

**STEAMBOAT SPRINGS PLANNING COMMISSION MINUTES
NOVEMBER 12, 2009**

The special meeting of the Steamboat Springs Planning Commission was called to order at approximately 6:01 p.m. on Thursday, November 12, 2009, in the Citizens' Meeting Room, Centennial Hall, 124 10th Street, Steamboat Springs, Colorado.

Planning Commission members in attendance were: Chairman Rich Levy, Karen Dixon, Brian Hanlen and Cindy Slavik. Absent: Cedar Beauregard, Sarah Fox and Jason Lacy. Alternate position is vacant.

Staff members present were Planning Services Manager John Eastman, City Planner Jason Peasley and Staff Assistant Tami Heskett.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None.

Copper Ridge Business Park, Filing 4, Lot 15 #FDP-08-05 Final Development Plan for development of 19,180 square feet of mixed use industrial and residential space in six (6) buildings with associated parking

Discussion on this agenda item started at approximately 6:02 p.m.

STAFF PRESENTATION

Jason Peasley –

This application was submitted prior to recent changes to the industrial zone district. I have done an analysis and it is in compliance with both the existing standard at the time that they submitted and the new standards, which would allow them to do employee units above each of the industrial mixed-use buildings.

APPLICANT PRESENTATION

Michael Olsen –

The only thing that I question is in one of the conditions of approval, which is #3 in regards to phasing. We're hoping that with this project that we can build 1 building at a time. If that could be reworded somehow to accommodate some sort of phasing we'd appreciate that.

Jason Peasley –

If you do want to do a phased project then we would need to have a phasing plan that identifies improvements that are going to be done with each phase.

Michael Olsen –

We would put in all of the infrastructure, landscaping, and any public benefits in right away. The only things that would go in as a phased project would be each individual building. I think that we're pretty well covered in the phasing aspect of it.

Commissioner Hanlen –

Due to the placement of infrastructure why would you even need to do a phasing plan?

Jason Peasley –

You can do that through this approval. You would have to pull a building permit for those buildings 3 years from the approval.

Michael Olsen –

Ok, or ask for an extension at that point?

Jason Peasley –

Correct.

COMMISSIONER QUESTIONS

Commissioner Levy –

Of the #3 condition, were there any of those bullet points that you felt that you couldn't do? Were those in question?

Michael Olsen –

No, it was just the whole concept of the phasing. I just want to make sure that we're on the same page.

Commissioner Levy –
It sounds like we're on the same page.

PUBLIC COMMENTS

None

FINAL STAFF COMMENTS

None

FINAL COMMISSIONER COMMENTS

None

RECOMMENDED MOTION

Recommended Finding

Staff finds that Copper Ridge Business Park, Filing 4, Lot 15 (The Copper Ridge Lofts) is consistent with the findings for approval. Staff recommends the Planning Commission APPROVE #FDP-08-05.

Recommended Motion

Planning Commission recommends approval of Copper Ridge Business Park, Filing 4, Lot 15 #FDP-08-05 with the findings that the proposal is consistent with the Final Development Plan criteria for approval in Sections 26-66 (d) with the following conditions of approval:

1. Construction or placement of any improvements within a public utility easement including but not limited to trees, boulders, fences, berms, structures, private utility lines etc. that impairs the use of the easement as intended is precluded with the exception that landscaping will be allowed within the public utility easement along the front of the property per a license agreement between the developer and the City. The developer is required to enter into and finalize such license agreement prior to Utility Division signoff of any building permit on this lot.
2. The owner shall be responsible for constructing and maintaining snow-melt and other private features located in the City ROW per the approved building permit plans.
3. 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 TCO or CO; they cannot be bonded:
 - Public drainage improvements
 - Access drive, driveway, and parking areas shall be paved with a minimum 2" lift.
 - Access road culvert replacement per approved drainage letter.
 - Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.

MOTION

Commissioner Hanlen moved to approve FDP-08-05 with the 3 conditions of approval and Commissioner Dixon seconded the motion.

VOTE

Vote: 4-0

Voting for approval of motion to approve: Levy, Dixon, Hanlen and Slavik

Absent: Beauregard, Fox and Lacy

Discussion on this agenda item ended at approximately 6:06 p.m.

WORKSESSION

Large Format Retail Standards Text Amendment to CDC #TXT-09-08 Work Session: Preliminary discussion regarding Text Amendments to the Community Development Code to 1) eliminate conflicts and simplify and clarify existing large format retail standards; and 2) Consider major updates to CDC that would require a multi-story urban form for any large format retail and allow for that use to occur anywhere in the City (currently single-tenant buildings over 20,000sf are only allowed west of 13th Street).

Discussion on this agenda item started at approximately 6:07 p.m.

STAFF PRESENTATION

John Eastman –

We really are trying to address 2 different issues. I would like to be able to review each of these 2 different categories separately. The first category is about the cleanup of the details. The second one is the major updates.

Commissioner Levy –

Once we get into the major updates I would like to have a break into public comment at that point before we go into any discussion about the big picture.

John Eastman –

I have distributed additional public comment. I will approach those as we get to the 2nd item.

Commissioner Dixon –

Since this is a worksession format if there is anything that we're particularly discussing and any of the members of the public wants to add some input on that then would you please raise your hands and just come up and join the conversation rather than waiting for a specific time for public comment.

John Eastman –

He gave a little bit of history regarding past LFR discussions. When we had the discussion about West Steamboat we realized that there was some significant redundancies. With the adoption of the Urban Design Standards there were places where the LFR was less stringent and other places where they were similar. What we've done is delete stuff that occurs elsewhere.

He gave some examples of buildings that are over 12,000 square feet. It's quite possible that before we see a Home Depot or a Target for example we could see another use in that area of about 15,000-20,000 square foot range. We want to make sure that we have a set of standards that will have enough rigor to hold up. I've put together a series of questions for you highlighting for you such as are the proposed text amendments that we've given to you and redlined are they ok?

The second one is in the adoption of the Form-based Code we created a new category. Previously it was 12,000 and above, but now it's been changed to 12,000-40,000. That's

really nice because that captures everything else that we've talked about. We wanted to clarify and be consistent that the PUD public benefit requirements that those aren't intended to apply to those larger uses. In the Form-based Code they don't apply in the TND. That is something that does have a little bit of substance to the change, but we would like you to weigh in on that. We also would like you to look at the amendment of the building type standards.

It was decided by the Planning Commissioners and Staff to go page by page in the review of the LFR discussion.

COMMISSIONER QUESTIONS

Part 1

John Eastman –

I'm going to start on pg 3-34 in the staff report. The changes to the applicability section were just to make the language more consistent. Any additions or renovations reviewed under a minor exterior modification would allow for some expansion up to 1,500 square feet and maybe a little bit more with the Planning Director's discretion on some currently large uses and would exempt them from this.

Commissioner Dixon –

Walmart turning into a super center in that location is not exempt?

John Eastman –

It's only exempting that addition to renovations that we specifically called out in section 26-78 minor exterior modifications. The cutoff point is 1,500 square feet. There is some direct flexibility. It gives them a guideline that anything over 1,500 square feet goes into a development review.

Commissioner Dixon –

What if Walmart decided to take down all of the walls in between all of the accessory retail there and become 1 giant? Is that covered or exempt within its existing building form?

John Eastman –

I don't look at that as a realistic scenario.

Commissioner Dixon –

My question related to the 12,000 square feet is that we adopted the 16,000 administrative FDP so it seems like there's a conflict here. If somebody comes in with a 15,000 square foot building then are they under this process or the administrative FDP process?

Commissioner Hanlen –

I thought that was one of the original reasons why we were revisiting the Big Box regulations was to address that one for starters.

John Eastman –

It's going to fall under the administrative FDP if it's less than 16,000 square feet. The standards don't change, because section 26-150 is not a process section.

Commissioner Dixon –
Who would set the PUD with the public benefit requirements?

John Eastman –
That's where we have specifically exempted out anything under 40,000 square feet for the PUD. The standards on pg 26-150 would still apply.

Commissioner Dixon –
At the bottom of pg 3-55 it says commercial over 12,000 and under 40,000 square feet is required to go through PUD in the CC and CS zone districts.

Commissioner Levy –
That's what the use chart says as well.

Commissioner Dixon –
It seems like there might be a conflict.

John Eastman –
I thought that we had fixed that previously. I would like to ask the Planning Commissioners if that's something that we should basically be exempting anything under 16,000 square feet from that PUD review to dove tail in with the administrative review. Is that the solution that you think would be appropriate?

Commissioner Levy –
Can you remind us what the 12,000 square foot building is? My thought is that we just raise that to 16,000 square feet. That's where it sounded like we were with the administrative approval.

John Eastman –
Chase Rug is around 18,000 square feet with its mezzanine. Staples is right around 15,000 square feet. Ski Haus is right around 15,000 square feet if you count all 3 floors.

Commissioner Dixon –
My initial suggestion would be to change everything that says 12,000 to 16,000. I'd like to hear some feedback on that.

Commissioner Hanlen –
I thought that was the direction that we were heading in. I thought that was the original reason for revisiting Big Box. That was the reason why we skipped this in August or September just to avoid encumbering the annexation process back then.

John Eastman –
I didn't realize that was one of the intents of the Planning Commission. That would certainly cover it and would add a consistency to our regulations. Basically below 16,000 square feet is catching more fish than we'd like to.

Commissioner Dixon –

Are you going to get policy feedback from City Council before we come back to a public hearing?

John Eastman –
On the text amendments probably not.

Commissioner Hanlen –
We're looking more for the input that we're going to give in the 2nd half of this. You have some pretty big topic questions that need to be addressed before we start getting into the nuances otherwise a lot of us would be wasting a lot of time.

John Eastman –
No matter what, even if there's a decision to move forward with the larger discussion is going to take a significant amount of time. These amendments are already drafted and I'll hand them off and they'll get rescheduled here pretty quickly.

I do want to highlight the changes on pg 3-36 item (d). This is the section that talks about excellence and project design. What it was really written as was the standards for all of the zone districts. That's our common usage for all of our design standards. These are the following minimum requirements.

