

**STEAMBOAT SPRINGS PLANNING COMMISSION MINUTES
DECEMBER 10, 2009**

The special meeting of the Steamboat Springs Planning Commission was called to order at approximately 5:01 p.m. on Thursday, December 10, 2009, in the Citizens' Meeting Room, Centennial Hall, 124 10th Street, Steamboat Springs, Colorado.

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

Staff members present were Director of Planning & Community Development Tom Leeson, Senior Planner Bob Keenan and Staff Assistant Tami Heskett.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None.

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Commissioner Dixon –

Before it just qualified as the an appurtenance?pertinences.

Bob Keenan –

Correct. The ridgeline that was connecting the two was at or below the allowable height and now that has changed.

Commissioner Levy –

I noticed that the bell tower is substantially higher. Can you tell me why that change was made?

Bob Saas –

When we made the adjustments for the sanctuary and raised the building up the significance of the bell tower and the front entrance we felt were way under stated and so we raised it up higher.

PUBLIC COMMENTS

None

FINAL STAFF COMMENTS

None

FINAL COMMISSIONER COMMENTS

None

RECOMMENDED MOTION

Finding #1 DP/PUD –

The Holy Name Church Expansion #DPF-09-02, reviewed as a Planned Unit Development (PUD) is consistent with the required findings for approval as a Development Plan/PUD with the following conditions:

1.

The applicant must comply with community benefit contributions as described in their letter to the Planning Commission dated August 11, 2009.

2.

Prior to building permit the applicant must receive approval of a final plat lot line elimination so that the expanded building is not built across lot lines.

3.

The Good Sheppard House shall not be demolished until a building permit has been issued.

4.

Civil construction plans prepared by a licensed Colorado civil engineer must be submitted to Public Works for review by Public Works, Planning, and City Utilities/Mt. Werner for review and approval prior to approval of any improvements agreement, building permit, or final plat and prior to the start of any construction. We recommend submitting the construction plans a minimum of five weeks prior to building permit

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application to allow time for review, comment response, and approval.

5.

Prior to CO or CA, dedicate easement(s) for public pedestrian use along all sidewalk surface that deviates from the public right of way.

6.

The following items to be identified on the construction plans are considered critical improvements and must be constructed prior issuance of any CA or CO; they cannot be bonded:

- Public drainage improvements
- Public sidewalk improvements
- Access drive, driveway, and parking areas
- Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)

Finding #2 FDP/PUD -

The Holy Name Church Expansion #DPF-09-02, reviewed as a Planned Unit Development (PUD), is consistent with the required findings for approval as a Final Development #DPF-09-02, reviewed as a Planned Unit Development (PUD), is consistent with the required findings for approval as a Final Development Plan/PUD with the same conditions as motion #1.

MOTION

Commissioner Hanlen moved to approve DP/PUD and #DPF-09-02, reviewed as a Planned Unit with the 6 listed conditions of approval. Commissioner Dixon seconded the motion.

VOTE

Vote: 6-0

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

Stepped Down: Fox

Alternate position is vacant

Discussion on this agenda item ended at approximately 5:15 p.m.

Text Amendment to CDC – Vesting Ordinance #TXT-09-07 Text Amendment to the CDC amending the term and effect of approval of Final Development Plans by allowing administrative extensions in limited circumstances.

Discussion on this agenda item started at approximately 5:15 p.m.

STAFF PRESENTATION

Tom Leeson –

He handed out a definition of substantial conformance. This text amendment makes two changes to the CDC. One is the term and effect of the approval for all FDP's. If they are found to be in substantial conformance then they can get a three-year administrative approval extension. The second is for projects that are single phased multiple building projects. They can get a three-year extension administratively approved if it's in substantial conformance as well as has installed the necessary infrastructure and have received preliminary acceptance. The reason why we did a three-year as opposed to a two-year is that there are substantial costs to install the infrastructure, which is a requirement of the City in order to pull any building permits. As a result of that we felt that it was justification for an additional three-year extension.

COMMISSIONER QUESTIONS

Commissioner Beauregard –

Currently it has to go back to City Council to get an extension or Planning Commission and City Council to get an extension and that's why we're changing it?

