historical Society Standards, and the Secretary of the Interiors standards. Can you talk to us on what that entails?

Eric Smith-

Good question, if you would flip back to the 8th street elevation, what the Secretary of Interiors deals with in these expansions is when you do an extension to an historic structure what they do not want you to do is an addition that mimics or copies all of the detail to where some one walking up to the building after the fact could not tell the difference between the historic structure and the integrity of that structure, and what components your adding to it.

Commissioner Lacy-

Thank you.

RECOMMEND MOTION

MOTION

Commissioner Hanlen motioned to approve DPF-11-02 with the amended condition number three.

Commissioner Robbins seconded the motion.

DISCUSSION ON MOTION

None

VOTE

Vote: 7-0

Voting for approval of motion to approve: Lacy, Brookshire, Hanlen, Levy, Meyer, Robbins and Turek

Absent:

One alternate position vacant

Discussion on this agenda item ended at approximately 5:50 p.m.

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Text Amendment to CDC – Use Chart Definitions #TXT-11-15 A public hearing on proposed changes to the Permitted Use Table and Definitions sections of the Community Development Code. These proposed changes are a result of a Permitted Use Table audit with the goal to allow greater predictability where a particular use is allowed and greater administrative review of particular uses which will result in less cost and paperwork associated with approving new uses. More specifically, text amendments are proposed for Section 26-92 (Permitted Use Table) and Section 26-402 (Definitions and Use Criteria).

Discussion on this agenda item started at approximately 5:55 p.m.

Commissioner Meyer rejoined the meeting.

STAFF PRESENTATION

Bob Keenan –

Brief introduction and presentation on this item, Bob handed out extra copies to the public. Before you is the Text Amendments to Section 26-92, Permitted Use Table, to allow more uses by Right and Uses with Criteria and to add brewery and brewpub uses to the permitted use table. Text Amendments to Section 26-402, Definitions and Use Criteria, that updates child care definitions to be consistent with the Colorado Revised Statutes, creates new definitions for brewery and brewpub, and to add new use criteria to specific uses.

Basically this amendment is a result of meetings with Planning Commission and City Council and given direction on ways we can do more administrative review throughout the Community Development Code and this is just one area that was identified as potential area to address. Basically with the idea of allowing more administrative review, to reduce permit fees increase efficiency and to create more predictability within the process. To give an example of this type of change to the use with criteria, and why we are proposing it, as you can see with Tavern use, there are basically two criteria with this use, one is review will be prior to development or building permit as applicable, well, this is the same as the restaurant use with criteria. So as of right now, an applicant wanting to have a tavern use would have to post a \$50.00 application fee, submit an application, and only to be reviewed by this criteria here. Staff did not find that this was a very appropriate use of the applicant's time and money, and created no real benefit to the community or the applicant. Second one is an example of a conditional use moving to a use with criteria, it is processed through a development plan which is processed through a public hearing, application fees are \$1500.00 and the end the applicant would have to go through the full process to find out whether this use would be allowed. An example is automobile filling station, currently there are no criteria for this use, and staff is proposing adding criteria for this use to give certain criteria to give certainty to the community and the applicant on where and when this type of use would be allowed. Staff finds that if we can identify what these negative impacts associated with a use such as this is, then we can address the issue of why wouldn't this be an allowed use with criteria for these zone districts. We feel this gives both the community and the applicant some sense of certainty of when and where this use is going to be allowed.

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The last thing we wanted to note that even if a use is listed as a use by right, that is being allowed without public hearing or by administrative approval it does not necessary mean that there will be no public review of the proposed development including site planning and architecture, only in limited cases where a building exists, that can accommodate the proposed allowed use, will there be no public hearing. Meaning, for example we can take the automobile filling station, if some one wants to come to Steamboat and put in a new automobile filling station in the CC and CS Zone Districts, if they find an existing spot with an existing building and existing canopy, the they can just move right in, maybe they will have to do a use with criteria application and have to notify surrounding area property owners. But it is very unlikely that they will find an existing location like that, that has not already been a gas station, so the point it they are going to have to come in and seek approval through the final development plan process and the development plan process for the site plan and architectural plan. Where is gives the applicant and the community and idea of where the use is going to be allowed, there will still be a public hearing to discuss how it meets the site planning, architecture, and other requirements of the community development code.

The second point is, the code requires a change of use application for uses by right and uses with criteria that significantly differ from the previous use, of the lot or the building. And with this change of use, the applicant would do surrounding property owners notification, and example of this that involves tavern was what was going to be the Powder Room Club, a night club use at that location was a use with criteria, basically an administrative allowed use, however the previous use was office. So that was a significant change of use, so we had the applicant go through a change of use process and notify the surrounding property owners. So the point is that even though it is an administrative process, there will me a public review process of the development unless it already exists.

Moving on, at our Worksession there was one change suggestion to the timeshare definition which is on page 4-59, and we will strike the words multiple owners. We will update this for the city council hearings.

COMMISSIONER QUESTIONS

Commissioner Hanlen-

Following up on the timeshare definition, it seems like the definition that has been added made it more complicated then where we left off before. What I mean by that is that a lot of single family homes can be owned in the structure that you described here. Based on the way we are describing it, I believe it is becoming more problematic than it is intended. I am back to the original recommendation of striking timeshare altogether. I feel you are trying to become too specific, and the more specific we become the more problematic it becomes.