The one change is (2) Impact Mitigation Plan Implementation. If you go back to pg 3-34 to item (c) Impact assessment analysis and mitigation plan and as I've noted we've exempted commercial usages under 40,000 square feet. For anything over 40,000 square feet there is a very comprehensive impact assessment that's required. This is in the existing standards. The language in there clearly conveyed expectations that impacts would be mitigated, but within the standards section there were no requirements to mitigating the impacts. We added (2) Impact Mitigation Plan Implementation, which says 'the development shall provide long-term funding and/or other resources necessary to successfully implement the impact mitigation plan required under subsection c'. Nor does it say that yes you are obligated to mitigate all of those impacts.

Commissioner Dixon –
I have this highlighted as a big substantive change that I'm not sure that I'm comfortable as a Planning Commissioner in putting this requirement in. I think that this should be a City Council decision, because it's related to funding. I don't know what you mean by provide long-term funding. Does that mean that you're setting up an account? Does that mean that you're setting up a metro district? I don't know what that entails.

John Eastman –
The reason why I left the language broad was because the impact mitigation talks about a whole variety subjects and it could be any of those. Some of the impacts require funding and others don't. That's why I listed it as funding and/or other resources. Any impacts that are being mitigated need to be addressed. This absolutely is something that would come to you for a recommendation and then to City Council for an adoption as a change to regulations. Is this something that's bigger than just a cleanup and if it is then we'll just take that out and deal with it later.

Commissioner Levy –

It always seems like we've always wrestled with enforcement issues. I was reading through some of section (c). It's weird that some of them do say that proposals do have to mitigate the impacts and some paragraphs do say that.

Commissioner Hanlen –

My concern is the ambiguity of the whole thing. When you set up these potential requirements you don't spell out the exact details on how to fulfill those. I realize that these are huge broad categories, but are we back into the same horse trading business that we were in back up at the base area where how do we measure this and what are we getting ourselves into. If we're going to go there should we have some more refined rules in order to be able to measure those?

John Eastman –

I understand that. Staff's feeling was that getting into the scope of that was beyond a cleanup. I haven't touched the language of the existing regulations.

Commissioner Hanlen –

I agree. That's something for later on in the discussion. That's my concern with both parts of that. We can get into that later.

John Eastman –

All that I felt like was as a regulator is that you have all of these requirements that are part of that language that requires mitigation. All of that language is under the section that requires the plan. This is a submittal requirement and is not a compliance requirement. You can submit this and essentially you can put this on a shelf and ignore it and not implement it. It's only located under the submittal requirement and nowhere else. That's not normally how you would draft regulations. That's why I added that in.

Commissioner Dixon –

I'm all in favor of teeth. If this is just adding the teeth to what's already there then I would probably say that it's ok until we come back to the larger topic.

John Eastman –

We feel that it's important to clean this up in case we have a smaller application come in. I'm hearing that that's ok.

Commissioner Levy –

When I heard what Commissioner Dixon had said I was wondering if the long-term funding needs to be in there. It seemed to me a cleaner read would be 'the development shall provide the resources necessary to successfully implement the impact mitigation plan required under subsection c'.

John Eastman –

I like that.

Commissioner Dixon –

I like that.

John Eastman –

We deleted significant sections that dealt with building materials. There's a lot of standards in our Urban Design Standards that are all exactly the same. There's a couple that are a little bit more stringent. The one change that I will point out is (d) on pg 3-37. Right now it says 'buildings shall have a minimum of (2) stories above grade'. It doesn't say if that has to be the entire building or parts of the building. Realistically the way a true LFR if you end up with a 2, 3, or 4 story liner and that allows the main ceiling height to be up in that 20-24' range, which is where it wants to be in these big warehouse buildings. We use language and we're consistent with the TND standards. I'm not sure that this could be more or less stringent, but it's more realistic. It reflects what's being done in the real world.

Commissioner Levy –

Is that language actually in the Urban Design Standards?

Commissioner Dixon –

It's in the TND.

John Eastman –

We are suggesting an update to the TND as well. Even though we just adopted the TND to be consistent about this

Commissioner Levy –

This paragraph isn't just addressing TND is it?

John Eastman –

No. If you go to pg 3-63 and if you look at the bold it had said '1 story buildings shall be at least 24' in height and this may be accomplished with liner buildings or higher ceiling heights in parapets. It had talked about those liner buildings and so we have made that more stringent and have said 'it's going to require 2-story buildings along all street frontages'. Now both TND and the existing design standards would be the same. The only significant differences between TND and LFR CS and CC is that the TND standards require that you be consistent with the lot and block standards. It's almost going to force structured parking, because you can't be consistent with the block standards. It's going to be really difficult in a TND form without structured parking. In the CC and CS zone district you can pull the building close to the street, but then have structured parking behind it.

Commissioner Dixon –

Both require the liner buildings?

John Eastman –

Yes.

Commissioner Levy –

Where in the Urban Design Standards is that language?

John Eastman –

It's not in the Urban Design Standards, which is why we're putting it in both 26-150 and in the TND standards.

Commissioner Levy –

It looks like we're only adding what's underlined. Item (d) is in the code somewhere and I was just wondering where in the code that already exists?

John Eastman –
Section 26-150.

Commissioner Dixon –

It already exists that it's 2-stories, that the whole building is 2-stories.

Commissioner Levy –

It was missing in the Urban Design Standards? The note says 'façade standards incorporated into Urban Design Standards'. I didn't see it in the Urban Design Standards. That's where I got lost tracking where the language originally occurs for CC and CS.

John Eastman –

It shouldn't say Urban Design Standards, but rather the TND standards. I want to point out 'e', which is actually a new standard. It goes based off of our site visit to Stapleton. It talks about similar building types across from each other. If the side of a building is facing residential then it should be lined with residential. If it's facing a commercial neighborhood then it should be lined with commercial.

Commissioner Hanlen –

I agree with that in theory. I like the flexibility that the TND would provide just saying that you get the form right and the use can be allowed with what works today and in time it adapts. That's why I would be concerned about putting strict language in there now. Just because then we'll have competing ideologies with what the use has to be as opposed to getting the form that we want to see. I would prefer to see that stricken.

John Eastman –

I would agree with you to strike it.

Commissioner Dixon –

I agree with Commissioner Hanlen that (d) covers the form. I think that's the direction that we're going is to get the form right and over time take care of use.

John Eastman –

Ok. We'll bring that back at a later time.

Commissioner Levy –

Is there similar language in the Urban Design Standards that talks about the forms?

John Eastman –

No.

Commissioner Levy –

I would like to make sure that the other side of that coin gets flipped just because we don't have this restriction, but we have the TND standard that there's a form that's required.

Commissioner Hanlen –

I have a solution for that when that comes up.

Commissioner Levy –

I think that should be included. You can't say that we can't allow it because it conflicts with the TND type stuff, but we're missing that big part of the TND regulation in the current zoning.

Commissioner Dixon –

What if we don't do the 2nd half.

John Eastman –

Jason Peasley is suggesting that perhaps the language in there would be like form faces like form rather than using use. That would leave it in.

Commissioners like the new language that Jason Peasley suggested.

Commissioner Dixon –

Would we allow phasing of the liner buildings? Would we allow the Big Box to go in and the liner buildings to be phased in over time?

John Eastman –

There is no discussion about that right now. The whole point of the liner buildings is to mitigate the impact of the big building. With these standards I would expect that would not be allowed.

Commissioner Hanlen –

As long as we're on form the concerns that I would have that pops up right away is the idea, which is discussed in the TND, but in the Urban Design Standards regarding the requirement of pitched roofs and how that can be grossly inappropriate on buildings that get to be this big. Saying that the minimum of 50-60% has to be pitched and it has to be a minimum pitch of.

John Eastman –

We're also working on some updates to the Urban Design Standards based on feedback that we've already received from the Planning Commission. That's next on the agenda and I would expect that to be coming before you within the next couple of months. (g) is really broad and we intentionally didn't touch it. It doesn't necessarily cover pitched or not pitched. It basically says 'roofs with particular slopes may be required by the city to complement existing buildings or otherwise establish a particular aesthetic objective'. It says that we can tell you what your roof needs to look like, but we're not telling you right now what it needs to look like. It depends on where you're putting the structure.

Commissioner Hanlen –

Is that even necessary? That just seems like a waste of paper.

John Eastman –

To the degree that you don't have a standard that says that you're allowed to tell them what the roof needs to look like then you're kind of not.

Commissioner Hanlen –

Don't we have a statement that says that we're going to be allowed to tell you what your building needs to look like?

John Eastman –

No.

Commissioner Hanlen –

Shouldn't it really dictate that we're allowed to tell you what you're building is going to need to look like as opposed to just you're roof? You can yank all of the other language that says that you're going to have all of this articulation and it shall step and it shall do this. It seems like even though you deleted all of the rest of that this just needs to be reworded.

John Eastman –

The reason why I left that in was because when I compared the 2 with the Urban Design Standards the façade language talks about the articulation. Those types of standards exist elsewhere in the Urban Design Standards. This standard under (g) does not exist in the Urban Design Standards. I was trying to eliminate any redundancies and inconsistencies. That's the rationale in leaving it as is.

Commissioner Dixon –

I'm ok with it. I'm not ok with (f) since we added the liner buildings. I'm not sure that we need to do this contrived 6' up and down parapet business since we've got the smaller liner buildings.

John Eastman –

I would agree with you that it conflicts with that standard so if there's a consensus then I would delete (f).

Commissioner Hanlen –

Any recommendations like that. We should learn our lesson from Howelson Place and avoid contrived forcing of articulation that really doesn't work and doesn't result in good design.

John Eastman –

That's why I deleted a lot of the façade stuff. When we said that we're going to do these liner buildings we said that they're going to have a certain design standard. We're not trying to force the blank side of the building to look better since you now have building faces.

Commissioner Dixon –

So we're taking out (f)?

John Eastman –
We're taking (f) out based on that input.

Commissioner Dixon –
(h) all 4 sides of the building shall receive architectural treatment to avoid the appearance of the "backside" of a building. I would say to add 'unless it's facing an alley', because if there's an alley on the backside then what difference does it make if it's the backside of the building?

John Eastman –
We can add that language. That actually compliments the language that you added in (e) where form faces form. So we're adding the language unless an alley?

Commissioner Dixon –
Unless it's facing an alley or except the side that faces an alley. I don't know you do the wordsmithing.

