

AGENDA ITEM # 4

PLANNING COMMISSION COMMUNICATION FORM

FROM: Tom Leeson, AICP, Director of Planning & Community Development (Ext. 280)

DATE: December 10, 2009

ITEM: Request to extend vesting periods for the site specific development plans originally approved as Montenero at Steamboat Springs, Rocky Peak Village, Riverfront Park, and Fulton Ridge.

NEXT STEP: Planning Commission's recommendation will be forwarded to the City Council for First Reading.

- ORDINANCE
 - RESOLUTION
 - MOTION
 - DIRECTION
 - INFORMATION
-

PROJECT NAME: Extension to Vesting Provisions

PETITION: Request to extend vesting periods for the site specific development plans originally approved as Montenero at Steamboat Springs, Rocky Peak Village, Riverfront Park, and Fulton Ridge.

APPLICANT: City of Steamboat Springs, Department of Planning Services, c/o Tom Leeson, AICP, Director of Planning & Community Development, Centennial Hall, 124 10th Street, PO Box 775088, Steamboat Springs, CO 80477, 970-879-2060.

I. RECOMMENDED ACTION

Staff recommends the Planning Commission approve the attached draft ordinances extending the vesting periods for the site specific development plans originally approved as Motenero at Steamboat Springs, Rocky Peak Village, Riverfront Park and Fulton Ridge.

II. BACKGROUND INFORMATION

Motenero at Steamboat Springs, Rocky Peak Village, Riverfront Park and Fulton Ridge were all approved in 2006 when the real estate and financial markets were significantly stronger than they are today. All four of these projects were approved as single-phase developments with multiple buildings. All four have installed infrastructure, received preliminary acceptance of the infrastructure and have commenced construction. Unfortunately, as a result of the severe economic downturn, these four projects have not been able to complete their projects, nor have they been able to pull the remaining building permits prior to their vesting expiring. A description of each project, the remaining portions of each project and the vesting periods are described below.

III. DESCRIPTION

1. Montenero at Steamboat Springs (Porches II)

The City approved the Montenero at Steamboat Springs Final Development Plan (DP-06-02, FDP-06-02), a 17-unit townhome project consisting of seven duplexes and one tri-plex, on May 2, 2006. The project's term of approval originally expired on May 2, 2009, but was granted a six-month extension that expired on November 2, 2009.

The project is located at the intersection of Mt. Werner Drive and Steamboat Boulevard, and is currently known as Porches II.

The project was approved with multiple buildings in a single phase, and the project has installed the water and sewer infrastructure and received Preliminary Acceptance from the Mt. Werner Water and Sanitation District. The project has four (4) duplexes and one (1) triplex remaining for which building permits are required.

If the vesting extension is approved, the project's term of approval will expire on November 2, 2012.

2. Rocky Peak Village

The City approved the Final Development Plan for the site specific development plan known as Rocky Peak Village (FDP-05-11), a multi-family development consisting of two (2) triplex buildings and 14 duplex buildings for a total of 34 units and 87,760 square feet, on August 8, 2006. The project's term of approval originally expired on August 8, 2009.

The project is located at Willett Heights Subdivision, F1, Block 5, Lot 1 which is next to the intersection of Tamarack Drive and Hilltop Parkway.

The project was approved with multiple buildings in a single phase, and the project has installed the water and sewer infrastructure and received Preliminary Acceptance from the City of Steamboat Springs. The project has eleven (11) duplexes and two (2) triplexes remaining for which building permits are required.

If the vesting extension is approved, the project's term of approval will expire on August 8, 2012.

3. Riverfront Park

The City approved the Final Development Plan as a Planned Unit Development for the site specific development plan known as Riverfront Park (FDP-05-14), a mixed use industrial, office and residential development including approximately 65,899 square feet of industrial space, 19,000 square feet of wholesale office/retail space and 21 deed restricted employee live/work units on October 18, 2005. The project's term of approval originally expired on October 18, 2008.

The project is located at on Curve Plaza adjacent to the Yampa River.

The project was approved with multiple buildings in a single phase, and the project has installed the water and sewer infrastructure and received Preliminary Acceptance from the City of Steamboat Springs. The project has two buildings for which building permits are required, Building #2 and Unit 21, which total 28,805 square feet, and Building #5 (includes units 15-20), which includes 14,112 square feet.

If the vesting extension is approved, the project's term of approval will expire on October 18, 2011.

