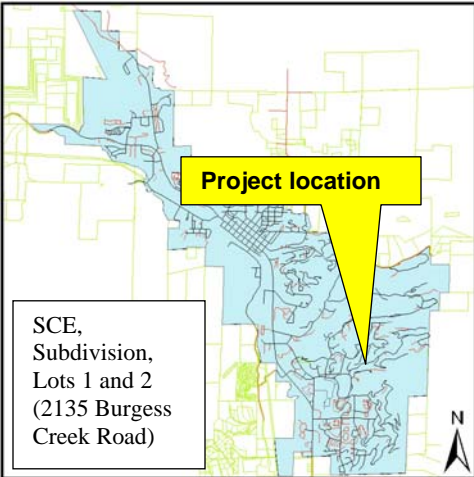


DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT STAFF REPORT

PLANNING COMMISSION AGENDA ITEM #5:	
Project Name:	SCE Subdivision, Lots 1 and 2 #ZMA-09-05
Prepared By:	Jason K. Peasley, City Planner (Ext. 229)
Through:	Tom Leeson AICP, Director of Planning and Community Development (Ext. 244)
Planning Commission (PC):	October 8, 2009
City Council (CC):	November 17, 2009 First Reading December 1, 2009 Second Reading
Existing Zoning:	Residential Estate One, Low Density (RE-1) and Gondoloa One (G-1)
Applicant:	Ski Country, LLC c/o Brian Bavosi, Vertical Arts, Inc. PO Box 774842, Steamboat Springs, CO 80477, (970) 871-0056
Request:	Official Zoning Map Amendment to change the zoning from Residential Estate One, Low Density (RE-1) and Gondola One (G-1) to Resort Residential Two, High Density (RR-2) for a 2.11 acre parcel known as SCE Subdivision, Lots 1 and 2.



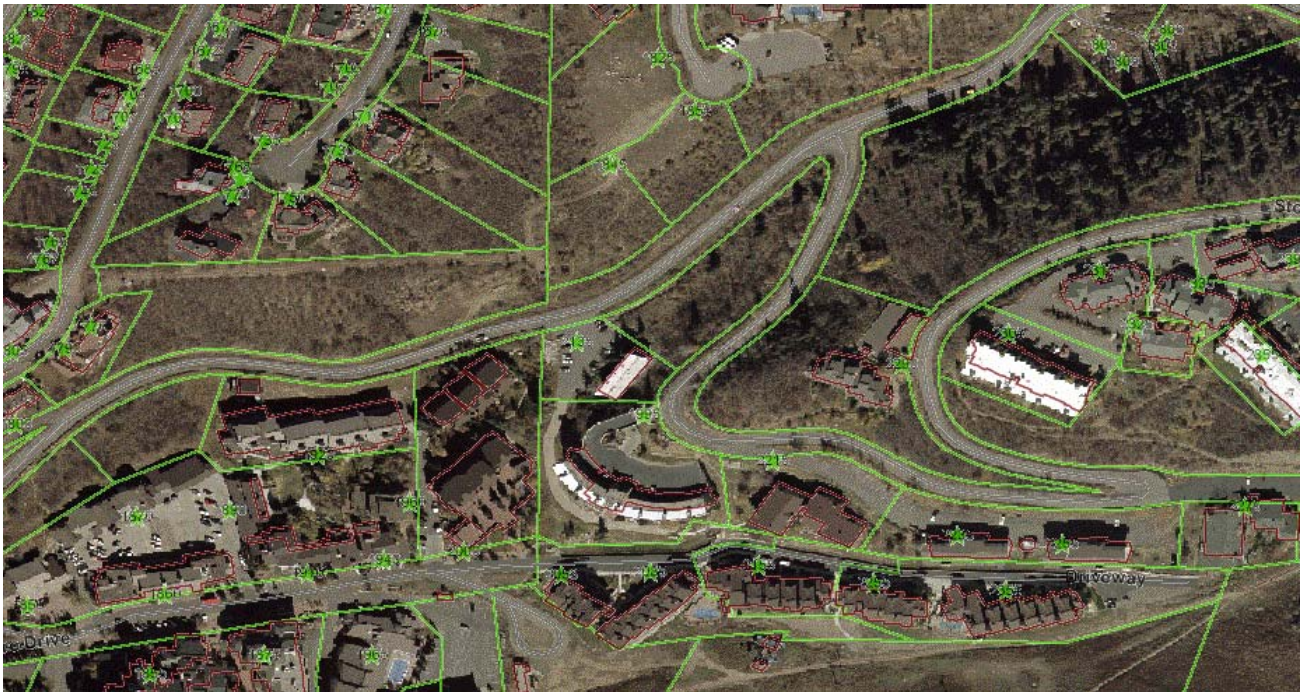
SCE,
Subdivision,
Lots 1 and 2
(2135 Burgess
Creek Road)