John Eastman –
Pg 3-38 we took out the building color standard since those were in the Urban Design Standards. We lumped the transit, bicycle and pedestrian facilities together. We took out all of the road standards since they were redundant with other standards that we already have.

Commissioner Dixon –
I think that there's a grammatical error in (2) on pg 3-38. 'The entire development shall provide for safe, and bicycle access'.

John Eastman –
There shouldn't be an 'and'.

Commissioner Dixon –
It should be safe bicycle access?

John Eastman –
Correct. 'The proposed development creates exceptional connections to transit facilities' was recently located in a section about cultural resources. On pg 3-39 we eliminated the language about cart returns. We thought that we were getting into the weeds on things like that. We eliminated any references to fountains for water purposes. We eliminated a lot of the specific standards under landscaping. There was some that were arguably a little bit more stringent in this section, but not by much and were covered in the Urban Design Standards.

Commissioner Dixon –
I have a question about what used to be 7 on pg 3-39, but is now 8. 'The development shall provide interior pedestrian furniture'. What was the purpose of that? Why do we care about what goes on inside?

John Eastman –

I am happy to delete that. On pg 3-41 the cultural resources protection we eliminated some of the stuff that was redundant and just got down to the essence with something that was a little bit different than any other standard that's out there in the code.

Commissioner Hanlen –

You left the whole storm water management. Any project that comes through the City goes through such stringent requirements for storm water runoff requirements already. It seems like another redundancy. That's located in 12 on pg 3-40. Why is this any different than something that Public Works is going to put someone through the ringer anyways?

John Eastman –

That is more stringent than current City standards. You are allowed in other developments to send your storm water run off offsite. This says that you're not allowed to. That's why that stayed in there.

Jason Peasley –

I wonder if we want to revisit that, because in a more urban setting do we want to have a big storm water pond? In a master plan community where they have regional storm water, this would be a variance that would prohibit that.

John Eastman –

It says that you're not going to send you're runoff from your huge parking lot offsite and downstream.

Commissioner Hanlen –

What's been the differentiator with different projects? It seems like from the last year and a half there have been a lot more projects that have been required to have storm water detention ponds. I don't remember seeing them in the past. It seems like a numerous number of projects have them as of recently. Is that something that's been dictated by the civil engineers?

John Eastman –

It's federal standards. When we went over 10,000 people in population we then in the NPEDS storm water regulations. They apply to communities of 10,000 national pollution elimination discharge system. It's under a section of the clean water act and it didn't apply to us before and now it does. All storm water runoff needs to be treated and one of the best ways to treat it is to keep it onsite and to infiltrate it.

Commissioner Hanlen –

Based off of what you just said what's the difference then?

John Eastman –

You're still allowed even under the NPEDS to send it offsite.

Commissioner Hanlen –

Once it's been treated. It goes into a storm sceptor and once it's been treated. I don't see why that wouldn't be an allowable option if onsite retention ponds consumed too much

space and the whole idea of an urban environment. The idea of placing galleries below the parking is cost prohibitive. As long as it was treated before it leaves the site doesn't that meet the intent of the regulation? Isn't this more of a redundancy?

Commissioner Dixon –

Particularly if there's an impact. We could have an impact of assessment fees.

John Eastman –

If there's a consensus around that then I would go back to the water act. It's not that different so if I see everybody's heads nodding then I'll just take it out. I don't think it adds a lot. I think that your arguments are valid.

Commissioner Slavik –

When I worked on projects that had the storm water retention requirement they didn't have either room for a pond or something like that. They did do the subsurface kind of stuff. If you don't do that then the kind of treatment that you're going to be looking at would be more expensive I would think. The discharge permit is going to have specific standards in it. You're going to have to sample it and make sure that you have compliance with those standards.

Commissioner Hanlen –

You're referring to the storm sceptor tanks?

Commissioner Slavik –

Any water that leaves your site would be regulated under this permit. The permit would have standards saying that the dissolved solids have to be a percentage or concentration or something like that. Now that we're subject to that if you discharge water from a site that as long as it's treated. That whole treatment process goes through a whole different approval process. I'm not really sure that you're going to be saving any money.

Commissioner Hanlen –

That's something that's going to be up to the applicant to decide. Not try to place additional verbiage into this particular PUD. That's going to be addressed by Public Works.

Commissioner Levy –

It seems ok. I feel comfortable that if you're allowing all of these different options and not creating another one.

John Eastman –

I don't feel that this is a real significant change. When it is presented the next time it will be presented in a redlined version again. They will see this deleted language when it comes forward to Public Works. Pg 3-41 the additional standards for LFR Overlay were just added when we did the TND standards. That language hasn't been touched at all.

Commissioner Dixon –

I do want to clarify something, but I'm not sure that now is the right time to do that.

John Eastman –

Pg 3-55 are the changes to the PUD section. When you see it the next time we'll make the additional clarification with the cut on the 16,000 square foot.

Commissioner Dixon –

On (5) change the words commercial tenant to establishment/tenant space. It should say 'any single establishment/tenant space over 16,000 square feet'. Does that all of a sudden mean that anything such as senior living would then be forced into this process or these requirements?

John Eastman –

No, because there under a different line under the use chart.

Commissioner Dixon –

Changing from the word commercial to the word establishment, why would we do that?

John Eastman –

It's not a change that we feel strongly about. Some of these things you get a mix of uses with. Parts of it are of a different nature and that's why we changed the language. I'm happy to move it back to commercial.

Commissioner Dixon –

I just wanted to know the rational for it.

John Eastman –

The line item that it would fall under is commercial uses over 40,000 square feet. A senior center isn't a use that's over 40,000 square feet. These don't apply.

Commissioner Levy –

If it comes through an application as a multi-tenant and they change and go to a single tenant. In essence they would be in violation of this. You say that you don't foresee that kind of scenario playing out that would get a 16,000-18,000 square foot building.

John Eastman –

The Planning Director has the discretion to kick things up if he feels that the impacts are appropriate.

Commissioner Dixon –

It's very common in development if they were to build 20,000 square feet and intend on it being split up or not be split up. It's very common for that to change by the time the development is finished.

John Eastman –

It's a combination of looking at where the change is proposed.

Commissioner Dixon –

The changes in attachment G are not part of this clean up?

John Eastman –

They would be. Our concern with this is that the standards here were actually the less stringent in terms of building height and those facades that are a requirement for liner buildings.

Commissioner Dixon –

My concerns have to do with structured parking required versus surface parking being allowed. That's a pretty big change. Your argument for that goes back to what I was going to point out in the TND on pg 3-55.

John Eastman –

There's a little bit of inconsistency with the block standard.

Commissioner Dixon –

If you take the example of Stapleton where they went ahead and put in the curb and gutter and infrastructure. In terms of surface infrastructure so that over time a parking lot could turn into a building pad. It's already designed as a block. I'm in favor of that versus changing this to require structured parking up front. As long as it's adaptable to structured parking and the surface parking isn't just a lot. It's designed as streets and blocks. That's the way that I would want to see it go.

Jason Peasley –

We may want to if we go down this road to call it adaptable parking. Create a new definition that describes what we envision from that Stapleton model.

Commissioner Dixon –

In the TND standards you still have to do your blocks and design it that way. Whether you build on that block or whether you put parking on that block should be allowed I think. I don't think that we need to change anything at least in the TND standards to allow that to happen. Perhaps in the CC or CS zone districts we might have to change something.

John Eastman –

I would agree. I think that would probably goes beyond clean up of that. Following that interest we'll change this back to what it was. We won't take it as far as it's drafted.

Commissioner Levy –

In the near bottom paragraph where it says 'commercial parking shall be primarily accommodated in on street parking'. I can see how that's part of the mix, but it's not primarily on street parking.

John Eastman –

It's part of an overall list. There's a laundry list that's intended to be written as on street can be part of the mix.

Commissioner Levy –

It seems like it's such a small part of the number when you're talking about the number, assuming that we continue to regulate parking spaces.

Commissioner Dixon –

We have a maximum. In the TND we provide a max and not a min.

John Eastman –

I suggest that if we move on street to the end of the list it will change the expectation of that. I agree with you that it reads a little bit funny.

Commissioner Levy –

You can liberally interpret that you can accommodate it with on street.

John Eastman –

The final thing is that we could go back to the existing language, which is ‘may’ and then it’s clearly a part of the mix.

Commissioner Levy –

It just jumped out at me when I saw that at first.

Commissioner Hanlen –

I just say to move it to the end of the list. I think that the whole idea of a functional urban form is still worth having, even if it’s only 10 parking spaces, having that parking along the street and how it affects the speed of traffic.

Commissioner Levy –

I was just thinking that was not primarily the number of parking spaces.

John Eastman –

We’ll make that change. On pg 3-4 there’s been some internal discussion about whether the current size limit was too close. The existing City Market is 54,496 square feet. The grocery store exemptions cap out at 55,000 square feet. Research has found that grocery stores are a little bit smaller than LFR.

Public Comment was taken.

Commissioner Levy –

When I look at the use chart on pg 3-33 we have grocery store. I don’t know what the conditional use criteria is. You have it allowable in CO and almost all of the commercial districts in Old Town. Do we need to create another line that talks about a Big Box for grocery stores?

John Eastman –

The definition for grocery store is 55,000 square feet. That’s why I included that in 3-4. When you see that as a line item under grocery store if it’s larger than 55,000 square feet then under our definition it’s no longer a grocery store.

Commissioner Levy –

Would a 54,000 square foot grocery store be allowed in the CY and CO zone? In the CO zone it says that it’s a use by right. In the Big Box we only allow that in CS and CC. That exemption would allow what ever the new number is. At this time it would allow a 54,000 square foot grocery store in any of our commercial zones.

John Eastman –
That's correct. The Chase building downtown was City Market.

Commissioner Slavik –
On pg 3-34 what it says that you deleted is the less than 55,000 square feet so that all grocery stores would be exempt due to size.

John Eastman –
A grocery store is defined as below 55,000 square feet. When you call it out in the use chart it's not the common usage of a grocery store. It's grocery store as defined in code, which says 55,000 square feet and smaller.

Commissioner Slavik –
What was deleted was just that was a redundancy to the definition of grocery store.

John Eastman –
Yes.

Commissioner Dixon –
If we want to change the definition of grocery store?

John Eastman –
Some number is necessary, because you do get into those LFR grocery stores.