Bob Keenan-

I would beg to differ that me made it more specific; we opened it up to more of a variety of types of ways a timeshare can happen. From being specific to a form of ownership to opening it up to club membership, vacation license to general partnership interests and other forms.

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Commissioner Hanlen-

By default you have done the reverse, by stating that something that is beneficial ownership in a trust is now a timeshare.

Commissioner Robbins-

Also, left out were things like Limited Liability Company, or corporation ownership that would allow the ability to have multiple owners. So you've narrowed it to list certain things, and you've excluded certain things, so if you were owner of a timeshare as an LLC you wouldn't fall into this timeshare definition.

Commissioner Hanlen-

What I am trying to say, is there is a lot of single family homes that are owned by trusts but wouldn't be by definition a timeshare or considered a timeshare.

Bob Keenan-

Those types of ownerships don't specify a specific time of use of that property.

Commission Turek-

Going back to two workshops ago, we are trying to regulate use not ownership and we are trying to regulate use by defining ownership and you just can't get there. I agree with Brian & Jennifer on this.

Bob Keenan-

Perhaps we can revise this so it's more general.

Commissioner Hanlen-

What I propose is that we strike timeshare all together. And that the neighborhoods where we are concerned about what will be considered a hot bed, become covered by the vacation home rental properties.

Bob Keenan-

Those are specific to single family residents.

Commissioner Hanlen-

That's my point, and everywhere else in the city that isn't covered by the VHR Ordinance, would be open to timeshare. Even though we have struck the definition.

Commissioner Lacy-

So how can we do that when we strike the definition?

Commissioner Hanlen-

Doing it by default, protecting the neighborhoods we want to protect, through the VHR Ordinance.

Commissioner Lacy-

So only protect single family.

Commissioner Robbins-

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VHR also applies to duplexes which I guess are single family homes.

Bob Keenan-

Timeshare is not an allowed use in most of those zone districts that have single family homes.

Commissioner Hanlen-

I am saying that by striking timeshare all together, we are already covered without making this more complicated then it needs to be based off the way the VHR Ordinance is already set.

Bob Keenan-

Staff point of view I believe we are not prepared to strike the definition, so I would like to give it more thought before we move forward on striking that definition. We could leave it as it was and come back to it at another time...

Commissioner Hanlen-

Now's the time

Bob Keenan-

Well, we should table it then.

Commissioner Lacy asked if any other commissioners had any thoughts on this issue.

Commissioner Levy-

A real estate lawyer or some one that can specifically go to this is my fist thought, I can't argue the pros and cons from a legal standpoint.

Commissioner Robbins-

Alternatively, if you did not want to strike the definition entirely, there is a way to reword it, so it starts with formal property ownership under which a property provides for right of possession specified time of possession for a residential unit. You're just taking out all of the middle.

Commissioner Lacy-

Or you could leave in the middle and could also say, include but not limited to the following and you could say those things and not exclude any of the other entities that are out there.

Commissioner Robbins-

I just feel that listing things is kind of useless in a way.

Commissioner Turek-

I also agree with Brian that if you include something that is a form of family ownership or corporate ownership that's not a timeshare, then you are creating a problem for some one who for whatever reason has a family trust situation that decides to put it into an LLC.

Commissioner Robbins & Lacy-

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No we are not going to name any of those things. We just mentioned that you could if somebody really wanted to, but I like the example where we strike all the examples.

Commissioner Turek-

I like Brian's idea of striking timeshare all together; I think timeshare is an antiquated term and there are a hundred ways to slice the banana.

Commissioner Hanlen-

When you have entities, having a single ownership in the deed, where an LLC or Trust owns it you could have two parties in that trust or LLC or there could be fifty, whether it be a family or business partnership. So I think it is problematic to go back and police that, and that is where I am trying to be cautionary about how we approach.

Commissioner Robbins-

I agree that we should just strike it, but if there is some reason that Bob finds that we need to keep it, then I proposing an alternative amendment to how its worded.

Commissioner Turek-

But club ownership is not included in the timeshare definition you're suggesting and club ownership is another way that fifty different families could occupy a residence.

Bob Keenan-

Should we table?

Commissioner Lacy-

Lets talk about the remainder of the issues on the item.

Bob Keenan-

We have not specified that there are any problems with the definition, we have argued that there could be a problem, so I do not think we should throw everything out that we have done.

Commissioner Hanlen-

We're not throwing it out, and there have been problems with it in the past with what I call the heavy handed position with what falls under the timeshare. And just because we don't have any examples because there haven't been any examples because they did not make it through the process and I think it needs to be addressed.

Bob Keenan-

One thing that comes to mind is the resort residential zone district where you can't get a VHR permit because you have a shared driveway or more rooms or square footage then is allowed with the VHR, by striking the timeshare definition you would not be able to do any form of nightly rental. And that would be a departure of what currently exists right now.

Commissioner Meyer-

I am with Brian, I think ultimately we need to strike it, I think we are spending way too much time kind of defining the animal when we don't think there is a problem. Rather than try to table the whole thing, I would be okay with the best possible definition, Jen gave a great

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one, and then ultimately come back and report to us whether or not it can be taken out all together.

Commissioner Lacy-

Does that sound good to all the other commissioners?

The entire commissioner agreed with Commissioner Meyer's suggestion.