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I. STAFF FINDING

Staff finds this Official Zoning Map Amendment to change the zoning from Residential Estate One, Low Density (RE-1) and Gondola One (G-1) to Resort Residential Two, High Density (RR-2) for a 2.11 acre parcel known as SCE Subdivision, Lots 1 and 2 to be consistent with the Community Development Code criteria for approval for an Official Zoning Map Amendment.

II. PROJECT LOCATION



III. BACKGROUND INFORMATION

The subject parcel is a 2.11 acre parcel of land currently platted as SCE Subdivision, Lots 1 and 2. The property is triangularly shaped and is bordered by Burgess Creek Road on the West and Storm Meadows Drive on the East. The existing Kutuk Condominiums and Bronze Tree Condominiums border the property on the South. The parcel is currently zoned Residential Estate One, Low Density (RE-1) on Lot 2 and Gondola One (G-1) on Lot 2. Lot 2 contains an existing 10,000 square foot, 3 story office building know as the Ski County Building. Burgess Creek runs through the west side of the parcel adjacent to Burgess Creek Road.

The RE-1 zoning for Lot 1 was established in 2001 with the adoption of the new CDC. Prior to 2001, the parcel was zoned Agricultural and Receptions (AR). The 2001 process to adopting new zoning districts eliminated the AR Zone and converted all privately held parcels zoned AR to RE-

1. The G-1 zoning for Lot 2 was established at the same time when the previously zoning of Commercial Resort (CR) was converted to G-1.

The applicant has previously applied to rezone Lot 1 from RE-1 to G-1 and was denied by the City Council on July 7, 2009 citing that the application was inconsistent with the following criteria:

1. CDC – Section 26-62(d)(2): Compatibility with Surrounding Development. The type, height, massing, appearance and intensity of development that would be permitted by the proposed amendment will be compatible with surrounding zone districts, land uses, and neighborhood character, and will result in a logical and orderly development pattern within the community.
2. CDC - Section 26-62(d)(3): Advantages vs. Disadvantages. The advantages of the zone district proposed substantially outweigh the disadvantages to the community and/or neighboring land occasioned by the zoning amendment.

In the spring 2009, the process to review Base Area project was based on a PUD criteria that weighed variance (particularly to building height) against public benefits. This process was unpredictable and created uncertainty on the part of the City, the applicant and the decision makers. To relieve this uncertainty, City Planning Department brought forward to the Planning Commission and City Council a series of proposed regulations to increase the predictability for developments in the Base Area. As a result the standards for the RR-1, RR-2, G-1 and G-2 Zone Districts were changed to create maximum heights that could not be varied, while the PUD process of evaluating variances and public benefits was replaced with a list of required community amenities. This change in regulations is important to keep in mind when comparing this application with the previous Zoning Map Amendment for G-1 on SCE Subdivision, Lot 2.

IV. PROJECT DESCRIPTION

The proposed Zoning Map Amendment intends to rezone Lots 1 and 2 of the SCE Subdivision from RE-1 and G-1 to RR-2. The proposed rezoning allows for the entire SCE Subdivision to be zoned consistently as RR-2, facilitating the development of the entire site as one building.