Commissioner Dixon –
I think that the EPS study as Peter Patten had pointed out is as good a place as any. If we change it at all I think the upper limit of that would be the right number to change that to. Any superstore such as a Super Target or other super store is going to be 160,000 square feet. We're not going up to that.

John Eastman –
I like having something that we can base it on. It's a use that's desired in the West Steamboat. We didn't want to put the same stringent standards, because we didn't want to scare away a grocery store.

Jason Peasley –
The 65,000 square foot would be a half a block, which would meet our standards. We're not exceeding our maximum block lengths.

Commissioner Dixon –
You can surface park on that site and surface park on a block across the street from it if it needed more?

Jason Peasley –
Yes, you can likely park on the other side of the alley or across the street.

John Eastman –

I'm hearing a consensus. We'll change the definition up to 65,000 square feet.

Commissioner Slavik –
Where is that definition located?

John Eastman –
It's in section 402 of the CDC. When we bring forward all of the text amendments then we'll also list the sections where the change is taking place.

Commissioner Slavik –
That's where it will be proposed?

John Eastman –
Yes, in the use chart it will still read grocery stores and if you flip to the definition then it will say up to 65,000 square feet. Are the proposed changes to Sections 26-81, 26-150, and 26-153 of the CDC generally acceptable? I heard essentially a yes with the revisions that we've discussed tonight. We made some additional edits. I do emphasize that this isn't a big meeting and that this will come forward again as a text amendment.

Commissioner Hanlen –
When we're talking about how the grocery store doesn't have to meet our design standards. They still have to meet the TND standards, which would still then require the liner building?

John Eastman –
Yes, and it's still required to meet the Urban Design Standards. It's just exempt from section 26-150.

Commissioner Hanlen –
Unless it occurs somewhere else.

John Eastman –
No, the Urban Design Standards apply to all commercial zone districts that aren't TND.

Commissioner Hanlen –
Are the Urban Design Standards going to address the liner buildings? If the biggest scare that everybody had is this big ugly building then why are we still allowing a big ugly building as long as it's a grocery store?

John Eastman –
The balancing of the needs of the community versus the design aesthetics of the community came out and said 'for the sake of a grocery store we're willing to lower our design standards because that's a use that we really want. The other uses didn't have the same community desire.

Commissioner Dixon –
Are you pointing out Commissioner Hanlen that we're requiring liner buildings in TND on a grocery store, but not in CO, CS, or any other zone districts?

Commissioner Hanlen –
Correct. I'm just saying that if it's in TND then we're still getting a good looking building. Are we potentially driving that grocery store out of the TND neighborhood into something else because of the additional standards?

Commissioner Dixon –
They wouldn't have to do liner buildings.

John Eastman –
Do you want to extend the exemption of section 26-150?

Commissioner Hanlen –
It would be the other way. We'll get into the inconsistencies more in part 2.

5-minute break was taken.

Part 2

John Eastman –
Part 2 of the discussion is a more general discussion of LFR. The question from our discussion in February was a little bit more limited. We were dealing with the Steamboat 700 annexation. There was a question of whether we wanted Big Box out west of town. At the time there was a consensus by Planning Commission and City Council that was not something that we wanted to require. He went over some background about past discussions on Big Box.

The motion by City Council says 'City Council President Pr-Tem Hermacinski moved and Council Member Ivancie seconded to not reopen the large format retail discussion throughout the community and not require it in the Steamboat 700 project. The motion carried 6/1. City Council President Antonucci opposed'.

There was some additional public comment that was received from Linda Cullen and Towny Anderson. I also received a call this afternoon from Jim Pathlik. He said that the City Council vote back in March was against having opening Big Box anywhere in the City. He was very pleased with the results in March. He felt that this was a dead issue and is annoyed that it's coming back up again. He feels that he shouldn't have to fight the same issue every 6 months.

Is there a strong consensus to open this discussion back up? If there's a strong consensus that this discussion needs to be reopened then we'll send that recommendation forward to City Council. The community does have some strong comments on this subject.

Public Comment was taken.

John Eastman –
I think that addressing the 'do you want to pursue this' would be the first question. If the answer is yes then I think that we can go from there to scope out the discussion.

Commissioner Hanlen –

I had a proposal to help compartmentalize this discussion so that we have a somewhat productive direction at the end of the night. I think that this can go in way too many different directions if we don't group these. I just came up with a quick list. This is just a recommendation in how to go through this. The first big question and I think that this one we were thinking needs to go back to City Council, which goes back to the simple question of the mere existence of the store. John Eastman was telling me out in the hall that we can't outlaw them, but it seems like the ordinance does that in effect.

Commissioner Dixon –

What do you mean that we can't outlaw them? Are you saying that we can't prohibit LFR?

John Eastman –

I wouldn't want to get into a place where we say, because then you can say you've allowed grocery stores so now you're restricting certain uses of a certain size as an outright prohibition. Right now our design standards are stringent. They actually allow for a lot of buildings that are out there. It's an expectation to the extent that you're going to have LFR it's going to get much closer to the Belmar model. It doesn't require structured parking. It's in no way a prohibition.

Commissioner Dixon –

I understand that. I'm asking if the community said that we don't want LFR can we do that? Can we say thanks but no thanks?

John Eastman –

I'm not prepared to answer that question right now. When you get into outright prohibition of uses then you get into trouble. I don't think that it's quite cut and dry as Commissioner Hanlen just described it that we've prohibited them by making the standards so stringent. All that we've said is that if you come here then you're going to have to follow an urban model.

Commissioner Dixon –

I'm not a big fan of games.

Commissioner Hanlen –

My concern isn't so much with the design standards, which already gives a Big Box some hesitation towards coming to Steamboat Springs. The way the rest of the regulation is written where you have these requirements and you have to mitigate your impacts. Then you have this broad and ambiguous list of things that any number of those items you could hang your hat on saying you're not mitigating this to our satisfaction. All of a sudden despite the fact that they've designed a product to be built in an urban form and they've done these additional items that the City wants; it's still ambiguous enough where you could say that we are still not allowing you to exist. The second one is if we're going to allow these LFR's is going back to the location of the store. I would disagree with Meg Bentley saying that somehow by placing an LFR out west it was going to impact the downtown businesses less. And that simply locating it out west keeps those businesses out of harms way if there was a conflict there between them. The way the discussion went last time looking at the idea that if the Big Box is meeting the design standards are we

accepting of it being located anywhere in town. The third one is the design of the building. We touched on it a little bit earlier on the inconsistencies depending on which zone district it's in and where it's located. The fourth is getting into the public benefit. We talked about it in work session on Monday how the utilization of the PUD process is an inappropriate application for what we're trying to achieve. The fifth would be community impact and better definition of what we're trying to address. The final one is the parking, which is structured, rooftop, and underground parking. We still need to dive into that with a little bit more substance. I was thinking that if we grouped it into these 6 items then in theory we'll be able to give some direction on each one.

Commissioner Levy –

My thought is that informally there's a motion on the table that says that we need to look at Big Box in downtown. That's the big picture one. We already have already decided on what's going on west of town as far as I can tell. If there's a motion that says that we should re-look at the downtown restriction. Then that's the discussion that someone has made that kind of motion and should justify why we should reopen this discussion. I think that's where we start. Before we get to any of the individual things why should we be looking at reopening the discussion of south of 13th St.? I think that's the first question is location. It's the last question, but I think that it's the first one. All the rest I think are secondary.

Commissioner Dixon –

What do you mean the motion? Is that from our last discussion?

Commissioner Levy –

When we decided not to require it in the new zones the consensus of where it came from some people thought that they would rather see it south of 13th St. than out west. That seems to be the first big question.

Commissioner Slavik –

It seems like the question is even bigger than what you're saying. Why do we revisit this as often as we do?

Commissioner Levy –

This is the first time for this Commission.

Commissioner Slavik –

The City Council already voted on whether to reopen the discussion or not for a particular location specific to that location.

Commissioner Dixon –

Right now the ordinance prohibits LFR from being south and east of 13th St. So downtown and Mountain town we don't allow it. We do allow it west of town. That's under this PUD ordinance and some in the TND. That's the first question is are we going to reopen it for the rest of town? That's what City Council was saying no to.

Commissioner Levy –

I'd agree with Commissioner Hanlen that some of the comments made at the City Council meeting were questionable. If we're talking about community character who's to say that by putting it out west is going to less effect community character than having it anywhere else? The traffic one is another big one. I'd want to see a traffic study that specifically says that bottleneck traffic or Main street traffic will be affected in the various locations. To say that it's definitely going to be worse if it's out there I don't know. There's a lot of scenarios.

Commissioner Hanlen –

One of your comments that came up back in February is that if everybody had this issue with the bottleneck and increased traffic on Hwy 40 then isn't it ironic that we're only allowing it out west of town if it puts all of this additional traffic on hwy 40? That's where this discussion went towards why don't we put it out by Central Park or somewhere else that's more centrally located instead of contributing to an already existing problem? That's where we thought that it was only warranted to open this discussion back up. If you're meeting these stringent design standards that we're setting up where it takes on a more urban form then in theory shouldn't it be allowed anywhere? If we're getting away from the Big Box surrounded by an ugly sea of parking. I think that's the mental image that pops into everybody's head when you say Walmart or Big Box and everybody says, "I don't want that".

Commissioner Slavik –

Some of the comments that some of the members of City Council made were more related to how the impact of the local economy and the local small businesses and how a lot of people don't go downtown to shop already. That's irrespective of what it looks like.