Tom Leeson –

Currently now extensions aren't permitted. The only way to get an extension right now is to bring it back to Planning Commission and City Council as an ordinance to extend the vesting period.

Commissioner Fox –

What's the process if someone misses their opportunity to ask for an extension? They come in and ask for an additional vesting period and then they have to go back through City Council and the whole process again?

Tom Leeson –

Yes.

Commissioner Dixon –

I was wondering if thirty days was long enough for them to apply and to get onto the agenda?

Tom Leeson –

Its thirty days for staff to review whether they're in substantial conformance with the approval or not at that point.

Commissioner Fox –

It just says no later than thirty days prior to the expiration date. They can come in before,

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just not the day before their expiration date?

Tom Leeson –
Right.

Commissioner Beauregard –
This change has come about because a lot of people have come in asking for extensions?

Tom Leeson –
One reason is because people have been coming in and asking for extensions. The second reason is because staff and the City have made significant changes to our design standards and the CDC over the past five years. We feel a lot more comfortable with what we're getting from those projects as a result. Before the design standards were fairly weak and it was easy to get the projects approved. We were getting projects that really weren't that great. Now with the increased standards we feel that if a project conforms to those standards then why not allow them to have some additional time.

Commissioner Fox –
Does it seem like you're getting the same amount of requests for vesting extensions or are there more now because of the down economy at this time? In other words, dDoes it seem like you're getting a lot more requests because of due to the down economy or has it been fairly consistent with the amount of requests for vesting extensions?

Tom Leeson –
During the nine years that I've been here the economy has been humming along so people didn't really need to ask for extensions since they've been able to build their projects out in the allotted time. We haven't seen a lot of requests for vesting extensions until recently.

Commissioner Dixon –
Is there any way to extend a DP without an FDP? In other words if their mass and scale are within conformance, but their architecture is not would that be an option to split this up? I'm not saying that we should, but would that be a potential option?

Commissioner Slavik –
Could you explain that in a little bit more detail? I'm not sure what you're talking about with a DP versus an FDP.

Commissioner Dixon –
A DP is specifically for the site conditions and the mass and scale of a project versus any architectural detail, colors, materials, etc.

Commissioner Slavik –
It's concept versus detail.

Commissioner Dixon –
Correct. If we changed our architectural standards?

Tom Leeson –

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I suppose that's possible. We haven't really thought about that in that aspect.

Commissioner Dixon –

An example would be that we came to the conclusion that flat roofs hold snow better than sloped roofs. If we changed everything to say that, for example, on a five story or taller building that it must have a flat roof to contain snow. We have a lot of things at the Base Area that are that's designed with pitched roofs that would no longer comply with the architectural standard to retain snow. I'm not saying that we're going to change that but in that example. In their DP their mass and scale will still be in conformance, but their roof slopes would not.

Commissioner Levy –

You would have to counter that in with the need for an extension. Both of those would have to overlap for that circumstance to comply.

Commissioner Dixon –

If they need an extension and we had changed that then I'm not sure that we would want to deny their DP or say that you can't have an extension and you mustn't come back through with another DP if it's just that one thing that has changed.

Tom Leeson –

I'm not sure about that, because they would still have to come back through the process. They would still have to come back through the process for their FDP.

Commissioner Dixon –

An FDP doesn't affect financing as much as a DP. I don't know if that's something we want to do. If nobody feels strongly about it then I'll let it go.

Commissioner Levy –

It seems like a unique situation.

Commissioner Fox –

I agree I don't think it's necessary.

Commissioner Levy –

The scenario that I thought was that they counted it as a DP and then things fall apart. For some reason they want to extend that before they have to come back for their FDP. That's what I thought you were hinting at.

Commissioner Dixon –

Either way.

Commissioner Fox –

What's the situation now if they did want to extend their DP? They just can't do it?

Tom Leeson –

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Right.

Commissioner Beauregard –
If all they had was a DP, is that what you're saying?

Tom Leeson –
A DP vesting is two years till they have to bring forward an application for an FDP.

Commissioner Fox –
They would have to resubmit a DP if that time ran out?