Commissioner Lacy-

Any public comment on this particular item?

PUBLIC COMMENTS

Bill Petrillo-

I don't have a timeshare of anything, but I have here for thirty years and I got annexed into the city, way back when I was in the county Rusty Baker would run his old bulls on my property. Way back in about 1983 I believe. So I have been around for awhile, and I read this about the code; the code is kind of like the health care these days for me. I'm a small business inside the city, so I have seen a lot of changes and I put up my mini storage building, well, first I was annexed into the City with Ron Stock and Harvey Rose, and signed an annexation agreement with the city to have industrial on one side of the bike path where my mini storage is and I had the property which is now down by the river which is also zoned industrial but under the annexation agreement it's the river walk project and under the annexation agreement I wanted to keep that open space and I had it agricultural recreational and my subdivision but that got changed when somebody thought it should be industrial down by the river. I did not quite agree with that, but when the James Brown Soul Center of the Universe Bridge went it, I was industrial and I out in my first mini storage building and it was a use by right in the industrial zone district which is pretty up front. Its just right there and with Use by Right, you meet this certain criteria and know what you up against. I went through some criticism for just putting up one building, rather than a whole project, at that time I did not know my location, I am kind of hidden, I don't border any major roads, I didn't know what size mini storage units would be detrimental to may area use or what people would want, so I put one building in and hoped to have the ability to put more buildings in, in the future. This is back in 1994-1995, and it was a use by right. Now its changed with the new code to a special use, so when I came into see Bob about putting in additional buildings, and with the one building it took me three years to put it in, so this is from a small business mans perspective. So I am wanting to put in more buildings and I want to put in eight and I wanted to do it is phases and sections, and the code says I can phase but I can't phase. So you know I can't phase the way I need to phase, because the first one took me three years, to fill up, and if I put in six buildings all at once, its going to take a lot longer to fill them, I would probably go bankrupt. So when I talked to Bob I told him I would like to do one at a time, one per year and my project go in phases and keep perspective on how its going, but with the new code under special use permit, I don't I can actually do it in eight years, they won't let me do it. So its kind of put me in a burden, so if your gonna look at it, and I'm in and industrial zone district and it's a special use for mini storage, it would be easier to have a concrete batch plant like my neighbors, I got two neighbors that have concrete batch plants and I don't know if that's a special use, but the mini storage, I do not know why it's a special use, it's a good neighbor to everybody, and the city just passed an ordinance about outdoor storage. So mini storage is actually all

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indoor, so I thought I would just mention it to you so the industrial zone district is a problem to me with the use by right, as one small business owner, every time we change the code and change it to limit, uses by right I think is good to have and some kind of criteria when I come and go for a permit is just fantastic. Special Use I have been through that process several times and if I can put my ideas in the way I want to it will be a good project and look good, but if I can't meet a certain guideline it makes it tough for me, I am not a corporation we are just a simply mom and pop business. I just thought I would mention that so you would have a view of one small business owner in town.

Commissioner Lacy-

Any other public comment on this issue, no, then we will come back to the commissioners for further questions. Rich

Commissioner Levy

I would like to address the Child Care definition to state that if there is a conflict between this definition and CRS, the definition of CRS shall prevail. If we're going to make them look it up then we should make them look it up, you know we can't keep changing it, but we can't we can have any ambiguity about what is the size of a small child care and what it isn't. Should it be our jobs to update it when the CRS changes or should it just say it's the size that the CRS recommends or what the state statute is. It seems to be just another place somebody has to go look, so here's the code and starting the day after this is adopted anyone that is doing their due diligent, is going to have to go check CRS anyway. So why not just say this size is going to be regulated by CRS.

Commissioner Robbins-

So you're recommending just removing our definition.

Commissioner Levy-

Probably, both of them just don't seem to make sense to me; right after we adopt this CRS could change their rules. Making our exact definition mute, I mean if CRS changes their definitions of small, medium and large, do we have to change our definitions about it?

Bob Keenan-

I believe this is more of a case where, somebody came in and opened a day care, and came back a few years later and changed it from five to seven kids, they could possibly be doing something that CRS rules allows outside of ours then we would have to go through a code amendment before we could give them their use and that could take a couple of months. I mean it is just kind of a safe guard.

Commissioner Lacy-

I kind of like the way it is because there could be a lag between when CRS is updated and when we update our code.

Bob Keenan-

I am not really sure this would be something that is on the radar.

Commissioner Levy-

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But it has to be, once an application comes in, who's going to make sure that small hasn't changed from five to four?

Commissioner Lacy-

Would that be part of the regular review process that staff would then look at CRS to confirm that was still the case/

Bob Keenan-

That's correct yes.

Commissioner Levy-

As long as the responsibility is on staff and not the applicant I think that is fine.

Commissioner Robbins-

Well I think the applicant has to be responsible too look up the state laws as well anyway.

Commissioner Turek-

I think we should capitalize that anyway, I mean State Department of Human Services, is that the actual department name? If that's the actual department name, capitalize it and they have to that anyway, so they ought to be able to look up the current CRS code, because they have to run their daycare according to state laws. I think this is more informational than a strict definition Rich.

Commissioner ???

I have no problem with it being stated twice.

Commissioner Lacy-

Is everyone okay with keeping it?

The commissioners unanimously agreed.

Commissioner Lacy-

Other issues?