Commissioner Hanlen –

That's why it's separate discussions. That's why I was saying our number 1 question is should we allow it? Somebody like Meg Bentley would argue very much that we shouldn't allow a Big Box. This gets into the complicated issue that we're creating. An example is where Ace At the Curve used to be Clark's market and then it became Curve Market and then it went out of business. All of a sudden the hardware store sneaks in there like a hermit crab and it becomes a Big Box. It started as a grocery store. There's nothing to say that couldn't happen in Steamboat 700 or somewhere else in town where we allow this big ugly box that everybody is worried about under the guidelines that say that it's ok because it's a grocery store. 5 years later when it goes out of business all of a sudden it's something that we weren't originally intending for it to be. That's where this gets so problematic is that we're being so selective with what we allow. An example that I was thinking of earlier is we're allowing grocery stores to meet this exemption. What's a Costco? Is that a grocery store or is that a Big Box? I think that when Costco first started I think that those sizes were hovering closer to the 50,000 square foot range. Now they have evolved into these super centers that are more similar to a Super Walmart or a Super Target. Is it a grocery store and should be exempt? They sell other stuff, but so does City Market. That's why this definition of what's allowable becomes pretty selective and I think problematic in how we apply this. Another example that I'd bring up is lumber yards. Right now we're incentivizing big sloppy lay down yards outside. We're penalizing putting all of this stuff indoors. The way that Alpine Lumber and Harbert Lumber is set up we're incentivizing that because you get penalized if you put it under a roof. Once it's 40,000 sq.ft. indoors then it's all of a sudden Big Box and that's bad. You have to go through all of

these extractions. Where does the line get drawn and what are we really looking for? We're fearful of Home Depot and Lowe's, but we have Alpine Lumber, Harbert Lumber, and Steamboat Lumber and those aren't locally owned so why are we protecting those guys, but fearful of the other 2?

Commissioner Dixon –

Let's answer the location question first. I think that I was in line with Commissioner Beauregard in wanting to open it up to the rest of town back in February. I think that I have a difference in opinion now. I think that the Mountain area and downtown should be targeted more towards the tourist dollar and capitalizing and capturing that market versus the discount market regardless of what it does to traffic. I would say the discount shopping should be targeted towards the west side of town, the local's area. That we should not reopen it to the Mountain area or downtown.

Commissioner Slavik –

I'm a little bit torn at this point, because I understand the way that the economy is in the need for discount shopping. I also seem to hear from the stuff that I've read that from an overall community perspective people aren't crazy about us coming up with a bunch of these Big Boxes everywhere. I don't like total prohibition. If there's some way to make it accountable then what ever requirements we put into it then I think that's ok. It's not prohibiting it from being in the community. It's just saying that if you're going to be here then you have to live within the plan that our community wants and how our community wants to grow. I'm a little bit torn, because we have a really disjointed community. We've got the resort community so somebody's not going to be happy. I get the impression that we keep talking about it and whether it's one side of 13th or the other I think it's the bigger question of discount versus trying to support the local people. Although at that point all that we're supporting is Walmart since they've got a captive audience in the discount market right now.

Commissioner Dixon –

I would argue with you. All that we're supporting is internet shopping and sending our sales tax dollars somewhere else. I think that the competition now for downtown businesses to capture the local dollar their competition is not other local retail, but internet shopping. If they don't adapt to that then they're not going to survive anyway. I do shop at Lyon's because my pharmaceutical is there, but I'm an online shopper. What's offered here isn't what I can afford or what I need. We don't have the product and so what an LFR might bring is a supplement in my opinion to what's already offered here currently. I don't think that it's a replacement to what's offered here.

Commissioner Slavik –

Is that going to significantly change internet shopping versus local shopping?

Commissioner Dixon –

It depends on the goods.

Commissioner Slavik –

I'm not sure that just by having a Target that it would stop some of the internet shopping.

Commissioner Dixon –

I agree. What I'm saying is that it's not proven to me that the local guys are going to go out of business just because a Big Box comes here. I haven't seen that proof. As part of a study I would like to have downtown retailers keep track of for a certain period of time the zip codes of sales. Where are their shoppers coming from? Before we can determine that we're going to be putting them out of business by bringing a Big Box here we need to know where their customers are coming from. I would like to ask that Main street retailers keep track of that in an effort to figure out where their market is. I'm not convinced that it's local market.

Commissioner Slavik –

This seems to be something that can't be a problem that's specific to us. There's got to be other small type communities and other ski communities such as Telluride, or Grand Junction, etc. that have rustled with this too. Is there a data out there or are there papers written out there by people that have looked at this problem already? We may or may not agree with them, but it might be interesting to have some more data in how other communities have handled it.

Commissioner Dixon –

Talk about Vail and Avon. How have Home Depot and Walmart impacted the local retail in Vail?

Commissioner Slavik –

Vail isn't the type of town that we have. I don't view it as that unless I'm misinterpreting it.

Commissioner Dixon –

You're not misinterpreting it. You're right. In terms of the retail that we're offered right now is largely targeted to the tourist dollar. They make their money primarily in peak season. We have a mud season for a reason, because tourists aren't here. It's evident, but I don't think that it's tracked yet. Just by observation during mud season you know that their businesses are hurting. They don't make their money during mud season. In fact a lot of them close during mud season.

Commissioner Levy –

There's a time when they close during the summer.

John Eastman –

We have our own study that was sited a couple of time today that talks about leakage. It's the EPS study that says that this is what we think it would do. They base that study off of other communities of our size. It would take some business from existing businesses. The net impact would be an increase in overall sales, which would essentially capture some leakage that it would be an increase in sales tax revenues. I would suggest to look at Glenwood Springs since it's the closest to being similar to our town. They have now recently had some Big Boxes. I would look at them as opposed to Vail. I think that the first question is that when we bring up a tough question like this it's because there's a strong community desire. An example is Vacation Home Rentals that's another one that keeps coming up. It only comes up at the request of the public. It's not something that's not generated by staff or Planning Commission. We keep trying to refine it and tweak it.

There's a consensus in the community that we haven't gotten it right. It's problematic enough that we had people come today to speak. The current regulation even as cleaned up isn't completely correct. Commissioner Hanlen brought up a lot of important issues. All 6 of the issues brought up by Commissioner Hanlen are all valid issues. The language in there was stolen from other communities. Is there a strong and compelling reason to put the community through this discussion again? I would like a consensus on at least 1 of them. The 6 issues that Commissioner Hanlen brought up were what could be conceived as flaws. I'm willing to take this to City Council only if all 4 of you say yes.

Commissioner Dixon –

Can you remind us what the community survey said about the question about do you want Big Box and it was 'x' and so many people said that. They refined the question that if it were out west how many people would be for it and if it had design standards how many people would be for it?

John Eastman –

He read from Table 24 survey for LFR with conditions. New LFR should be allowed? Strongly disagree=34%, somewhat disagree=20%, total majority=54% says it shouldn't be allowed, and agree=25%, strongly agree=20%. The community was really split on that question. New LFR allowed only in certain areas? Strongly disagree=27%, somewhat disagree=14%, total disagree=41%, agree and strongly agree=57%. Allow LFR with strict design standards? Strongly and somewhat disagree=39%, and agree and strongly agree=58% of the community. Allow LFR if they addressed community impacts? Strongly disagree=26%, somewhat disagree=13%, total disagree=39%, agree=28%, strongly agree=30%, total agree=58%.

Commissioner Slavik –

Was it a particularly large sample or a small sample?

John Eastman –

600 people, which is 5% of the population did the survey. We have a total population of about 12,000. To me it's a very divided community. It's difficult to craft a set of regulations when you don't have a consensus and essentially you end up with something similar to what we've got now since you're trying to make a wide range of opinions from the community happy.

Commissioner Slavik –

I think that if you surveyed more people that were the retirement resort people and the people that are trying to raise families and have jobs outside of the resort. Those percentages might be very different.

Commissioner Dixon –

I agree. I would like to know the demographics of it.

Commissioner Slavik –

Since it was sort of addressed by City Council the last time and they said that we don't want to talk about this for a while. Maybe it's too raw. Maybe it is something that we need to readdress, but now isn't the right time.

John Eastman –

In the current economic climate the concept that we're going to have any of these uses that's willing to locate here according to these design standards I don't see as a reasonable proposition over the next few years.

Commissioner Dixon –

What I heard through the grape vine is that Big Box retailer 'x' has 400-500 applications from municipalities or developers saying will you come to my town and site. Of those 500 they will pick 50. They're going to pick the 50 that are heavily incentivizing. They're not going to pick the 50 that are saying that you have to meet all of these requirements and by the way we're going to extract 10 other things from you, because you have to go through the PUD process.

John Eastman –

Do we need to do this right now? Does the community have any desire to do this right now? Does the political leadership and City Council have any desire to do this right now? I answer all of those questions as pretty strong no's. If all 4 of the Planning Commissioner's tonight feel strongly about something then we'll surely move this forward to City Council. I'm not hearing a consensus tonight.

Commissioner Hanlen –

To clarify something I am by no means saying not only should we allow them, but that we should wipe out any regulations concerning these. I'm not implying that. I am thinking about the gridlock that you were describing between the 2 factions of town that want it and don't want it. The requirements aren't necessarily changing by what I'm talking about. What I mean by that is I think that we need to remove it out of the PUD process. I think it should be in a process similar to what we did with the base area. It would clearly say: what are you going to give to me for the fact that you're coming to my town and ruffling our feathers. It's coming in and saying you shall do this, you shall be LEED certified, you shall contribute 'x' percent towards housing, you shall do this, etc. We create this simple outline of what they shall do instead of this vague PUD process. I think the studies need to be more clearly defined, because it's so ambiguous that you don't know where to start from.

John Eastman –

Do you agree with Commissioner Hanlen?

Commissioner Dixon –

I agree.

Commissioner Levy –

My question would be does that fall under a different big question of just eliminating the PUD across the board?

Commissioner Hanlen –

That's where I'm heading.

Commissioner Levy –

I know that's where you're heading. That's a different discussion than a lot of what we've already had. We've heard a lot of agreements with staff that's where the trend is, which is moving away from the PUD and having a post script procedure. Would it almost be easier to take the whole thing on than first let's remove Big Box. That seems to address a lot of your concerns.

Commissioner Hanlen –

I'll take it 1 step further, 1 of the things that we didn't have 5 years ago and it seems like a lot of the things that were written into the entry corridor standards, Urban Design Standards, and Big Box standards. When you get into the design and parking they're addressing all of the things that have been touched on by TND. Only TND does a more efficient, more illustrative job of describing what we really wanted from that. There's other little snippets of code where there are vague attempts at TND. One of the basic things is a simple statement that says if you want Big Box then it has to be located in a TND zone. If somebody were to locate it in another area of town then they would just have to get it rezoned to TND and that eliminates half of the verbiage that we have built into all of these different documents and we get more of what we're looking for, because it's a more descriptive intent contained within the TND. That addresses the design part of it. By getting rid of the PUD and just being more descriptive and more specific of what we want then you get rid of the horse trading aspect of the process. The PUD process was misapplied within this aspect.