V. STAFF ANALYSIS

A. Zone District Comparison

CDC Standard	Existing Zoning		Proposed Zoning
	RE-1	G-1	RR-2
Lot Coverage	0.25	0.60	0.65
Units Per Lot	1	None	None
Floor Area Ratio	No Max.	No Max.	No Max.
Building Height			

Overall Height	40 feet	75 feet (with significant variations in building height, including differences of multiple stories, is required in an effort to break up the mass of structures)	75 feet (with significant variations in building height, including differences of multiple stories, is required in an effort to break up the mass of structures)
Average Plate Height	28 feet	n/a	n/a
Front Setback	25 feet (principal structure)	Per Mountain Town Sub-Area Plan to provide public gathering space/pedestrian corridors.	20 feet (principal structure 1 st and 2 nd story) 25 feet (principal structure 3 rd story)
Side Setback	25 feet (principal structure)	Per Mountain Town Sub-Area Plan to provide public gathering space/pedestrian corridors.	15 feet (principal structure)
Rear Setback	25 feet (principal structure)	Per Mountain Town Sub-Area Plan to provide public gathering space/pedestrian corridors.	15 feet (principal structure)
Permitted Uses	Single-Family Dwelling	Multi-Family Dwellings and Commercial Uses	Multi-Family Dwellings

B. Criteria for Review and Approval

In considering any petition for amendment to the Official Zoning Map, the following criteria contained in Section 26-62 shall govern unless otherwise expressly required by the CDC. The ordinance approving the rezoning amendment shall be approved and adopted only if it appears by *clear and convincing* evidence presented during the public hearing before City Council that the following conditions exist:

1. **Justification.** One of the following conditions exists:
 - a) The rezoning is necessary to correct a mistake in the current zoning map; or
 - b) The amendment to the overlay zone district was an error; or
 - c) The rezoning is necessary to respond to changed conditions since the adoption of the current zoning map; or

- d) The rezoning will substantially further the Community Plan's Preferred Direction and Policies, or specific area plans, and the rezoning will substantially conform to the Community Plan Land Use Map designation for the property, or is accompanied by an application for an amendment to the Community Plan Land Use Map and the amendment is approved prior to approval of the requested zoning map amendment.

Staff Finding: Consistent

Staff finds this request is consistent with justifications (d). The site of the proposed rezoning is identified in the Steamboat Springs Area Community Plan Future Land Use Plan as Resort Commercial, however the applicant has proposed to amend the Future Land Use Plan to designate the property as Resort Residential (see CP-09-02). The SSACP suggests RR-1 and RR-2 as the appropriate zone districts to be applied to parcels identified as Resort Residential on the Future Land Use Plan.

- 2. Compatibility with Surrounding Development.** The type, height, massing, appearance and intensity of development that would be permitted by the proposed amendment will be compatible with surrounding zone districts, land uses, and neighborhood character, and will result in a logical and orderly development pattern within the community.

Staff Finding: Consistent

Staff finds the proposed zone change is consistent with surrounding development and neighborhood character. Parcels zoned RR-2 are subject to the Base Area Design Standards which contain prescriptive design standards requiring all vertical development to be compatible with the surrounding development through the use of building setbacks, step-downs in building height and other development transitions. The 75 foot height cap newly established for the RR-2 Zone District provides a transition from the adjacent G-2 zoned parcels to those with less intensive zoning, including the parcels zoned RR-1 on Storm Meadows Drive. The change in zoning from G-1 to RR-2 for SCE Subdivision, Lot 1 will result in less development intensity as commercial uses are not permitted in the RR-2 Zone District.