Commissioner Robbins-

I just have a general question or comment, in the thing you handed out today, on the tavern use with criteria B you have a capital R for restaurant but throughout the code we do not capitalize terms that define terms, and I think that we should, we at least for me, when you use a term as a definition you usually capitalize that term so you know you have to go look it up and find out what it means, but we don't actually do that in our CDC and I think that it is something that we should be doing.

Commissioner Lacy-

That is very helpful to cue people that it is something they need to go look up in the definition section to see what that means.

Commissioner Robbins-

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I mean that is something that we should start doing, and as we are updating these amendments now, perhaps we should start that process.

Bob Keenan-

So whenever something is referenced in a legal document, and it is capitalized, it represents something that should have a definition.

Commissioner Lacy-

What she is saying is that in our code, when something is references in a defined code it is not capitalized.

Commissioner ???-

Bob is asking if that is what we mean and yes Bob that is what we mean.

Commissioner Lacy-

Other issues with this text amendment, Troy?

Commissioner Brookshire-

I have a question about the section under agriculture. The letter D, about dust smell and noise, shall be mitigated to the maximum extent practical. Page 4-6. Again, I feel like this is one of Brian's issues, I do not know what mitigated to the maximum extent practical means. I think the gist is that your trying to control those items, but I don't get what your suppose to do.

Commissioner Lacy-

Has that ever come up Bob as an issue?

Bob Keenan-

Not this specific one but with other ambiguous language such as that, yes it has been an issue but we are not proposing any changed to this.

Commissioner Brookshire-

But then it becomes if Bob is doing the review there is one set of mitigation and then if Tyler's doing it there's a different.

Bob Keenan-

.... Compliance that is merely beneficial to the public, that would not unreasonably burden ...

Commissioner Lacy-

So that phrase is defined elsewhere?

Commissioner Brookshire-

The last kind of question I have at this point is going back to this use by right, it seems to me, if whatever zone district your in, if you have a use by right, I don't know that you need it to go to the public hearing. I guess there are a lot of things that get reviewed depending upon the application. I guess I am just asking philosophically, if there is anything that you can do in the city, as a use by right that you are not put through the public process?

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Bob Keenan-

Yes all the list is in the permitted use table, which are allowed uses by right. Only when a new use by right is significantly different then perhaps the use of a shop which you would send out public notice of a change of use. There really is not grounds for the public to want to deny that use. Its more of just a heads up, that this is what's going in, the new use in the neighborhood.

Commissioner ???-

You reminded me that you used that example about the Powder Room, which brought it to a public hearing.

Bob Keenan-

Because our administrative decision because we as staff decided it was an appropriate change of use and the surrounding property owners in that case protested that staff did not apply the rules correctly and wanted to go to public hearing.

Commissioner Robbins-

Is an appeal the director's decision?

Commissioner Brookshire-

But if there was no neighbor that was anti the change of use, that is the way you do not have to go to public hearing, but if there is neighborhood opposition you potentially end up at a public hearing.

Commissioner Robbins-

If they file an appeal?

Commissioner Lacy-

Yes, a timely appeal.

Commissioner ???-

Even if the director denies it the applicant could appeal, so that gets back to so what is the heck is a use by right?

Commissioner Lacy-

If someone disagrees with the decision whichever way it is, what they are saying is, the person that made that decision is wrong in their application of reading their criteria. They are saying that in either one or more of the criteria either in approving or disapproving has failed in applying those criteria to that application. Is that what your looking at?

Commissioner Brookshire-

That is very helpful, but I am still struggling within the concept of whole big ball of uses that's allowed within a certain zone district. I mean if the use is allowed, I guess it's the criteria that regulate it.

Bob Keenan-

That's the key.

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Commissioner Hanlen-

When we were talking about providing examples, for the filling station and the canopy as well as for the drive thru restaurant do's and don't, nothing made it into our packets, are we not providing anything?

Bob Keenan-

You mean the use with criteria?

Commissioner Hanlen-

No, diagrammatic examples of both.

Bob Keenan-

No we did not add any visual to go along with those.

Commissioner Hanlen-

I would like to reintegrate that request; I think that especially for the drive thru restaurants it is important that we provide what we are wanting as well as what we don't want to see. Tyler provided two to me later that night and I was just anticipating they would be part of our packet.

Commissioner Lacy-

And you would want those to ultimately be in the final ordinance for City Council, and you would note that they are for demonstrative purposes only?

Bob Keenan-

Yes, Correct

Commissioner Hanlen-

And same for the example of the canopy for a filling station, just showing what we have in mind.

Bob Keenan-

Yes

Commissioner Hanlen-

One more, I though you guys were moving full speed ahead on the definition for a brew pub or brewery, wasn't that suppose to be part of this.

Commissioner Lacy-

It is, it' in the ordinance.

Commissioner Robbins-

I am having a hard time determining the definitions between brew pub and tap room/tasting room, mainly because at the end of tasting room you have food may also be served. And that makes it more in my mind more of a brew pub if they are serving food. And though it doesn't have the same criteria as brew pub, it says a portion of the facility; it doesn't really

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define what portion. Then when you add food can be served, someone could have a tap room.

Bob Keenan-

Tap room is only associated with a brewery you can't have samples in a tap room because would be considered a restaurant or bar.