John Eastman –

The PUD was updated and it's absolutely prescriptive. It's just a math formula now.

Commissioner Dixon –

The base area PUD was, but not the overall PUD.

John Eastman –

The overall PUD just says you have to provide if you're between 12,000 and 20,000 square feet then you will have to provide 1 or more of the public benefits. The public benefits are calculated as a percentage of your construction. They essentially write us a check. The ambiguity that you're discussing is actually in section 26-150 is the design standards for LFR of this community impact study that's subjective. It looks like the old style, but if you read each one of them. The contribution to community facilities says 'the contribution shall be equal to or greater than 1% of the project's landing construction cost value'. Each one of them says that. That's not ambiguous. When you do this required study and you have to do the PUD anyway and you write a check and you say that the impacts are these and you make sure that your check and your program addresses those identified needs. I keep coming back to if the 4 of you agree on 1 thing and if the 4 of you think that it's an issue that's big enough to open this back up. I caution you, because when the public perceives this they say oh we're having the Big Box discussion again. Once you open this up you're going to get comments about the whole thing.

Commissioner Dixon –

The public that talks to me says 'awesome, we can get a Target'? It's a different kind of public. It's the public that's working all day and going home and taking care of their kids and cooking and whatever. They aren't here, because they're taking care of life.

John Eastman –

My wife falls into that group and would love to have a Target. You guys have the consensus. Is the pain worth the gain?

Commissioner Hanlen –

The first question is 'should we allow it at all'?

Commissioner Dixon –

Do we want it at all?

Commissioner Levy –

That would be a reopening of it as well. If we were to say no.

Commissioner Hanlen –

We'll assume yes, with condition just like we have now. The second question is 'location of the store'. If you meet the stringent design standards are you allowed to have it anywhere in town?

Commissioner Dixon –

I don't want to reopen the location. I think that discount shopping shouldn't be located where our tourists are. I think it's appropriate to be out west.

Commissioner Hanlen –

Just to clarify, is it saying you couldn't build a mixed tenant commercial building greater than 40,000 sq.ft. east of 13th?

Jason Peasley –

No, it's only single tenant.

Commissioner Dixon –

Macy's isn't going to come here and Nordstrom's isn't going to come here. It's a discounter.

Jason Peasley –

Brian Olson's project on the north side, that had a tenant that wasn't quite 12,000 square feet in a series of other retailer's along with it. It was a mixed-use package. That was ok. The idea was that you wouldn't have another Big Box.

Commissioner Slavik –

What I know now and granted I'm new, I'm not seeing a big problem with how it sits right now. To reopen it again might create more difficulties. It'll get reopened because of location, but people won't understand that's all that we're talking about. The whole thing will get brought up again. We don't say that you can't do it now, but we have certain requirements that we want and I don't see why it can't just stay that way.

Commissioner Levy –

I think that whether we want it or not and where to have it are somewhat tied together. I saw that in some of City Council's comments. Half of them are concerned about leakage and the other half is concerned about community character. The compromise was that we want to plug up the leakage, but we don't want to mess up the downtown so we'll have it out here. I know that some people didn't want it anywhere. That's the 2 big questions. Commissioner Beauregard's preference would be not to have it at all. If we're going to have then he'd rather have it downtown, because he thinks that the traffic impact on the bottleneck is worse. I'm torn, when you've talked about the EPS study that said that we'll have a \$1 million in sales tax growth. I questioned it when it came before and I question it now. We're going to see a growth in sales tax just because our population gets bigger. How much of that is accommodated for in the study. At the time John Eastman couldn't answer that. To me it wasn't conclusive that Big Box was going to plug our leaks. It says in our staff text that we'll grow with Big Box, but it didn't talk about how sales tax would grow without it. I'm not convinced that Big Box is going to solve our leakage. You're still going to get bigger bargains online. The other questions that we talked about are 'is it true that having it downtown will have a less impact on the bottleneck than having it west of town'? If you have a really good Big Box could it be possible that we'll attract 'x' amount of people from Craig and Hayden? They're coming from the west side of town and so they're going through the bottleneck. They could be a bigger impact than our community people. If it could be shown to me that south of 13th St would have a less impact than it would if in the west side. With these other factors I would consider reopening it up. The opposite thing would be for community character. If someone could prove to me that having Big Box outside of town is going to change our community character versus south of 13th St. I'm not sure that it's going to save our community character by putting it out west versus downtown.

Commissioner Dixon –
How do you define community character?

Commissioner Levy –
You can talk about protection of small businesses. You still can't prove if it's here or there and how much tourist dollar. Will the tourists pursue the discount shopping out west? Will that stop them or not?

Commissioner Dixon –
Why would they go out there? They can go to Target in their own town.

Commissioner Levy –
The tourists that are here. You see the bus go right by Walmart and the skiers will get off and go to Walmart, or Gart Brothers, etc.

Commissioner Dixon –
If the discounters weren't there then they would likely buy a pair of gloves that cost twice as much at a boutique retailer. We get more sales tax dollars. Walmart isn't going to go away until they have competition. If that competition is here then Walmart isn't going to survive. They're going to close their current location, because they can't redevelop there since we don't allow it. That becomes a redevelopment site for something that looks a heck of a lot

better than it looks like now and captures a higher dollar. More expensive retail where the tourists are willing to spend their dollars.

Commissioner Hanlen –

My point would be back to this irony of how we're picking and choosing businesses that we protect. All of us have our fingers crossed that the grocery store that goes in out west is a Whole Foods. Aren't we then in turn impacting Healthie Solutions and Bamboo Market? Are they any less important than the any other business that would be in jeopardy if a Target or Home Depot went in? It's funny how we're protecting one business, but running rampant over another business. If we're truly looking to protect our small businesses in Steamboat Springs this seems inconsistent. Which ones are going to truly be affected?

Commissioner Dixon –

Why do we exempt grocery stores?

Commissioner Hanlen –

Right, it just seems inconsistent.

Commissioner Levy –

We have to buy groceries, but we don't have to buy the other.

Commissioner Dixon –

We have some local grocers downtown, which are Bamboo and Healthy Solutions.

Commissioner Hanlen –

Could they survive if a Vitamin Cottage went in? That's a Big Box, but is that something that we want to prevent from going in?

Commissioner Dixon –

It's exempt, because it's a grocery store and it will be less than 65,000 square feet. Their model is probably right around 40,000 square feet.

Commissioner Hanlen –

It seems like we're inconsistent with who we're protecting and how we're protecting it. If we're going to say 1 thing about Big Box then we need to be consistent about it with lumber yards, grocery stores, Target, Costco, whomever, or we go in the other direction. Right now the ordinance is just a mess. If we're focusing on the form for the moment and then you go back to the issue of what happened with Clark's Market converting to Ace Hardware and how we had the hermit crab slip in through the backdoor. Then we've got another Big Box that we weren't intending on and we've got this big ugly building.

Commissioner Levy –

Is that what happened is that Curve Market built the grocery store exemption?

Commissioner Hanlen –

It was before the ordinance.

John Eastman –

The grocery store exemption didn't exist.

Commissioner Levy –

That's a theoretical example. That's not an actual example.

Commissioner Dixon –

If we're exempting grocery stores and somebody builds a 65,000 square foot grocery store in the west side of town and it doesn't survive they'll close down and it will be there for the taking. Either it gets torn down or it gets released or purchased by somebody else needing 65,000 square feet, which may or may not be another grocery store. It probably would not be.

John Eastman –

We do regulate change of use.

Commissioner Dixon –

Would the City really say we want that empty building to sit there? Would we really do that?

John Eastman –

Every circumstance is different and until you get into the particulars of the situation it may be something where you say the change of use allows for this and you take a look at section 26-150. The build is already there, but based on this use you're exempt so you're going to have to come closer to meeting the criteria.

Commissioner Levy –

Just to clarify is there language about substantial compliance with the change of use? You mentioned it, but I've never seen that leveraged or utilized.

Jason Peasley –

We don't utilize that very often. There are standards that say that you to meet certain requirements for that particular use.

Commissioner Levy –

What would be the criteria though if it was a prohibited use in the scenario that Commissioner Hanlen gave us?

Jason Peasley –

It wouldn't be allowed.

Commissioner Levy –

If there was a 40,000 square foot grocery store and it went under you wouldn't allow another use in the CN, CY, or G-1 districts?

Jason Peasley –

We could allow it, but it would have to go through the appropriate process as if it were a new application. We would have different circumstances, because it's an existing building.

Commissioner Levy –

Who wants to definitely reopen location? Are we talked out on the location?

Commissioner Dixon –

I don't want to reopen location.

Commissioner Hanlen –

I'll be the lone one just from the idea that until we see an actual application, a specific application, we would then judge it on its own merits based off of it's unique location of wherever they're proposing it. I don't want to be prohibitive assuming that we know better than any business is better and that we're better off having any business out west as opposed to being allowed to judge each project on it's own merit. That's my concern about prohibiting it. When we don't have any specifics then how do we know best?

Commissioner Levy –

Unless my questions were answered satisfactorily I don't see any reason to reopen it either. I challenge a lot of the studies that have come out and they all seem spun in that they look for a particular result or they take the easy way. If I can find holes or exceptions and I'm sure that the experts can do better. I'm not sure that it fits into the Mountain area either. I would have to say no to reopening the location discussion.

Jason Peasley –

Do we want it and do we even want to open this up is the first question. It seems like you're jumping around.

Commissioner Dixon –

"Do we want it?" was answered in 2006. I would say that the answer is yes. Even though it wasn't a strong yes it was still enough; the same percentage it takes to win an election. I would say that do we want it was answered as a yes. What was the next piece of that?

Jason Peasley –

The next piece to that is what is the value of reopening this back up?

Commissioner Slavik –

That's a good wording. It's not whether we're sure or not, but are we going to get any value at this point by doing that? It might just stir up a can of worms and people are going to come back and ask why are you talking about this again?

Commissioner Dixon –

I think that the ordinance is a mess. Commissioner Hanlen stated that and I think that's an accurate statement. If we're saying we want it, we're not going to get it with this ordinance.

Jason Peasley –

That's a big question. That's a bigger question than we need to just clean it up.

Commissioner Dixon –

That's why I think that we're saying to reopen it is because we need to clean this up more extensively than our small text changes. A policy direction needs to be asked of City

Council and us as a community. I think that there's some research that needs to be done and we need some private sector experts like Peter Patten suggested. I think that's very important to get some input from people that do this. Is this ordinance broken? Are you ever going to see any LFR with this ordinance the way it is written?