4. Fulton Ridge (EcoCorral)

The City approved the Final Development Plan for the site specific development plan originally known as Fulton Ridge (FDP-06-13), a multifamily residential development including 7 buildings, containing 28 units (4 Deed Restricted units) on 2.7 acres on September 14, 2006. The project's term of approval originally expired on September 14, 2009.

The project is located directly to the south of the Eagle Point Subdivision and west of the Mountain Vista Subdivision on Hilltop parkway.

The project was approved with multiple buildings in a single phase, and the project has installed the water and sewer infrastructure and received Preliminary Acceptance from the City of Steamboat Springs. The project has six (6) additional 4-unit buildings remaining for which building permits are required.

If the vesting extension is approved, the project's term of approval will expire on September 14, 2012.

IV. SUMMARY

PLANNING COMMISSION COMMUNICATION FORM

Revisions to Vesting Provisions, #TXT-09-07

December 10, 2009

Due to the changing economic times during the last couple years, Staff recommends the Planning Commission recommend approval of the attached draft ordinances extending the vesting periods for the site specific development plans originally approved as Montenero at Steamboat Springs, Rocky Peak Village, Riverfront Park and Fulton Ridge.

IV. ATTACHMENTS

Attachment 1 – Draft Ordinance: Montenero at Steamboat Springs

Attachment 2 - Draft Ordinance: Rock Peak Village

Attachment 3 - Draft Ordinance: Riverfront Park

Attachment 4 - Draft Ordinance: Fulton Ridge

CITY OF STEAMBOAT SPRINGS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, EXTENDING THE VESTING PERIOD FOR A SITE SPECIFIC DEVELOPMENT PLAN ORIGINALLY APPROVED AS “MONTENERO AT STEAMBOAT SPRINGS” FOR AN ADDITIONAL TIME PERIOD OF THREE YEARS, REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council approved the Final Development Plan for the site specific development plan known as Montenero at Steamboat Springs, a 17-unit townhome project consisting of seven duplexes and one tri-plex, on May 2, 2006; and

WHEREAS, the approval of a Final Development Plan remains effective for a period of three (3) years; and

WHEREAS, City Council extended the term of approval for the site specific development plan originally approved as Montenero at Steamboat Springs (#FDP-06-02) to November 2, 2009; and

WHEREAS, if an active building permit has been obtained for a Final Development Plan or part thereof, and the term of approval for a Final Development Plan expires, the development covered under the active building permit may continue; however, the Final Development Plan approval shall be considered expired and no new building permits may be issued based on the expired approval; and

WHEREAS, the site specific development plan known as Montenero at Steamboat Springs has four (4) duplexes and one (1) triplex remaining for which building permits will be required and will not be applied for prior to the May 2, 2009 expiration date, and

WHEREAS, the site specific development plan known as Montenero at Steamboat Springs has installed all the necessary infrastructure for the project and has received Preliminary Acceptance for the infrastructure; and

WHEREAS, the City of Steamboat Springs City Council finds it in the community’s best interest to extend Montenero at Steamboat Springs vesting period.

NOW, THEREFORE, the City Council of the City of Steamboat Springs ordains as follows:

SECTION 1

The term of approval for the site specific development plan originally approved as Montenero at Steamboat Springs (#FDP-06-02) shall be extended to November 2, 2012.

SECTION 2

All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts, thereof, are in conflict herewith.

SECTION 5

If any section, subsection, clause, phrase or provision of this Ordinance is, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

SECTION 6

The City Council hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

SECTION 7

This Ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 7.6 (h) of the Steamboat Springs Home Rule Charter.

INTRODUCED, READ, AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the ___ day of ___, 2009.

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

ATTEST:

Julie Franklin, CMC

Deputy City Clerk

FINALLY READ, PASSED AND APPROVED this ___ day of ___, 2009.