Tom Leeson –
Right.

Commissioner Hanlen –
Unless they've asked for a longer term such as Ski Time Square.

Tom Leeson –
Correct.

Commissioner Fox –
They can't come back before us and ask for a longer term after we've already approved them?. If they have two years and they come back in 1½ years and say sorry we can't do it and can you extend it one year? That's not possible?

Tom Leeson –
Technically anything is possible. They can come back and ask City Council to do it through an ordinance. This is a unique circumstance that's not allowed by the code.

Commissioner Lacy –
Are there any major items regarding project approval that wouldn't be covered under substantial conformance review? I think that we noted in the July 9th, minutes that for instance the affordable housing ordinance would not be covered in this, right?

Tom Leeson –
The definition would not be covered in this. We would say in number seven there's a catchall phrase that covers everything. There's a phrase in the beginning of that that allows the director to make judgment calls on things that aren't included in the exact language.

Commissioner Levy –
In the background information you talked about subsequent extensions would not be permitted? I don't know that I noticed that in the ordinance if that needs to be spelled out?

Tom Leeson –
I talked to Dan Foote about that and he didn't think that it needed to. He thought that it was explicit that it was either a two or three year.

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Commissioner Lacy –

Then they'll have to go back through the process if they wanted to get another extension.

Tom Leeson –

Right.

Commissioner Dixon –

Or ask City Council. Administratively they couldn't ask for an extension.

Tom Leeson –

Right.

Commissioner Levy –

As long as you've looked at it and you feel that it's not necessary. It just caught my eye. The other thought that I had was that Riverfront has a substantial area of their site plan that's unfinished. It's not landscaped or graded, as far as they've got piles of rocks in place. I wonder if that's something that should be addressed. If they're getting an extension then we're going to be having disturbed properties in a not so pretty condition. The same thing can happen anywhere, because they've started the mess on one side. There's nothing to enforce any kind of as far as I know unless our regular cleanliness ordinance still holds. As temporary landscaping or some type of finishing to make that look presentable during an extended period of time.

Commissioner Hanlen –

Shouldn't that have been caught when they went for their CO as far as final grading of a commercial project like that?

Tom Leeson –

At that time they were still under construction. I think that they assumed that they were going to continue. On the second part of that it included some of that in terms of incomplete fill and grade requirements or other improvements associated with outstanding permits be preferably complete.

Commissioner Levy –

There's a big footprint out there that wouldn't be covered by those improvements where they could have all of that slop. They do and there are piles of rocks in places. I can imagine it worse than that. It's not horrible, but it's certainly in the industrial zone. I think the same thing happened on Lincoln Ave. Until they have their final CO or all of their buildings are shut it seems like a loophole. Do our nuisance laws apply even during construction?

Tom Leeson –

They do. We have construction site management plans that require sites to treat materials like that and you can't have debris flying around. That's one where enforcement could be taken to get them to clean that site up.

Commissioner Levy –

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when one of the issues is the economy and how quickly they might be able to do it. Rather than risking it in one project and then asking for an extension, but to do it right up front instead.

Commissioner Beauregard –

I think that that market could take care of some of that if say some of the units have to become a lot smaller to sell. Maybe it's a motivation. Maybe it's worthy enough for them to come back in and resubmit the whole FDP. If it's not in compliance and they have this long vesting then maybe it's not worth it and they'll build something that's not quite what the economy needs.

Commissioner Dixon –

How does financing work on a phased project? Can you finance just a phase at a time?

Tom Leeson –

Yes, and that's why a lot of projects do the phasing. All they need is the financing for that first phase. I think that a lot of the projects that are asking for extended vesting periods tonight would have phased if they had known what was coming.

Commissioner Lacy –

Do you have the discretion in the department to reject an application and to require them to phase it?

Tom Leeson –

It probably doesn't allow me to be able to do that. We could create some thresholds that do require phasing.

Commissioner Levy –

If not thresholds, couldn't you certainly say that if staff believes that it should be a phased project. You're saying that's not a review criteria at all?

Tom Leeson –

Right. We may just say at the discretion of the director that we recognize that we need to look at that.