John Eastman –

With the cleanup I think that this ordinance is as good as you're going to get. Big box is allowable if it provides really good design, additional community benefit, and mitigates all community impacts. What you're saying is that you disagree with some of those items. I would say that it accomplishes those policy goals. If you disagree with those policy goals then that's how I would frame that discussion.

Commissioner Dixon –

That's exactly what I'm saying. I would like to see it reopened from a policy perspective. If we want it then the ordinance needs to be crafted that way with the intent that we want it.

Commissioner Hanlen –

How we can make it more predictable. Right now it's a mine field of trying to guess what the City is intending. That's what I keep coming back to is that when I look at this it's not trying to open the flood gates and just let them have at it with whatever they want to throw up in the city. It's a question of how do we create a document that when the applicant takes a look at Steamboat Springs and asks: "do I want to try to come here?", they know what they're getting themselves into as opposed to this constantly evolving process that they never know what the City is truly intending.

Commissioner Dixon –

That wasn't my point. Predictability is absolutely important and critical, but whether or not it's conducive. They could read through it and say that's totally predictable and no I'm not going to do it. Conducive is the word that I'm looking for.

John Eastman –

The 2 policy questions is: 1) should LFR be required as a policy to bring additional community benefits? That one's very predictable. It's a policy that's in the ordinance now and Commissioner Dixon is saying that it should be reopened for discussion. Is there a consensus among this Planning Commission on this issue?

Commissioner Levy –

No, I believe that additional public benefit is required. I think that it is desired by the community. We want Big Box. What it really said with the straight up question was 50:50. Do we want Big Box and only with strict standards.

Commissioner Dixon –

I'm talking about the extractions.

Commissioner Levy –

It also said the same thing. It was 60:40 if they addressed the impacts.

Commissioner Dixon –

I'm not even talking about the impacts. I'm talking about the PUD extractions of additional public benefit.

John Eastman –

I see 50:50 and no consensus. It's up to you, but if you want to forward that to City Council. You'll end up saying that half of us want to reopen it because of this and the other half thinks it's just fine. Nothing will happen then. The second policy question is: should LFR be required to mitigate community impacts? I would agree with Commissioner Hanlen in that it's very unpredictable. Is that a policy question that needs to be reopened up?

Commissioner Hanlen –

I say yes.

Commissioner Dixon –

I say yes.

Commissioner Levy –

I guess. I think that because we haven't seen this enforced, how are we going to mitigate some of these impacts? Some of the lists of these impacts are hard to quantify in how you're going to mitigate those.

Commissioner Dixon –

That's the problem.

Commissioner Hanlen –

How do you quantify some of these?

Commissioner Dixon –

How does Big Box impact Parks and Rec.?

Commissioner Hanlen –

How do they?

Commissioner Dixon –

I go shopping at Target I'm going to also use a park?

Commissioner Slavik –

I think that you have to think about that a little bit more philosophically. When I've looked at a lot of environmental impacts statements they cover a whole lot of things that are questionable on whether they're environmental or not. It's trying to get a good sense of the impact across the board. Maybe you have that requirement in there for this and for the store it's kind of ridiculous. For the next operation maybe it's not going to be. You can't tailor the regulations to whether we want a Target or not. You have to look a little bit bigger in terms of the fact that this is going to apply to anything that comes in that's over 40,000 square feet. You don't know it could be something else that we're not thinking about.

Commissioner Dixon –

I'm not sure that shopping at an LFR means that we have a park impact.

Commissioner Levy –
It's a destination. We go to Silverthorne and we're wandering around.

Commissioner Dixon –
It's so awesome that our parks get great use.

Commissioner Slavik –
That's a good impact. That's going to be evaluated in that way then.

Commissioner Hanlen –
Right now our parks are being trampled by too many people. Someone else may say: "great, our parks are getting more use". How do you interpret the information if you're not given the tools to say whether it's a good or bad impact?

Commissioner Slavik –
So you shouldn't look at it at all?

Commissioner Hanlen –
That depends on what it is. If you're going to throw it out there then what are the tools by which we measure it? That's why I don't feel like it's not clearly defined in this. This was our problem that we had in our base area. None of the public understood how we were evaluating the buildings. You had staff and the applicant doing what was the equivalent of horse trading and say we want to build 30' higher than your code allows. We'll give you 12 affordable units. In the mean time the public is looking at it and saying how did they get such tall buildings when the code says 67'? We tried to give it some predictability so that everybody could understand the process. When I look at this document. This makes our old base area PUD process pale by comparison in how convoluted this can get with a real application. If we want it or not let's give us some tools to quantify and measure what these impacts are supposed to be.

Jason Peasley –
The reason why these are so vague is so we can say we like Target and we're ok and it's mitigated it's impacts, but although we don't want this one look at all of these impacts. It's vague so that we can make the decision at the time of the application. You have the flexibility to say yes if you want to or no if you don't want to.

Commissioner Dixon –
It's not an equal opportunity.

Jason Peasley –
I understand and it's clever crafting of regulations. It's left ambiguous for a reason to allow us to say yes or no.

Commissioner Slavik –
I'm brand new so I don't think that we can make the decision whether to do this or not with my opinion right now. I don't think that I have enough background and understanding of

how all of the regulations go together. Is it possible to discuss this when more of the Planning Commissioners are here?

Commissioner Hanlen –

That's what we're discussing tonight is to decide whether there should be more discussion or not. We're not trying to make any final decisions right now.

Commissioner Slavik –

We're trying to decide if it's 50:50 for going to the Board. I don't know that we know that. I understand that it's a quorum. I feel unequipped to be an equal vote at this point.

Commissioner Levy –

You're the most important one since without you we wouldn't have a quorum. The time isn't of concern to me. I would rather spend another hour here if that means that it's an additional 6 months before it comes here again. I'm more open to a wide open discussion today and make a firm commitment.

John Eastman –

This is a decision that you're probably the most qualified to weigh in because this is a broad philosophical community character issue. I would rather have you work through something and see if there are areas of agreement. It's up to you on what motion you make.

Commissioner Dixon –

I have a suggestion. I think from a policy perspective City Council needs to be asked do we want Big Box. Depending on what that answer is and if they say yes then my position would be that this ordinance as it's crafted needs to be reopened to re-craft.

Commissioner Hanlen –

Agreed.

Commissioner Slavik –

I would agree with that. It really is the biggest policy issue. What I'm saying is that we're not disallowing it right now. The question really is do we want it or don't we want it? What you asked very early into the discussion is can we prohibit it? Does the City Council want us to do that?

Commissioner Dixon –

The ordinance in the way that it's written without prohibiting it, it strongly discourages it. If we want it that's the policy question then I believe that this ordinance needs to be rewritten. Not that we don't need an ordinance, because I think we do. I think that there's some specific language that needs to be carried in it. I think that any development needs to mitigate its own impacts so how you define what those impacts that need to be looked at are and how you measure those impacts and what your mitigation plan can be is really hog wash in here right now. I'm not saying that it doesn't need to be there it just needs to be better at defining what it is.

Commissioner Slavik –

I would like to hear what the City Council has to say if they want it or not.

Commissioner Dixon –
We heard 1 tonight, but that's 1 of 7.

Commissioner Levy –
I would hope that if staff were to bring that forward that it would be a little bit more detailed question than just that. If it does have to go back to do we want it or are we just willing to allow it.

Commissioner Hanlen –
Going back to the grocery store, lumber yard, and LFR. I think that we have these 3 uses that are all being treated differently.

Commissioner Dixon –
Should they be is the question. Commissioner Levy is right in saying are we just willing to allow it or do we really want to encourage it. That's not the same as incentivizing it. Do we want to encourage it? If we do then I would also say before it comes back to us then we would need some private sector experts to better identify what will make it conducive for a Big Box to look at Steamboat Springs. City Council might even need this before they can make any kind of decision. I strongly believe that we need some zip code polling of our sales from the local merchants. We don't know if we're going to put them out of business or not. We can guess and we can read reports from all of the experts you want and there will be some on this side and some on that side as Commissioner Levy had mentioned. It will be whatever perspective you want to bring forward from whatever expert you want to bring forward. If we can get some local polling to really know where their customer base really is right now I think would be beneficial to the discussion.

Jason Peasley –
To rephrase the question that you're asking I wonder if we should state it as 'should we be treating Big Box, grocery store, and lumber yard differently than our current ordinance is treating them now', correct?

Commissioner Dixon –
Correct.

Jason Peasley –
So they can say this is the status quo does that align with your feelings of how we treat these uses? If you think that we should be treating them differently then we should reopen it up. If you think that the way that we're treating them is ok then we shouldn't reopen it back up.

Commissioner Dixon –
That at least gives them a question.

Jason Peasley –
They might come back and say that they think it's fine. If their ok with that then it's clear direction, but if they're not ok with that then that's also clear direction.

Commissioner Dixon –

If they think that just because we have this ordinance we're saying that we'll allow Big Box and they think that we'll get Big Box with this ordinance then I think that's a misguided direction.

Jason Peasley –

Someone would have to come and would have to have a lot of resources in order to have a reason to come here to meet the lofty goals that we've set for them. When we did this in 2005 that was the purpose for the regulations. Maybe that's the feeling in City Council today as well. That may be a good way to phrase things.

Commissioner Dixon –

If a Big Box wants to come here and they see this as a market then they're not looking at the Steamboat Springs population, they're looking at a broader catchment area. The entire region. Whether they're in Steamboat Springs or Hayden is irrelevant in terms of their catchment area. I think that City Council understands that it's a real possibility that if they're looking at the two that it might be Hayden. Our sales tax dollars would go more quickly to Hayden, because that's just a short drive down the road. Right now they're going to Silverthorne and Denver and some to Craig, but a lot of our dollars would go to Hayden. That's really who we're competing with if somebody really wants to come here. That's a big question if there's enough catchment here and enough critical mass in the region to even come here in the first place. If we want them then we've got to change this and if we're willing to let them go to Hayden then we don't need to change it.