Commissioner Robbins-

I feel the definition should be clear, it just says a portion of a facility; maybe it should say of a brewery.

Bob Keenan-

Yes, we can change that.

Commissioner Lacy-

Well, it does say it is on the same premises as a brewery.

Commissioner Turek-

What do you think could go wrong with the definition, what do you think could happen?

Commissioner Robbins-

Someone could put a restaurant at the brewery, in the tap room of the brewery and not have to meet the same criteria as the brew pub.

Bob Keenan-

The brewery is to address like more of the large manufacturing operation, in an industrial zone, with a limited amount of retail or service.

Commissioner Hanlen-

Are you required to serve food if you're serving alcohol, even if it's just pretzels?

Commissioner Lacy-

I don't believe so.

Commissioner Hanlen-

At what point is a restaurant an accessory use of a brew pub? I could see that being an argument.

Bob Keenan-

Currently we have accessory uses that are that is no more than 35 percent of the floor area.

Commissioner Hanlen-

How does the brew pub correlate with the zone districts where we allow restaurants?

Bob Keenan-

It is just a cap that is not to exceed.

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Commissioner Hanlen-

And my question is they different zone districts?

Bob Keenan-

No they are not.

FINAL STAFF COMMENTS

Bob Keenan-

One other definition of a timeshare definition is make a condition of approval, as we discussed, we would like to take the time to take a look to see if there are any issues and of course if there are not any issues we will take it out.

Commissioner Lacy-

And would you just report back to us after City Council and let us know how that goes?

Bob Keenan-

Yes, and then if I could address public comment, we did not suggest changing self storage facility, from condition use to a use with criteria, however in retrospect, I do not see any issues in going that route. It's only allowed in the CS and in the I zone districts, it only make sense especially in the Industrial Zone Districts, I think Bill brought up some good points, so I just wanted to address that public comment.

Commissioner Lacy-

So just to clarify, at some point that was use by right and now its conditional use?

Bob Keenan-

Yes, I think under the old code. That would be prior to 2001, and I think it was changed because they were popping up all over the place, I believe that was in the mid to late 90's.

Commissioner Meyer-

There were years when mini storage facilities were all we were approving, and we were afraid that we would end of with an industrial zone with nothing but mini storage.

Commissioner Levy-

I would be wary of changing it, as it could happen again. With people downsizing their homes and needed someplace to store their stuff; there are other uses that can only be done in the industrial zone and we could still have the threat of loosing our industrial zone to mini warehouses. So if we changed it to use by right, we might have to come back and change it or deny that use by right for a proliferation of self storage facilities.

Commissioner Robbins-

And if we change it to a use by right, we would not have the ability to deny down the road if they met the criteria.

FINAL COMMISSIONER COMMENTS

RECOMMEND MOTION

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MOTION

Commissioner Levy moved to approve the TXT-11-15 with the changes made at this hearing, timeshare and possibly eliminating it if staff finds no issues by definition and illustrative changes for drive thru and canopy.

Commissioner Meyer seconded the motion.

DISCUSSION ON MOTION

Commissioner Robbins-

I just have an additional comment, I don't know if you were going to take action on the capitalization or if you were going to do it all at once.

Bob Keenan-

I think it makes sense to just do it all at once.

Commissioner Turek-

I am an editor, and I have to tell you if you attempt to capitalize every term that is defined in the CDC probably every third word would be capitalized. Terms like Criteria and Petroleum Products have been defined; I think that from a readability point of view, you can't capitalize every defined term. In a document like this, it would read like German. I think a light hand has to be used in a situation like this one.

Commissioner Lacy-

But you have to be consistent; you can just capitalize some and not others.

Commissioner Turek-

But if you read through these definitions and think about every term that is also defined in the CDC you are talking about something that literally reads like German, every proper noun is capitalized.

Commissioner Robbins-

But you don't think that would be a huge benefit to the public that reads the CDC? We just had two of those issues tonight.

Commissioner Turek-

It's a big thick code, you have to take time to learn it you can't just capitalize it and think that makes it easier. At first I thought it was a great idea, but as I started to read through and saw how many words had definitions and would have to be capitalized, I don't think it would read much better.

Commissioner Lacy-

We will follow up on it and discuss it further as a commission, when staff brings it back

VOTE

Vote: 7-0

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Voting for approval of motion to approve: Lacy, Brookshire, Hanlen, Levy, Meyer, Robbins and Turek

Absent:

One alternate position vacant

Discussion on this agenda item ended at approximately ?p.m.

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Gondola Square Condos (Hungry Dog Cart) #DP-11-05 A Conditional Use approval through a Development Plan to allow Outdoor Sales (Hungry Dog Food Cart) at Gondola Square Condos (Steamboat Ski Area-Gondola Square).

Discussion on this agenda item started at approximately ?p.m.

STAFF PRESENTATION

Bob Keenan –

This is an application for outdoor sales at Gondola Square Condos, for a food cart for Hungry Dog. Planning staff is recommending approval. The applicant is still here and he and I are available for any questions.

APPLICANT PRESENTATION

Brad Somers-

Hello, my name is Brad Somers and I am the owner of Hungry Dog the downtown hot dog stand at 7th and Lincoln, we are proposing a mobile hot dog cart in Gondola Square Condominiums it is on Christy Sports property, bordering OSP. It would be a mobile food cart that would be brought in and out on a daily basis. With a no trace policy. There would be a few tables and chairs left out but other than that a strict no trace policy is in place. We would be operation mainly through the winter months, possibly a few times through the summer. I think it would be great for the community our customers and those visiting at the base of the ski area.