Commissioner Hanlen –

You would hope that the education that people have received over the past year and a half to two years would teach them that they may need to phase it without having to have you tell them.

Tom Leeson –

You would think so.

PUBLIC COMMENTS

None

RECOMMENDED MOTION

Staff recommends the Planning Commission approve the attached draft ordinance

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amending the Community Development Code amending the term and effect of approval for Final Development Plans.

MOTION

Commissioner Hanlen moved to approve TXT-09-07. Commissioner Lacy seconded the motion.

VOTE

Vote: 7-0

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

Alternate position is vacant

Discussion on this agenda item ended at approximately 5:39 p.m.

Ordinances extending vesting period for site specific development plans known as Fulton Ridge, Rocky Peak Village, Montenero at Steamboat Springs, Riverfront Park, and Steamboat Grand II. Ordinances amending the term and effect of approval of certain final development plans.

Discussion on this agenda item started at approximately 5:39 p.m.

STAFF PRESENTATION

Tom Leeson –

He showed a map of Porches II on the overhead. He showed which duplexes they have completed. Their project was approved in May 2006 and they received a six month extension and now they're asking for another extension. We're recommending three years from their original date.

COMMISSIONER QUESTIONS

Commissioner Hanlen –

From tTheir original expiration date?

Tom Leeson –

Yes.

Commissioner Dixon –

It says that if the vesting extension is approved then it will expire on November 2, 2012. You just said May.

Tom Leeson –

That's with the six month extension.

The next one is Rocky Peak Village. They've completed three duplexes. They've constructed the entire infrastructure.

Commissioner Dixon –

They haven't done the roadway to the duplexes?

Commissioner Slavik –

Aren't the infrastructures there?

Tom Leeson –

I think that the put the water and sewer lines in.

Commissioner Levy –

That's Willett Heights and Fish Creek Falls Condominiums?

Tom Leeson –

That's next to Fish Creek Condominiums.

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Commissioner Dixon –
Is that going to connect?

Tom Leeson –
It does connect, but it's only for emergency access.

Commissioner Dixon –
Why would we not make them connect it?

Tom Leeson –
It's not a roadway, but a private drive and so we couldn't require it. They rejected the idea.

Commissioner Hanlen –
How would something like this fall in where you've got duplexes and triplexes with the new entry corridor standards for MF as far as the garage setbacks? The garages on all of these are setback tight to the front of all of the buildings. Does that affect duplex and triplex or only once you get over four units?

Tom Leeson –
Only once you get over four units.

Commissioner Hanlen –
Even if this lapses, more than likely they can come back through withoutto substantial redesign?

Tom Leeson –
Correct.

Commissioner Slavik –
You said that under new thinking you would have asked them to do more of a phasing approach?

Tom Leeson –
It's a big enough project to warrant a phasing plan.

Commissioner Lacy –
With each of these projects is it staff's opinion not only on this one, but also on all four that these are in substantial conformance with the code?

Tom Leeson –
No, not all of them. This one, Porches II, and Riverfront Park are all probably ok. The EcoCorral would not meet our new entry corridor standards.

Commissioner Fox –
The entry corridor is not met on Rocky Peak and Fulton Ridge (EcoCorral)?

Tom Leeson –

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Just EcoCorral. Rocky Peak is ok.

Commissioner Hanlen –

From a designer standpoint I'm looking at that project and it's quite big. They were quite naïve to think that they could build and sell twenty-two units in three years. If I was bringing this through I would think that I would want to first rezone the property to TND and second do a preliminary plat and chop it into separate lots. That takes the timing trigger away. You can come in individually with duplexes and skip the whole public process with a project like this.

Tom Leeson –

I agree with you. They wouldn't have been able to get as many units in as quickly.

Commissioner Hanlen –

Because of the public right of way?

Tom Leeson –

It's because of the minimum lot size.

Commissioner Hanlen –

In TND?

Commissioner Dixon –

That's why he's saying to rezone to TND.

Tom Leeson –

Now today that would be possible.

Commissioner Hanlen –

It's here today. Would staff say no way we're not going to spot zone something like that TND?