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

ATTEST:

**Julie Franklin, CMC
Deputy City Clerk**

CITY OF STEAMBOAT SPRINGS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, EXTENDING THE VESTING PERIOD FOR A SITE SPECIFIC DEVELOPMENT PLAN ORIGINALLY APPROVED AS “ROCKY PEAK VILLAGE” FOR AN ADDITIONAL TIME PERIOD OF THREE YEARS, REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council approved the Final Development Plan for the site specific development plan known as Rocky Peak Village, a multi-family development consisting of 2 triplex buildings and 14 duplex buildings for a total of 34 units and 87,760 square feet, on August 8, 2006; and

WHEREAS, the approval of a Final Development Plan remains effective for a period of three (3) years; and

WHEREAS, if an active building permit has been obtained for a Final Development Plan or part thereof, and the term of approval for a Final Development Plan expires, the development covered under the active building permit may continue; however, the Final Development Plan approval shall be considered expired and no new building permits may be issued based on the expired approval; and

WHEREAS, the site specific development plan known as Rocky Peak Village has installed all the necessary infrastructure for the project and has received Preliminary Acceptance for the infrastructure; and

WHEREAS, the City of Steamboat Springs City Council finds it in the community’s best interest to extend Fulton Ridge vesting period.

NOW, THEREFORE, the City Council of the City of Steamboat Springs ordains as follows:

SECTION 1

The term of approval for the site specific development plan originally approved as Rock Peak Village (#FDP-05-11) shall be extended to August 8, 2012.

SECTION 2

All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts, thereof, are in conflict herewith.

SECTION 5

If any section, subsection, clause, phrase or provision of this Ordinance is, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

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Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
Deputy City Clerk**

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**Cari Hermancinski, President
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**Julie Franklin, CMC
Deputy City Clerk**

CITY OF STEAMBOAT SPRINGS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, EXTENDING THE VESTING PERIOD FOR A SITE SPECIFIC DEVELOPMENT PLAN ORIGINALLY APPROVED AS “RIVERFRONT PARK” FOR AN ADDITIONAL TIME PERIOD OF THREE YEARS, REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council approved the Final Development Plan for the site specific development plan known as Riverfront Park, a Planned Unit Development for a mixed use industrial, office and residential development including approximately 65,899 square feet of industrial space, 19,000 square feet of wholesale office/retail space and 21 deed restricted employee live/work units, on October 18, 2005; and

WHEREAS, the approval of a Final Development Plan remains effective for a period of three (3) years; and

WHEREAS, if an active building permit has been obtained for a Final Development Plan or part thereof, and the term of approval for a Final Development Plan expires, the development covered under the active building permit may continue; however, the Final Development Plan approval shall be considered expired and no new building permits may be issued based on the expired approval; and

WHEREAS, the site specific development plan known as Riverfront Park has installed all the necessary infrastructure for the project and has received Preliminary Acceptance for the infrastructure; and

WHEREAS, the City of Steamboat Springs City Council finds it in the community’s best interest to extend Riverfront Park vesting period.

NOW, THEREFORE, the City Council of the City of Steamboat Springs ordains as follows:

SECTION 1

The term of approval for the site specific development plan originally approved as Riverfront Park (#FDP-05-14) shall be extended to October 18, 2011.

SECTION 2

All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts, thereof, are in conflict herewith.

SECTION 5

If any section, subsection, clause, phrase or provision of this Ordinance is, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

SECTION 6

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CITY OF STEAMBOAT SPRINGS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, EXTENDING THE VESTING PERIOD FOR A SITE SPECIFIC DEVELOPMENT PLAN ORIGINALLY APPROVED AS “FULTON RIDGE” FOR AN ADDITIONAL TIME PERIOD OF THREE YEARS, REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council approved the Final Development Plan for the site specific development plan known as Fulton Ridge, a multi-family development Plan for a 7 buildings, containing 28 units (4 Deed Restricted units), on October 17, 2006; and

WHEREAS, the approval of a Final Development Plan remains effective for a period of three (3) years; and

WHEREAS, if an active building permit has been obtained for a Final Development Plan or part thereof, and the term of approval for a Final Development Plan expires, the development covered under the active building permit may continue; however, the Final Development Plan approval shall be considered expired and no new building permits may be issued based on the expired approval; and

WHEREAS, the site specific development plan known as Fulton Ridge has installed all the necessary infrastructure for the project and has received Preliminary Acceptance for the infrastructure; and

WHEREAS, the City of Steamboat Springs City Council finds it in the community’s best interest to extend Fulton Ridge vesting period.

NOW, THEREFORE, the City Council of the City of Steamboat Springs ordains as follows:

SECTION 1

The term of approval for the site specific development plan originally approved as Fulton Ridge (#FDP-06-13) shall be extended to October 17, 2012.

SECTION 2

All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts, thereof, are in conflict herewith.

SECTION 5

If any section, subsection, clause, phrase or provision of this Ordinance is, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

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