COMMISSIONER QUESTIONS

Commissioner Robbins-

So, your leaving tables and chairs there, how does that effect the snow removal in the area?

Brad Somers-

That is a bit of an issue, there is currently no snow melt in that area on that piece of cement. I will be responsible for that, as of now there is no snow removal there, but I would be clearing the area in neat manner approved by the people in the area.

Commissioner Hanlen-

Bob, why is this not being approved administratively, how come we have to see it?

Bob Keenan-

Inaudible

Commissioner Hanlen-

Is that going to be addressed in our clean up?

Bob Keenan-

It was addressed in Monday's Worksession and will be addressed in a future policy Worksession.

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Commissioner Meyer-

Could you please for the record explain that the DP has a two year term, but that two year is the time in which the applicant commences usage, so you just want to explain at what point would it go away, if the cart would go away, this is a little unusual in that usually run with the land and this is not the case.

Bob Keenan-

No it still is the case; this permit runs with the land. If for some reason they were unable to open up business, over the course of the next two years, then the approval would expire, or as he runs it seasonally, if he for some reason skipped a season that would terminate the approval.

Commissioner Levy-

Attachment 1-shows lot lines and specifically shows the cart on One Steamboat Places property so can some one address that, are we sure it is not on that property.

Bob Keenan-

We weren't able to obtain a survey of the property the lot lines on the map you have are not guaranteed to be correct, but I have mentioned this to the applicant several times and he has made sure that it is actually on Gondola Square Condos property. His application is for Gondola Square. If his use is not in Gondola Square then he is in violation of his permit, so I think the safe guard we have.

Commissioner Levy-

You stated you have permission from all the surrounding area property owners, does that include One Steamboat Place?

Brad Somers-

Yes it does, the General Manger of Christy Sports contacted everyone before we started this process and they all approved it.

PUBLIC COMMENTS

None

FINAL STAFF COMMENTS

None

FINAL COMMISSIONER COMMENTS

None

RECOMMEND MOTION

MOTION

Commissioner Robbins motioned to approve the DP-11-05
Commissioner Meyer seconded the motion.

DISCUSSION ON MOTION

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None

VOTE

Vote: 7-0

Voting for approval of motion to approve: Lacy, Brookshire, Hanlen, Levy, Meyer, Robbins and Turek

Absent:

One alternate position vacant

Discussion on this agenda item ended at approximately ???p.m.

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DRAFT

APPROVAL OF OCTOBER 27, 2011 AND NOVEMBER 10, 2011 MEETING MINUTES

MOTION

Commissioner Levy moved to approve the Planning Commission Meeting minutes from October 27, 2011. Commissioner Robbins seconded the motion.

VOTE

Vote: 4-0

Voting for approval of motion to approve: Hanlen, Levy, Meyer, and Robbins

Abstaining: Lacy, Brookshire & Turek

Absent:

One alternate position vacant

MOTION

Commissioner Robbins moved to approve the Planning Commission Meeting minutes from November 10, 2011. Commissioner Meyer seconded the motion.

VOTE

Vote: 7-0

Voting for approval of motion to approve: Lacy, Brookshire, Hanlen, Levy, Meyer, Robbins and Turek

Absent:

One alternate position vacant

DIRECTOR'S REPORT

None

ADJOURNMENT

Commissioner Levy moved to adjourn the meeting at approximately ??? p.m.
Commissioner Meyer seconded the motion.

VOTE

Vote: 7-0

Voting for approval of motion to approve: Lacy, Brookshire, Hanlen, Levy, Meyer, Robbins and Turek

Absent:

One alternate position vacant

CITY OF STEAMBOAT SPRINGS

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 26 OF THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE FOR TEXT AMENDMENTS TO SECTION 26-92, PERMITTED USE TABLE, TO ALLOW MORE USES BY RIGHT AND USES WITH CRITERIA AND TO ADD BREWERY AND BREWPUB USES TO THE PERMITTED USE TABLE. TEXT AMENDMENTS TO SECTION 26-402, DEFINITIONS AND USE CRITERIA, THAT UPDATES CHILD CARE DEFINITIONS TO BE CONSISTENT WITH THE COLORADO REVISED STATUTES, CREATES NEW DEFINITIONS FOR BREWERY AND BREWPUB, AND TO ADD NEW USE CRITERIA TO SPECIFIC USES.

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 determined that this ordinance furthers the goals and policies found in the Steamboat Springs Area Community Plan; and

WHEREAS, the City Council has determined that allowing more administrative review of particular uses is in the best interest of the community as it provides for greater predictability for applicants and the public while reducing approval periods and application fees; and

WHEREAS, by allowing more administrative review of particular uses the City Council finds it necessary to update the definition section of the Community Development Code to add new uses, update definitions, and to add new criteria to uses to help offset any potential negative impacts from such uses.

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

Section 1. These amendments are as follows (new language in **bold** deleted language in ~~strikethrough~~):

A. CDC Sec. 26-92 Table of Permitted Principal Uses.

Note: The following table does not replace the existing 26-92 Table of Permitted Principal Uses but does replace those particular uses listed within the table and adds two more new uses.