Tom Leeson –

That mostly applies to subdivision standards and you could subdivide the land, but you wouldn't be able to get the same number of units in.

Commissioner Hanlen –

Can we start changing our zone districts to allow some of the abilities that TND would give it? Since we have this beautiful thing that we're choosing to put on a shelf and not utilize. Like what we're talking about with CS and CC, can we start changing some of the other zone districts to offer smaller lots and other things that seem to further a lot of goals that the City has, but you can't do with the current zone district standards. I fail to see how you could consider them as being bad.

Tom Leeson –

It will change the character of some neighborhoods if they're allowed to subdivide their lots.

Commissioner Beauregard –

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It seems to me like that should be discussed at the CP update.

Tom Leeson –
I agree.

Commissioner Dixon –
Some of that stuff is in the CP already and it just hasn't been implemented.

Commissioner Hanlen –
A substantial amount of it is. It's never been acted upon.

Commissioner Beauregard –
There are specific examples.

Commissioner Hanlen –
The CP when it talks about land use it's very vague. They talk about all of these lofty goals that pretty much point right at TND. If allowed we can do affordable housing by design, which is smaller lots. We have all of these triggers in that don't allow you to do smaller lots. I don't see a lot of the areas wherethat it would affect community character for the worse.

Commissioner Beauregard –
I totally agree with you, but I can see the mob at the door that comes from that. It needs to be discussed in a bigger and broader form.

Commissioner Hanlen –
That's what we're trying to do with the density and intensity discussion. I'm not saying that we're solving it in this room tonight. I think that the whole community needs to be discussing it.

Commissioner Levy –
What's the process for the preplan update to decide what's going to be on the table? Is that all APCPC or to make sure that all of Commissioner Hanlen's concerns are asked?. If you don't ask where we want to have higher density or smaller lots we don't know the community's desires. How does that process go?

Tom Leeson –
The process would be to have a fair amount of public meetings.

Commissioner Levy –
There is a scoping part of the plan where you open up the plan and you ask what the public thinks should be discussed in the next plan update.

Commissioner Hanlen –
When are those meetings scheduled for?

Commissioner Dixon –
They've been canceled, but are we going to get back to having them back on the schedule?

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Tom Leeson –

What needs to happen particularly if the Steamboat 700 project is appealed is to immediately start going back through the process and talk about the CP. In other words we're starting over. There's no money in the budget for Steamboat 700 project. It's not to say that future discussions couldn't take place. What needs to be done is determining what needs to be done in order to go through the process.

Commissioner Hanlen –

What's the cost to put together the CAP? Is it \$200,000 or \$300,000?

Tom Leeson –

It's \$100,000 at least for one year. It's probably more than that if you get some consultants. Then there's all of the meetings, food, printing, etc. I think that those should start this year.

He showed the Riverfront Park project on the overhead. All that remains is a second building and the live/work units in the back.

Commissioner Hanlen –

Have they hinted at any expected date for moving forward?

Tom Leeson –

No, but we did tell them that they will have three years from their original expiration date.

Commissioner Lacy –

Why did they wait so long to come in and ask about this?

Tom Leeson –

There was a bit of miscommunication and they were under the impression that they had longer than they did. They took a lot longer to move the project forward.

Commissioner Beauregard –

That parking lot seems like a nightmare. I can't imagine it getting any better with more vehicles in there.

Commissioner Levy –

You get twice the amount of parking, because a lot of that parking lot hasn't been developed yet.

Commissioner Beauregard –

I guess you get that parking by the big building on the right hand side, but that's going to be accommodated by the people that are living in that building. Have you driven in there before? I don't have a huge truck, but it's very tight.

Tom Leeson –

They have graveled part of the undeveloped parking lot by the big building and so you can park along there now. They meet the industrial standards for parking.

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Commissioner Levy –

It's all of the live/work units. There's not a lot of extra parking, because the people that are living upstairs are all probably renting the commercial site on the first floor and can't park in the garage. We're going to get away from parking standards anyways. If they can't park there then they stop driving.

Commissioner Fox –

Can you park in front of each of the live/work units now?

Tom Leeson –

Yes.

Commissioner Fox –

Can you fit 2 cars in front of each live/work unit?