- 3. Advantages vs. Disadvantages.** The advantages of the zone district proposed substantially outweigh the disadvantages to the community and/or neighboring land occasioned by the zoning amendment; and

Staff Finding: Consistent

Staff finds the advantages of rezoning the property outweigh the disadvantages to the community and/or neighboring lands. The rezoning and addition of this parcel to the Base Area will provide substantial advantages to the base area community through the addition of public benefits, such as "hot beds" and an enhanced pedestrian environment, while

effects to the surrounding development and the natural environment will be mitigated through the standards of the CDC and the Base Area Design Standards applied at time of development review.

4. Consistent with Purpose and Standards of Zone District. The amendment will be consistent with the purpose and standards of the zone district to which the property is proposed to be designated.

Staff Finding: Consistent

This amendment is consistent with the purpose and standards of the Resort Residential Two, High Density (RR-2) Zone District. The Purpose and Intent of the RR Zone District states:

“Purpose and intent. The purpose of the residential resort district is to provide areas for the highest intensity of residential use consistent with a mountain resort community. The primary use of dwelling units within this district may be for short-term rental units. New development shall be physically connected to the resort by an integrated system of streets, sidewalks and recreational paths. The RR zone district functions as a gateway to the resort, and new development should have a resort-like character with lower development intensity and scale for development located further away from the base area, with intensities and densities increasing with the increased proximity to the base area. The RR zone district has two (2) designations that allow for different levels of intensity and density. The designation that allows higher levels of intensity is principally located immediately adjacent to the ski slopes.”

The proposed rezoning is consistent with the general description of the RR Zone District with respect to being a gateway to the resort and being physically connected to the resort by an integrated system of streets, sidewalks and recreational paths. The site benefits from a pedestrian easement across the adjacent Bronze Tree Condominiums parcel, providing direct pedestrian access to Ski Time Square and the Base Area. It should be noted that while the intent states the RR-2 district should be “principally located immediately adjacent to the ski slopes”, the term principally implies that there may be locations that are appropriate for an RR-2 zoning that are not immediately adjacent to the ski slopes. The intensity of development intended in the RR-2 Zone District allows SCE Subdivision, Lots 1 and 2 to serve as a transitional area between Ski Time Square (zoned G-2) and Storm Meadows Drive (zoned RR-1).

5. Effects on Natural Environment. That the proposed amendment will not result in significant adverse effects on the natural environment, including water quality, air quality, wildlife habitat, vegetation, wetlands, and natural landforms.

Staff Finding: Consistent

The proposed amendment will not result in any significant adverse effects on the natural environment. Future development of the site will be subject to existing regulations, including waterbody setback and construction site management BMPs that are intended to mitigate the effects on the natural environment.

VI. STAFF FINDINGS AND MOTION

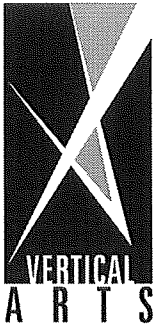
Staff finds this Official Zoning Map Amendment to change the zoning from Residential Estate One, Low Density (RE-1) and Gondola One (G-1) to Resort Residential Two, High Density (RR-2) for a 2.11 acre parcel known as SCE Subdivision, Lots 1 and 2 to be consistent with the Community Development Code criteria for approval for an Official Zoning Map Amendment.

Motion:

Planning Commission recommends approval of ZMA-09-05 with the findings that the application is consistent with the criteria for approval in Section 26-62 of the Steamboat Springs Community Development Code.

VII. LIST OF ATTACHMENTS

1. Applicant Narrative and Existing Conditions Map
2. Existing Zoning and Future Land Use Plan Map
3. Base Area Traffic Study Summary prepared by Janet Hruby, City Engineer
4. Draft Ordinance (by request)



**Lots 1 & 2 SCE Subdivision
Zoning Map Amendment
Criteria Analysis**

(d) Criteria for approval. In considering any petition for amendment to the official zoning map, the following criteria shall govern unless otherwise expressly required by the CDC. The ordinance approving the rezoning amendment shall be approved and adopted only if it appears by clear and convincing evidence presented during the public hearing before city council that the following conditions exist:

(1) Justification. One of the following conditions exists:

d. The rezoning will substantially further the community plan's preferred direction and policies, or specific area plans, and the rezoning will substantially conform to the community plan land use map designation for the property, or is accompanied by an application for an amendment to the community plan land use map and the amendment is approved prior to approval of the requested zoning map amendment.