Use Classification and Specific Principal Uses*	Traditional Zoning Districts															TND Zoning (Transects)				
	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

RESIDENTIAL USES

Duplex			CR R	CR R	C		C	C			C	CR R				CR R	CR R	CR R	C		
Single-family dwelling unit		R	R	R	C	CR R	C				C	R				R	R	R			

COMMERCIAL USES

Automobile car wash													€ R	€ R	C				C	C	C
Automobile filling station									C				€ R	R	€ R				C	C	
Automobile rental							C	C					C	€ R	C					C	
Brewery														CR R							
Brewpub							CR	CR	CR	CR	CR	CR	CR	CR	C					R	R
Hostel				€	€ CR		€ CR	C	C	€ R	€ CR								C	R	
Inn				€	€ CR		€ CR		R	R	R	CR							R	R	
Lodge				€	CR		€ CR	€ CR	R	R	€ CR	C	C						R	R	
Office - medical and dental							C	C	€ R	€ R	€ R	R	R						R	R	
Outdoor equipment sales and rental														€ R	€ R						
Restaurant, drive-in thru													€ R	€ R						C	
Media production									CR	CR	€ R	€ R	€ R	R					C	C	C
Tavern							C	CR R	R	R	C	CR R	C						CR	CR	
Taxidermy														CR R	CR R						
Timeshare					R		R	R	R	€ R			€ R	€ R		R	R	R	R	R	

PUBLIC, INSTITUTIONAL AND CIVIC USES

Museum	C				C			C	C	€ R	€ R	€ R	€ R							R	R
Nursing home							C				€	C	€ R			C	C	C	C	C	C

AGRICULTURAL USES

Agriculture	CR R	R														R					
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B. CDC Sec. 26-402 Definitions and use criteria.

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

(1) Use criteria.

- a. **Shall not be located adjacent to property zoned RE, RN, RO, MF, and MH. (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.)**
- b. **Garage/wash bay doors shall not open toward lot frontage. Highway 40 and Elk River Road shall be considered the frontage for lots with more than one street frontage.**

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

(1) Use criteria.

- a. **Shall not be located adjacent to property zoned RE, RN, RO, MF, and MH. (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.)**
- b. **The gas pump canopy cannot be placed closer to the street frontage than the principal structure.**

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

(1) Use criteria.

- a. **Shall not be located adjacent to property zoned RE, RN, RO, MF, and MH. (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.)**
- b. **The canopy, a permanent unenclosed roof structure erected for the purpose of sheltering vehicles, cannot be placed closer to the street frontage than the principal structure.**

- c. Garage/wash bay doors shall not open toward lot frontage. Highway 40 and Elk River Road shall be considered the frontage for lots with more than one street frontage.
- d. In the G1 and G2 zone districts, rental cars shall be stored in a parking structure.

Brewpub. A restaurant where fermented malt, vinous, and or spirituous beverages are manufactured on the premises. Manufacturing facilities (brewery) shall not exceed 50% of the overall floor area. No more than 50% of the fermented malt beverages manufactured on the premises shall be distributed or sold to off-premises customers.

(1) Use criteria.

- a. No drive-thru windows are permitted.
- b. Brewpub shall comply with section 26-146 Performance, operational and environmental standards.
- c. Brewpubs located on Oak Street shall only be permitted on the Lincoln Avenue alley side of Oak Street.

Brewery. A manufacturer and distributor that the primary use is a manufacturing facility where fermented malt, vinous, and/or spirituous beverages are manufactured on the premises.

(1) Use criteria.

- a. A Brewery may include a taproom or tasting room that is less than thirty percent (30%) of the total floor area of the facility or one thousand square feet (1,000 S.F.), whichever is greater.
- b. A Brewery in the CS zone district shall include a taproom.
- c. A Brewery shall comply with section 26-146 Performance, operational and environmental standards.

Child care center, large. A facility that provides less than twenty-four-hour care for ~~thirteen (13)~~ **sixteen (16)** or more children and is operated in accordance with the rules and regulations of the ~~S~~state ~~D~~epartment of ~~S~~ocial ~~S~~ervices. **If there is a conflict between this definition and the Colorado Revised Statutes (CRS) definition the CRS shall prevail.**

- (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 **care for five (5) through fifteen (15) children** ~~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. **If there is a conflict between this definition and the Colorado Revised Statutes (CRS) definition the CRS shall prevail.**

- (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.

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.~~ **A type of family care home that provides less than 24-hour care for two (2) through five (5) children on a regular basis in a place of residence. Children in care are from different family households and are not related to the head of household. A day care home must be operated in accordance with the rules and regulations of the state department of human services. If there is a conflict between this definition and the Colorado Revised Statutes (CRS) definition the CRS shall prevail.**

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.

(1) Use criteria.

- a. In the CN zone district Hostels are prohibited on the north side (RO side) of Oak Street.**
- b. Outdoor gathering spaces shall not be directly adjacent to the RE, RO, MH, and RN zone districts**

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

(1) Use criteria.

- a. Media production uses shall not be located along a pedestrian level street or other public access frontage in the CO zone district.**

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

(1) Use criteria.

- a. Not allowed on the ground floor level in the CY and CO zone districts**

Outdoor equipment sales/rental. The sale or rental of motorized vehicles, such as **commercial vehicles/trucks, rental moving vehicles/trucks**, 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.