Tom Leeson –

I think that there's room for two.

Commissioner Dixon –

Did we ever allow on street parking?

Tom Leeson –

No.

Commissioner Levy –

Supposedly all of the infrastructure improvements are done in order for us to grant this extension?

Tom Leeson –

Yes.

Commissioner Levy –

The soft trail seems to be a problem. That soft trail is part of the infrastructure. I know that the soft trail was thrown in. The soft trail at the end along the river and the part that goes under the bridge is very soft. They put gravel down, but it's not finished. It wasn't compacted and isn't to spec.

Tom Leeson –

The entire public infrastructure is completed.

Commissioner Levy –

That's public isn't it? It's a public easement. I remember that. That's summer access. That's a public easement along the river.

Tom Leeson –

It is. What we mean when we say infrastructure we mean the water and sewer lines.

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Commissioner Levy –
Didn't you say that landscaping was included in that?

Tom Leeson –
No.

Commissioner Levy –
It seems to me that when you bring that up that if we're going to give them an extension. If their permit expires what happens then?

Tom Leeson –
It falls through. We could pull their suretycharity.

Commissioner Dixon –
Is that something that we could do now? For the soft trails that Commissioner Levy is talking about, can you pull the suretyose charities now before their extension is granted?

Tom Leeson –
That would be a last resort since it's a lot of work for us to pull it.

Commissioner Levy –
You can threaten to pull and that might get them to do it. That one's a key to this parcel when it came through. That was a key component was getting that connection. There was a problem with having the core path going across their driveway. I was wondering why the core trail, which is a public right of way has to stop for a private driveway. It seems like the vehicles going in and out of that driveway have the right of way over the core trail users. There are stop signs for the bicycles. I can see it physically when you're crossing a right of way, but not there. Usually the person on the sidewalk has the right of way to someone using their driveway. I'm raising that soft trail as an issue for extension of this project. They put it in and made it look like it was done. I would like to see that as the carrot to get the extension.

Commissioner Dixon –
It could be conditioned onas just this one project foron that? Would we need to putll it into the motion?

Tom Leeson –
You could put it as a condition in the motion to have it done this summer.

Commissioner Levy –
That's better than waiting three years. We're giving them a three-year extension, right?

Tom Leeson –
It'll be two more years.

Commissioner Dixon –
Do we give them a six-month or a nine-month and if they put that in then they get the remainder of the two years?

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Commissioner Levy –

I would say to condition it so that it's done by some time. That seems more enforceable.

Commissioner Fox –

Wasn't it a requirement in the original FDP? Then when they come back and finish all of the work it don't you inspect all of it again to make sure that it's all good? Wouldn't it just fall under that without making this a specific condition?

Commissioner Dixon –

Then they wouldn't have to finish it for another two years.

Commissioner Fox –

We're saying that it needs to be done in six months or some time next summer?. Okay, you're right, it would need to be an extension I guess.

Commissioner Levy –

That's where we get into if it were a phased project would this have been a core improvement that they would have had to take care of in the first phase? That's where a phased project would take care of that. This stuff is important and needs to go into your first phase and the rest of this stuff can wait until your second phase. This is a first phase kind of improvement that should have been done.

Commissioner Beauregard –

It was done.

Commissioner Levy –

I don't know what the official standing is. It looks like they're trying to say that it is.

Commissioner Beauregard –

They're probably required to build that in the first building permit.

Commissioner Fox –

They build it and then it's kind of disintegrated?.

Tom Leeson –

I don't know about that.

Commissioner Levy –

They threw it in recently. They put it in this summer and they had CO in those units in the summer before I think.

Commissioner Beauregard –

We don't really need to tie it to this extension. We can just make this part of the surety.

Commissioner Levy –

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Tom Leeson says that's not really something they want to do.

Commissioner Beauregard –

It's just like the project that came back about the cranes and another one about the windows.

Commissioner Levy –

If it was a violation then I agree, but I don't know that. Can that be something that's addressed before it goes to City Council? If it's possible that they're already out of compliance isn't that possible if that trail isn't built properly?

Tom Leeson –

That's possible. Why don't you in your motion condition it to be completed sometime next summer.