Commissioner Hanlen –

I have a clarification question back to the clean up that we did earlier. When we start to talk about the minimum 2 story liner buildings, what do we do with uses that outright refuse to have additional tenants or a 2nd story? The 2nd example is the post office. We never got to see that project, but just the description that you told us the post office outright refused to have any sort of 2nd story or additional tenants and to be a stand alone single story structure. Here we go in and craft all of this beautiful ordinance and they come in and say they're not going to do it. From what I've heard regarding the Big Box they're also taking the same stance saying we're not going to do it. What's the difference between the post office and what was staff's stance towards the post office? Is it just we'd really like you to, but we can't make you?

John Eastman –

The difference is that the post office is federal government and exempt from regulations and everybody else would have to comply. The way that the regulations are crafted and regulated is you shall do these things and if you don't want to then your project won't be approved.

Commissioner Hanlen –

To address Peter Patten's comment on how we need to consult industry experts about this matter. When you were having the Steamboat 700 discussion and I'm assuming that they were in discussions with industry experts whether or not a Big Box would meet the criteria that we're throwing out these theoretical examples of what their building would have to be, look like, or conform to. Was Peter Patten making comments during those discussions

about there's no way that they'd do that or were they acceptable to that? Did we in fact create regulations that prevented Big Box from coming to Steamboat 700 based off of what we were putting into place? Did you get any hint from him from those discussions that would be what would happen?

John Eastman –

Yes, and I'm writing some language. What I'm hearing you say is the current Big Box regulations include very stringent design, public benefit, and community impact requirements. When applied in a small market that is of marginal attractiveness to LFR to begin with are we actively discouraging to that use. Is that the intent of City Council? If you're ok with that then we're done talking about it. I would agree with that statement. Is that a question that you would like to send to City Council and say that if you're ok with the standards then do you want to have a discussion about whether that's appropriate stance towards LFR for this community?

Commissioners were ok with the question that John Eastman stated to forward to City Council. John Eastman is writing it as a formal question for City Council. Commissioners continued discussing their position on the regulations for LFR.

John Eastman –

Current City regulations includes very stringent requirements for design, public benefit, and community impact. These standards and the relatively small size of the local market will likely discourage any new LFR development from locating in Steamboat Springs. Does City Council want to schedule an agenda item to discuss whether the regulations should be amended to be more attractive to LFR uses?

There was a consensus by Planning Commission with the wording that John Eastman gave regarding their question to City Council.

Commissioner Dixon –

I need to give it to them in a report. I'm supposed to give the next Planning Commission report and this is on that. I want to make sure that I get the consensus question correct.

John Eastman –

I'll give you a copy of this. I don't want you to think that there is automatically going to be an agenda item on City Council. It will go to City Council, but nothing may come of it. I will e-mail you their thoughts on this.

Commissioner Slavik –

Either way it will be good guidance out of it.

John Eastman –

Absolutely and if they don't schedule it then there's your guidance.

Commissioner Hanlen –

I couldn't understand in the beginning, did you clarify and also the grocery store and lumber yard versus LFR? Just bringing up the inconsistency with that?

John Eastman –
I didn't have anything written on the inconsistency.

Commissioner Hanlen –
You did say something about it when you first spit it out.

John Eastman –
Include very stringent and somewhat inconsistent.

Commissioner Dixon –
And equitable since I think it's inequitable.

John Eastman –
Current City regulations include very stringent and inequitable requirements for design, public benefits, and community impact. Current City regulations for LFR, for commercial uses over 40,000 square feet.

Commissioner Levy –
It seems to confuse it.

Commissioner Dixon –
They might say what do you mean by inequitable? You would say that lumber yards are treated differently than grocery stores, which are treated differently than LFR.

Commissioner Hanlen –
Grocery stores get a pass.

John Eastman –
Essentially the City has a fairly negative stance towards new LFR. Are you ok with that?

Commissioner Dixon –
I think that you can leave it.

Commissioner Levy –
I think that it's more confusing. We have 1 big picture item. Do they want Big Box or not? The separate question is do you want to address it? The possible inequities are inconsistencies between grocery stores, lumber yards, and generic Big Box.

Commissioner Hanlen –
We're allowing Big Box as long as it's a grocery store.

Commissioner Levy –
I'm just saying that's the inequity.

John Eastman –
I did go and find the change of use section of the code and you can see that under section d(1) you change the use and you have to comply with the new standards. Yes, under the code you go from grocery store, being exempt to all of these standards to any other LFR

use in that box. Now you're going to have to figure out how to build other liner buildings around it and make it comply with article 5, which is where section 26-150 is located.

Commissioner Slavik –
Can you read it one more time?

John Eastman –
Current City regulations for LFR include very stringent requirements for design, public benefit, and community impact. These standards and the relatively small size of the local market will likely discourage any new LFR from locating in Steamboat Springs. Does City Council want to schedule an agenda item to discuss whether the regulations shall be amended to be more attractive to LFR uses?

I would agree with Commissioner Levy that if you wanted to forward a question about that then I would phrase a second question.

Commissioner Levy –
We could wait a couple of weeks and see what City Council's decision is. If Hayden does get a proposal I'd like to see how quickly we would then change our current City regulations. That really changes the tune that once someone starts sniffing around is City Council going to be concerned about it.

Commissioner Dixon –
We do have impact studies and we should require them to mitigate some of their traffic. Hayden isn't going to put any mitigation in for Steamboat Springs. People will go to Hayden to shop so the traffic will potentially be worse.

Commissioner Levy –
When you said it you said that they look at the whole region.

Commissioner Dixon –
Yes, but traffic wise. If it goes in Steamboat Springs then there will likely be an impact assessment for traffic.

Commissioner Levy and Commissioner Dixon have a small discussion regarding the traffic impacts of whether LFR goes in Steamboat Springs or Hayden.

John Eastman –
There's a growing recognition that you build a great community and they will come. You don't chase every skirt in town.

Question 2: There are significant inconsistencies between the requirements for different uses like grocery stores, lumber yards, and other LFR uses. Does City Council want to schedule an agenda item to discuss whether these regulations shall be amended?

Commissioner Levy –
I was thinking would you think about adding the different uses of the same size. We are talking apples to apples. They might think that Big Box is this big and grocery stores are

that big and lumber yards is this big. In our mind if we're talking about them all the same size then we should include that into the question.

John Eastman –

There are significant inconsistencies between the requirements for different uses of the same square footage like grocery stores, lumber yards, and other LFR uses. Does City Council want to schedule an agenda item to discuss whether these regulations should be amended?

PUBLIC COMMENTS

Part 1

Peter Patten –

On this particular issue I am representing Steamboat 700. There's a lot of history to this Big Box discussion. The grocery store came about in the last Big Box discussion. That's a use that we want. We don't want to hammer that use with standards. Grocery stores I believe the City Council felt should be exempt. Steamboat 700 was required to reserve a site for that use. We agreed to a whole section of the annexation agreement that got tweaked on October 13, 2009. It was tweaked on the other end, which was the minimum end. It ended up being essentially a minimum size of 30,000 sq.ft. My comment is that 55,000 sq.ft. is too small. The economic survey that the City did talked about supermarkets. It said that new supermarkets are typically are within the 50,000-65,000 square foot range. I don't know what the number is, but it should be larger.

Part 2

Jerry Rudolph –

I would encourage any Big Box building that's built to pay attention to the exterior architecture of the building.

Meg Bentley –

I'm a citizen and a member of City Council. We're wasting a lot of time bringing this back. When it's a dead horse leave it as a dead horse. The EPS study says that the highest priority for economic development is enhancement of community quality and attractiveness. The other thing is support local businesses and entrepreneurs. By opening this discussion back up when all of our businesses downtown are endangered critters I think that it's worse than a vote of no confidence. I think that Big Box is ok north and west of 13th. We can put all of the designing standards from any of our documents on them before they can move forward. I think that the whole opening it back up again should be a mute point. The form of a building doesn't necessarily mitigate its potential damage to the community, cultural, and even existing economic resources in the town.

Peter Patten –

I'm now speaking as a local citizen and not for Steamboat 700. If you do take this out then I encourage you to bring in private experts. He gave some examples of private experts that they can speak to about Big Box. There's a lot of experts out there that can come in and advise on design strategies for Big Boxes. I would encourage you to go to Belmar. The developer for Belmar would be another resource. He points out that parking garages are themselves Big Boxes and require their own liner strategies. The garages are often essential to get a more urban solution, but they can be almost as bad as the LFR tenant in

terms of street impacts if not handled well. On the last part of this article he talks about that they did surface parking. They actually put a wind farm as their surface parking lot. The wind farm powers the lights in the parking lot and sends energy back to the grid. That parking lot took a negative, which is the largest parking lot in Belmar and turned it into an attraction.

MOTION

Commissioner Dixon moved to forward the questions provided by the Planning Commissioners to City Council. Commissioner Hanlen seconded the motion.

Question 1: Current City regulations for large format retail include very stringent requirements for design, public benefits and community impact. These standards and the relatively small size of the local market will likely discourage any new large format retail development from locating in Steamboat Springs. Does Council want to schedule an agenda item to discuss whether the regulations should be amended to be more attractive to large format retail uses?

Question 2: There are significant inconsistencies between the requirements for different uses of the same square footage like grocery stores, lumber yards and other large retail uses. Does Council want to schedule an agenda item to discuss whether these regulations should be amended?

VOTE

Vote: 4-0

Voting for approval of motion: Levy, Dixon, Hanlen and Slavik

Absent: Beauregard, Fox & Lacy

Discussion on this agenda item ended at approximately 9:32 p.m.

APPROVAL OF OCTOBER 22, 2009 MEETING MINUTES

Postpone to next meeting.

MOTION

Commissioner Dixon moved to table the October 22, 2009 meeting minutes to the next meeting and Commissioner Hanlen seconded the motion.

VOTE

Vote: 4-0

Voting for approval of motion to table: Levy, Dixon, Hanlen and Slavik

Absent: Beauregard, Fox & Lacy

DIRECTOR'S REPORT

John Eastman –

It's been a pleasure working for you. We're having a going away party next Wednesday at 5:30 p.m.

ADJOURNMENT

Commissioner Dixon moved to adjourn the meeting at approximately 9:34 p.m.

Commissioner Hanlen seconded the motion.

VOTE

Vote: 4-0

Voting for approval of motion to adjourn: Levy, Dixon, Hanlen and Slavik

Absent: Beauregard, Fox & Lacy