Applicant's Response: This request is accompanied by an application to amend the Community Land Use Map. The following are applicable SSACP Policies that are applicable to this criteria:

Policy LU-1.1: The Future Land Use Plan creates an integrated and compatible mix of land uses.

Use the Future Land Use Plan to guide decisions about growth and development. The Future Land Use Plan identifies where various land use classifications apply within and outside the UGB.

*Strategy LU-1.1(a): Only Approve Consistent Development Proposals—
Only approve development proposals that are consistent with the Future Land Use Plan.*

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

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

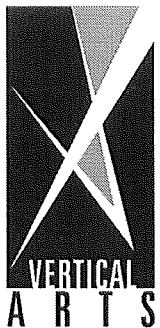
As defined by the Area Community Plan:

“Redevelopment means the replacement or reconstruction of buildings that are in substandard physical condition, or that do not make effective use of the land on which they are located.”

Support intensification of land uses on appropriate infill and redevelopment sites in the following areas:

929 Lincoln Avenue
P.O. Box 774842
Steamboat Springs, CO
80477
Tel (970) 871-0056
Fax (970) 871-0057
info@vertical-arts.com

www.vertical-arts.com



- Old Town commercial;
- US 40/Elk River Road intersection;
- Fish Creek / US 40 / Pine Grove Road intersections;
- Angler's Drive/US 40 Intersection; and
- Ski base area.

Resort Residential

Land Uses: The Resort Residential classification emphasizes a range of development types intended to accommodate guests on a nightly or long-term basis, ranging from second-family homes to condominiums. The city encourages provision of residential opportunities for employees or others desiring to live close to these tourism activity centers as well. Limited resort commercial uses, such as restaurants and retail uses are also appropriate within this classification. This classification is intended to allow for a mix of residential and non-residential classification uses that may include some resort accommodations such as condominiums and hotels.

Locational Criteria: The Mountain area

Character: Residential uses are more compact than in other city neighborhoods to support nearby commercial activities within the classification. Development should include design elements such as street trees, wide sidewalks, and public spaces to make the environment inviting and safe for pedestrians. Resort residential areas should be linked with surrounding neighborhoods through transit and provision of trails and sidewalks

Zone Districts: RR Resort Residential

(2) Compatibility with surrounding development. The type, height, massing, appearance and intensity of development that would be permitted by the proposed amendment will be compatible with surrounding zone districts, land uses, and neighborhood character, and will result in a logical and orderly development pattern within the community.

Applicant's Response: The proposed zone change from Residential Estate Low Density and Gondola- One to the RR-2 zone is compatible with the surrounding zone districts and land uses. The proposed zoning will encourage resort style development consistent with the adjacent uses that include Storm Meadows Condominiums, Kutuk, and Bronze Tree.

(3) Advantages versus disadvantages. The advantages of the zone district proposed substantially outweigh the disadvantages to the community and/or neighboring land occasioned by the zoning amendment; and

929 Lincoln Avenue
 P.O. Box 774842
 Steamboat Springs, CO
 80477
 Tel (970) 871-0056
 Fax (970) 871-0057
 info@vertical-arts.com

Applicant's Response: The advantages of re-zoning Lots 1 & 2 to RR-2 outweigh the disadvantages.



The current zoning of Lot 1 is G-1 and is currently developed. The existing zoning of Lot 2 allows for the density of one residential unit. Lot 2 is located within the Base Area Re-development overlay and is considered part of the "Base Area". According to Chapter 3 of the Mountain Town Sub- Area Plan, there are four zone districts that make up the base area, RR-1, RR-2, G-1, and G-2. The proposed ZMA will change Lot 2 from RE-1, not identified as a base area zone, to RR-2, a base area zone district. Lot 1 is also proposed to be re-zoned to RR-2 as well to allow for aggregation of both lots. The change will provide the ability for re-development with densities that are consistent with the neighborhood..