Commissioner Lacy –

I think that we should set a date certain. I don't think we should say some time next summer. That means a lot of things to a lot of different people.

Commissioner Levy –

It's probably a high water issue so early summer.

Tom Leeson -

The next one is Fulton Ridge (EcoCorral). He showed on the map which buildings they have completed or have done some work on. They haven't done the sidewalk.

Commissioner Lacy –

I thought that they had done the sidewalk.

Commissioner Hanlen –

The sidewalk is done.

Commissioner Lacy –

I think they have. I drive by there every day.

Tom Leeson –

He showed where the project is located.

Commissioner Fox –

They only did one building on the right hand side so far? I thought that they did two buildings already?

Tom Leeson –

They might have pulled the permit on the second one, but I don't think that they've started it yet. It's just one building for now.

Commissioner Slavik –

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Were the solar panels part of the original?

Tom Leeson –

This was originally purchased by KSM and they sold it to Otterman and he wanted to do some sustainability kinds of things.

Commissioner Slavik –

It's a pretty big addition to the roof.

Commissioner Fox –

These guys aren't in what ways is this project out of compliance in what ways? Only the entry corridor?

Tom Leeson –

They did have some affordable housing. So they did have some IZ requirements. It would be with the design standards.

Commissioner Beauregard –

There are solar panels that stick up at the top?

Tom Leeson –

Yes.

PUBLIC COMMENTS

None

RECOMMENDED MOTION

Staff recommends the Planning Commission approve 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.

MOTION

Commissioner Hanlen moved to approve the ordinance concerning Montenero at Steamboat Springs, Rocky Peak Village, Riverfront Park, and Fulton Ridge with the 1 criteria in Riverfront Park needing to complete the soft trail by August 15, 2010. Commissioner Dixon seconded the motion.

VOTE

Vote: 7-0

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

Alternate position is vacant

Discussion on this agenda item ended at approximately 6:18 p.m.

12/10/09

DRAFT

Tom Leeson –
It was 3 or 4 feet.

Commissioner Beauregard –
I'm just saying that there was a stretch in height.

Commissioner Dixon –
That might have been a case where the height wouldn't have allowed for the next floor up. If you want to get a decent first floor height of 13-14' and 10' on the next floor, we probably set our plate heights too low in that case.

Commissioner Beauregard –
Some of the examples shown on the Mountain Area Plan the roof took up maybe 2/3 of the building. The plate height was way lower than what we're seeing in these buildings is the plate is way up, as much as 3/4 of the way up the building.

Commissioner Hanlen –
That is what we struggle with in the whole Base Area discussion.

Commissioner Beauregard –
That's why I ask. Do we have to go back to that struggle? It seems like it's a recurring theme.

Commissioner Hanlen –
Tom Leeson and I finally got to the point where the only way you can do that is to say thou shalt build 12:12 pitches period. That's the only way that you're going to get steeper roofs. The tough part was that someone could build a flatter pitched roof if they design it well to look good, but that's the whole balancing act.

Commissioner Levy –
This came up in mind about Holy Name Catholic Church especially how we go through variances. It seems like with the waterbody setback with Rolling Stone, John Eastman had said here's the letter of the law and everything else is in violation. When I talked to Bob Keenan about Holy Name Catholic Church, he had talked about conformity for an institutional structure the scale didn't fit. The variance language for a height had nothing to do with the appropriate height for a particular kind of building. It's an appropriate height that meets the context of the neighborhood. Sometimes in order to make their case with staff we tend to open that Pandora's box. I brought it up with Bob Keenan during the week and I forgot to mention it again, but about shadowing. Specifically if you have a height variance the intent is that the height variance creates a shadow that creates a hardship on someone else compared to the actual height. The language said that it was ok, but we didn't see a revised shadow plan, which was asked for at work session since it is now a taller building than we had seen before.

Commissioner Dixon –
The irony is that the house behind the church can go up to 40'. In terms of the shadow being cast down on it and if they go up to their height limit they have solar access.

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DRAFT

Commissioner Levy –

It's still for existing conditions. There are no assumptions that will be rebuilt at 40'.