(1) Use criteria.

- a. Outdoor equipment sales/rental shall not have frontage that is either directly adjacent to or only separated by an open space parcel or tract from US Highway 40 and Elk River Road.**
- b. Outdoor equipment sales/rental shall not be located adjacent to property zoned RO, 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.).**

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.

(1) Use criteria.

- a. Shall not be located adjacent to property zoned RE, RN, RO, MF, and MH. (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.)**

- b. **The drive-thru lane shall not be located between the principal structure and the primary street frontage. Highway 40/Lincoln Avenue shall be considered the primary frontage for lots adjacent to Highway 40/Lincoln Avenue that have more than one street frontage.**
- c. **The drive-thru lane shall be screened from the public ROW.**
- d. **A drive-thru restaurant shall provide pedestrian access and service, either indoors or outdoors, as not to be exclusive to automobile use.**

***Taproom/tasting room.* A portion of a facility associated with and on the same premises as a brewery, at which guests may sample the manufacturer's products and consume other nonalcoholic beverages, food may also be served.**

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" **use criteria.**

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.

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

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

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

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

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

INTRODUCED, READ, AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the _____ day of _____, 2011.

Bart Kounovsky, President
Steamboat Springs City Council

ATTEST:

Julie Franklin, CMC
City Clerk

FINALLY READ, PASSED AND APPROVED this ____ day of
_____, 2012.

**Bart Kounovsky, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

AGENDA ITEM # 15

ECONOMIC DEVELOPMENT UPDATE

There is no written report.

AGENDA ITEM # 17

CITY COUNCIL UPDATES

This is a discussion item only.

*******TENTATIVE AGENDA FOR TUESDAY, JANUARY 3, 2012*******
This agenda is tentative and the information is subject to change until the agenda is finalized.

CITY OF STEAMBOAT SPRINGS

AGENDA

REGULAR MEETING NO. 2012-01
TUESDAY, JANUARY 3, 2012

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. COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:

*******TENTATIVE AGENDA FOR TUESDAY, JANUARY 3, 2012*******

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- 1. Presentation of the "Outstanding Facility Award" for the Tennis Center.** (Bill Kruger, 846-4294)
 - 2. Fire/Ambulance Discussion.**
 - 3. Update from Kathy Connell, District 6 Commissioner, Colorado Transportation Commission.** (10 minutes)
 - 4. Presentation of the Steamboat Ski and Resort Corporation 10 Year Master Plan.** (30 minutes)
-

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

LEGISLATION

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

- 5. RESOLUTION:** Street name change.
 - 6. RESOLUTION:** Appointing members to the YVHA and HPC alternate. (Franklin)
-

D. PUBLIC HEARING: ORDINANCE SECOND READINGS

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

- 7. SECOND READING OF ORDINANCE:** Airport hangar lease agreement. (Small)
-

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

PLANNING PROJECTS

F. PLANNING COMMISSION REPORT

*******TENTATIVE AGENDA FOR TUESDAY, JANUARY 3, 2012*******

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

**PLANNING
PROJECTS**

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.**

- 8. 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.**

- 9. SECOND READING OF ORDINANCE:** CDC Amendment Use Chart Definition. (Keenan)

I. REPORTS

10. Economic Development Update.

11. City Council

12. Reports

- a. Agenda Review (Franklin):
1.) City Council agenda for January 17, 2012.
2.) City Council agenda for February 7, 2012.

13. Staff Reports

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

J. OLD BUSINESS

*******TENTATIVE AGENDA FOR TUESDAY, JANUARY 3, 2012*******

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13. Minutes (Franklin)

- a. Regular Meeting 2011-19, December 6, 2011.
- b. Regular Meeting 2011-20, December 20, 2011.

K. ADJOURNMENT

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

*******TENTATIVE AGENDA FOR TUESDAY, JANUARY 17, 2012*******
This agenda is tentative and the information is subject to change until the agenda is finalized.

CITY OF STEAMBOAT SPRINGS

AGENDA

REGULAR MEETING NO. 2012-02

TUESDAY, JANUARY 17, 2012

4:30 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.

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

A. ROLL CALL

B. COMMUNITY REPORTS/CITY COUNCIL DISCUSSION TOPIC:

- 1. Golf Committee interviews. (4:30-5:00)**

*******TENTATIVE AGENDA FOR TUESDAY, JANUARY 17, 2012*******

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

- 2. TPAB Final Report.** (Dysart/Solomon) (45 minutes)
 - 3. Strategic Planning.** (Hinsvark)
-

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.

LEGISLATION

4. 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.

5. SECOND READING OF ORDINANCE:

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

PLANNING
PROJECTS

F. PLANNING COMMISSION REPORT

PLANNING
PROJECTS

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.**

- 6. 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.**

7. PROJECT:

PETITION:

LOCATION:

APPLICANT:

PLANNING COMMISSION VOTE:

I. REPORTS

8. Economic Development Update.

9. City Council

10. Reports

- a. Agenda Review (Franklin):
 - 1.) City Council agenda for February 7, 2012.
 - 2.) City Council agenda for February 21, 2012.

11. Staff Reports

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

J. ADJOURNMENT

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

AGENDA ITEM # 19

STAFF REPORTS:

City Attorney's Update/Report
Manager's Report: Ongoing Projects

This is a discussion item only.