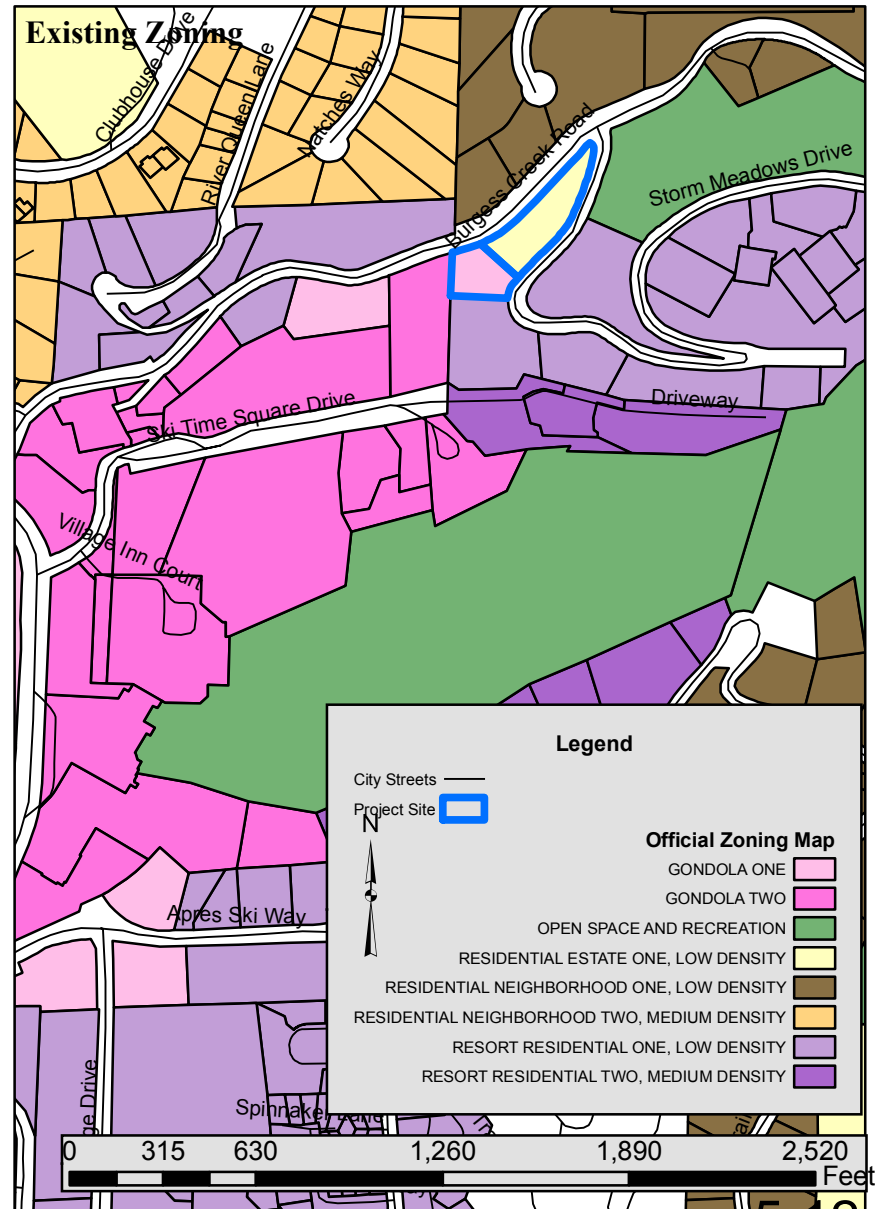
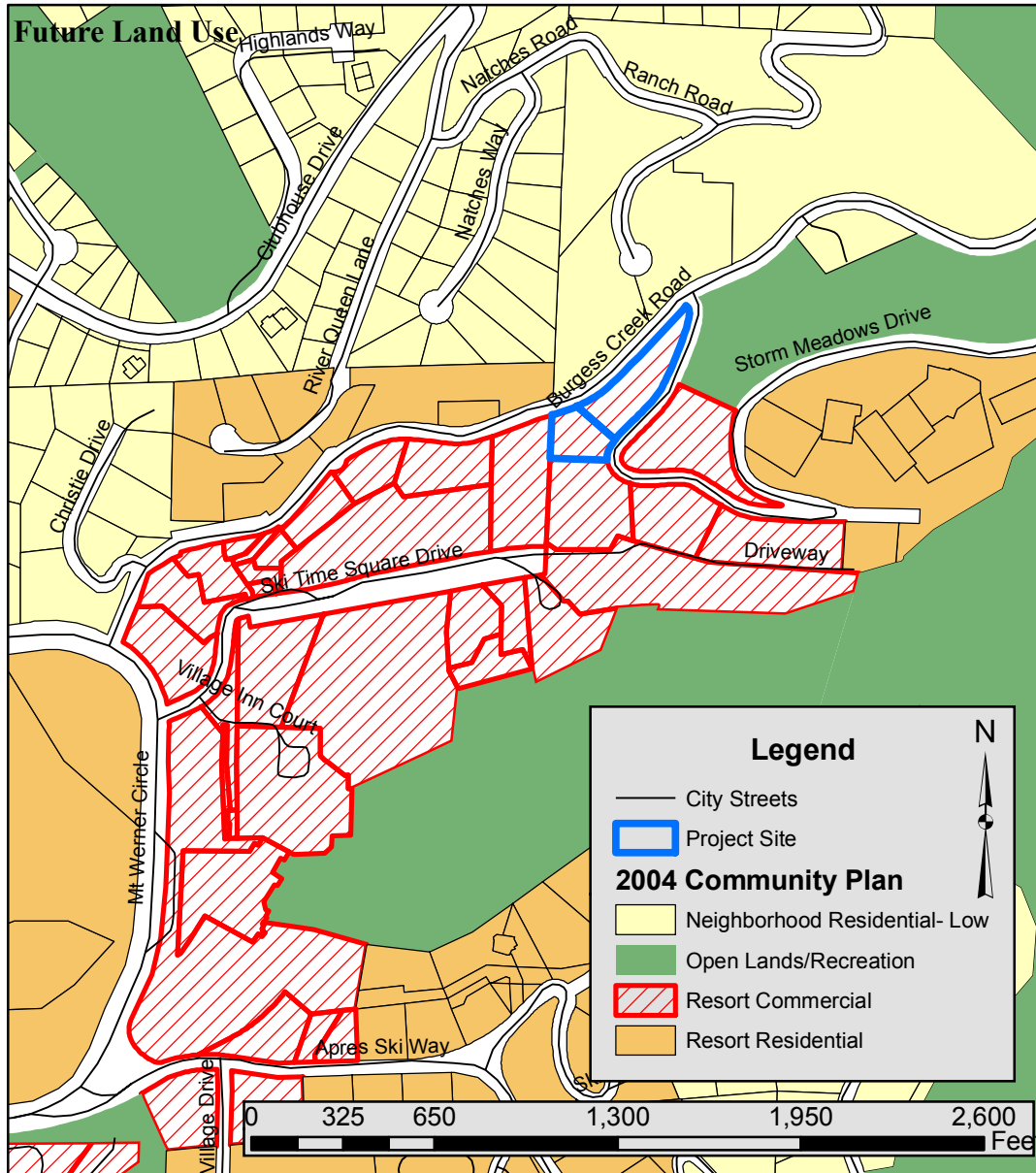
(4) Consistent with purpose and standards of zone district. The amendment will be consistent with the purpose and standards of the zone district to which the property is proposed to be designated.

