

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. PC 2010-02

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF STEAMBOAT SPRINGS, COLORADO,
DENYING THE DEVELOPMENT PLAN FOR LOTS 11 - 13, BEAR CLAW II
SUBDIVISION, APPLICATION NO. DP-09-04**

WHEREAS, the applicant, Eric Smith Associates, submitted an application for a Development Plan on November 2, 2009, to process a sidewalk variance at Lots 11 - 13, Bear Claw II Subdivision (hereafter referred to as “Development Application”); and

WHEREAS, public hearing notices were mailed to adjacent property owners, posted on the subject property, and published in the Steamboat Pilot, consistent with the requirements of Section 26-51 of the Steamboat Springs Community Development Code (“CDC”); and

WHEREAS, the City of Steamboat Springs Planning Commission held a public hearing on the Development Application, on February 11, 2010 at which time the applicant and interested persons had an opportunity to submit evidence and to testify either in support or opposition to the proposal, consistent with the requirements the CDC; and

WHEREAS, the City of Steamboat Springs Planning Commission has jurisdiction and authority pursuant to Section 26-47 of the CDC to recommend approval or conditional approval, to deny, or to table development applications; and

WHEREAS, the City of Steamboat Springs Planning Commission had a motion to deny the Development Application pass by a vote of 4 – 0, effectively denying the Development Application; and

WHEREAS, any vote of denial by the Steamboat Springs Planning Commission shall be considered a final decision unless appealed to the Steamboat Springs City Council, or unless a City Council member calls the matter up for a hearing before the City Council;

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF STEAMBOAT SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Findings of Fact. The Development Plan to process a sidewalk variance at Lots

11 - 13, Bear Claw II Subdivision (DP-09-04) reviewed under CDC Section 26-65 (d) (8) of the CDC is not consistent with the required findings for approval; areas of non-conformance with the required findings include but are not limited to the following:

CDC – Section 26-65(d)(8)(c): *Advantages outweigh disadvantages*. The applicant shall bear the burden of proof and demonstrate that the advantages of the variance substantially outweigh its disadvantages to the community and to neighboring lands.

Section 2. Application Denial. Based upon the findings as adopted by the Planning Commission immediately above, Development Plan to process a sidewalk variance at Lots 11 - 13, Bear Claw II Subdivision (DP-09-04) is hereby denied.

Section 3. Ratification. Any act consistent with the authority and prior to the effective date of the resolution is hereby ratified and affirmed.

Section 4. Effective Date. This resolution shall be effective immediately upon passage by the City of Steamboat Springs Planning Commission.

Section 5. Appeals. The denial of the Development Application shall not be deemed final until the appeal period has expired. Denial of an application by the Planning Commission may be appealed to the City Council by filing a notice of appeal with the City Clerk within fifteen (15) days after the date of the denial.

DULY AND REGULARLY ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF STEAMBOAT SPRINGS, COLORADO, THIS 25th DAY OF FEBRUARY, 2010, BY A VOTE OF:

AYES: ____ NAYES: ____ ABSENT: ____ ABSTAIN: ____.

CITY OF STEAMBOAT SPRINGS
PLANNING COMMISSION

CHAIR, RICHARD LEVY

ATTEST:

DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT, TOM LEESON

APPROVED AS TO FORM:

CITY ATTORNEY, ANTHONY B. LETTUNICH

FILED WITH THE CITY CLERK:

RESOLUTION NO. _____