Commissioner Dixon –

There are no assumptions, but you can't look at it as a hardship either.

Commissioner Levy –

Hardship isn't the word; I think it actually says impact. Even for a year if he has to live in a shadow.

Commissioner Dixon –

Boulder has a solar access ordinance. in and w We don't. I would hope that we never do that, because it's a nightmare.

Commissioner Levy –

Solar access is the term used in there as well as air space and some other things that are poorly defined. I noticed that this was a gray area when we get into the variances. Either the criteria aren't strict enough or we're not enforcing it consistently.

Commissioner Beauregard –

It's so much harder to say to push your plates down or build dormers. It's so much harder to push them down than to say put the peak up through the height limit. We always end up going higher in order to get what we want.

Commissioner Hanlen –

Do we need to see a process for height limit then?

Commissioner Beauregard –

Possibly, I'm just saying that it's a recurring theme and we end up with buildings that we don't like.

Commissioner Levy –

Can we put that on our to do list sometime. It's an enforcement of our existing procedures. Maybe that's our job to step up and to question some of the language that's written. To the most part some of the variances are recommended and approved by staff and not done by letter, because maybe it's a project that they like or they're afraid of retribution.

Commissioner Dixon –

It would be interesting to see a statistic on how many, take the last 5 years, of projects that have come through with variances and how many have come through without variances. See if there is a significant difference in the number of projects that have come through with variances. That would be a good indication of whether our codes are really meeting the current demand.

Tom Leeson –

12/10/09

DRAFT

I don't know if that's right or not. I bet it's 50/50.

Commissioner Hanlen –
I bet it's higher than that.

Tom Leeson –
We are left with the lots that nobody wanted to build on. A lot of these lots are pretty challenging. I bet you about 50% of them are asking for variances. If there were a pattern then you would have a problem, which is why we changed the height limitations in the Base Area.

Commissioner Dixon –
What did Roger Good say in the livability index? 'You measure what you want to improve and you can't improve what you don't measure'. Maybe we should measure it.

Commissioner Lacy –
You don't have any statistics on that?

Tom Leeson –
No, but it would be relatively easy to determine.

Commissioner Hanlen –
I think it's closer to the 60-70%.

Commissioner Lacy –
That asks for variances or just height variances?

Commissioner Hanlen –
That asks for variances.

Tom Leeson –
We can do that.

Commissioner Beauregard –
The other thing that I wanted to mention was the Gondola coming into Wildhorse Meadows really adds a lot to the Base Area.

Commissioner Slavik –
Did you see that they have a couple of the Gondolas hanging over Mt. Werner right now?

Commissioner Beauregard –
I think that it just adds a lot to the Base Area and pulls it the ski area out of that confined what is like a corral. You can drive around Mt. Werner Circle and feel like you're at the ski area now. It has a way better effect than I would have ever imagined.

Commissioner Lacy –

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I think that it will start running in January.

Commissioner Beauregard –

You see what I mean about you pull up and feel like you're really at a ski area and there's a lift there. You might never ride it, but at least you feel like you're really at the ski area.

Commissioner Fox –

Isn't it for Trailhead Lodge people only?

Commissioner Lacy –

It's actually public access, but it's going to be inconvenient to walk over to.

Tom Leeson –

They have a drop off.

Commissioner Dixon –

Is the shuttle still going to run from Meadow's Lot?

Tom Leeson –

Yes. It's a pulse and so it's pretty low capacity.

Monday is the work session on policy sign code changes. The one that we have listed after that, which is in January, is the water body setbacks and flood plain regulation. We might have a discussion on Monday on what the expectations will be regarding that work session. I think that the flood plane development regulations we put on there as an issue and you guys wanted to talk about water body setbacks.

Commissioner Dixon –

Are we done with the density discussion?

Tom Leeson –

No, we're having an open house work session for the public coming up. Jason Peasley and Jonathan Spence are putting that together.

ADJOURNMENT

Commissioner Lacy moved to adjourn the meeting at approximately 6:34 p.m.

Commissioner Fox seconded the motion.

VOTE

Vote: 7-0

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

Alternate position is vacant