Applicant's Response- The RR-2 zone district allows resort development with residential applications. The proposed zone change from RE-1 to RR-2 will allow for resort development that is consistent with the Future Land Use Map, Mountain Town Sub-Area Plan, and existing base area.

(5) Effects on natural environment. That the proposed amendment will not result in significant adverse effects on the natural environment, including water quality, air quality, wildlife habitat, vegetation, wetlands, and natural landforms.

Applicant's Response- The proposed ZMA will not result in significant adverse effects on the environment. The proposed re-zone to RR-2 will require any proposed development to be reviewed through the Development Review process. The process requires public review and agency oversight in regards to the environmental issues mentioned above. The Development Plan process requires engineered drawings that address environmental issues with mitigation that are approved by City Dept.'s.

ZMA-09-05 / CP-09-02
SCE Subdivision, Lots 1 and 2
2135 Burgess Creek Road



Quick Summary of the Base Area Master Traffic Study

The City prepared a Base Area Master Traffic Study in effort to streamline the development traffic study process and provide consistent study results. The study, completed in September 2008, evaluated short-term and long-term traffic impacts based on projected redevelopment projects identified at the time of the study. Based on those traffic assumptions, the study identified needed improvements to serve traffic in the Base Area.

What projects and land-use assumptions were included in the study?

Short-Term (2015)

- Ski Times Square (360 units, 43,000 sf commercial)
- **SCE Highlands (136 units, 6,000 sf commercial) – this is consistent with the currently requested zoning amendment**
- St Cloud (94 units, 43,000 sf commercial)
- Thunderhead (125 units, 15,000 sf commercial)
- One Steamboat Place (95 units, 19,000 sf commercial)
- Edgemont (130 units)
- Ptarmigan (36 units)

Long-Term (2025)

- BC Estates (40 units)
- Parcel B (125 units, 15, 000 sf commercial)
- Knoll Lot (125 units, 12,000 sf commercial)
- Gondola Square (20,000 sf commercial)
- Mt Werner Lodge (175 units, 12,000 sf commercial)
- Sheraton (50 units, 5,000 sf commercial)
- Steamboat Grand Phase II (150 units, 12,000 sf commercial)

The projected sizes were based on current applications or discussions with land owners and projections based on increased densities currently being seen.

What if a project changes densities or sizes? The intent of the study is that as new development projects come in, they must compare their proposed development to the land use assumptions in the traffic study. If the sizes increase or decrease significantly, then an updated study will be required to re-evaluate the impacts and the improvements and impact fees will change accordingly.

What improvements are recommended?

The improvements were recommend based on the short and long term horizons evaluated. Actual timing for improvements will need to be confirmed with each development application depending on the actual sequence of development.

Short-Term (2015)

- traffic signal at Mt Werner/ Steamboat Blvd (when warrants met)

- traffic signal at Mt Werner/ Mt Werner Circle (when warrants met)
- roundabout at Mt. Werner Circle/Apres Ski way (completed)
- all way stop at Mt Werner Circle/ Ski Times Square (when warrants mets)
- all way stop at Apres Ski Way/ Village Drive and auxiliary lanes
- Re-stripe Burgess Creek Road at intersection with Mt Werner Circle to provide separate right and left lanes (confirm existing ROW is adequate)

Long-Term (2025)

- short-term improvements
- roundabout at Mt Werner Circle/ Ski Times Square
- Re-evaluate Burgess Creek Road/ Mt Werner Circle intersection
- Evaluate transit village concept with development of Grand II and Knoll Lot

What is the cost of improvements and each developments contribution? The total improvements cost serving both existing and new traffic is estimated at approximately \$5,000,000. The cost for each new development will be evaluated as part of the development application. For the SCE Highlands project, a Condition of Approval has been added: *The developer shall pay a proportionate share of future traffic improvements as identified in the Base Area Master Traffic Study, calculated at \$181,111. Payment shall be submitted prior to recordation of first Final Plat or at issuance of building permit, whichever comes first.*