

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. PC 2010-03

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF STEAMBOAT SPRINGS, COLORADO,
DENYING THE COMMUNITY HOUSING PLAN FOR WALTON POND
TOWNHOMES II, APPLICATION NO. CHP-09-09**

WHEREAS, the applicant, Curt Weiss, submitted an application for a Community Housing Plan on December 31, 2009 to comply with a development request for 14 townhomes at Walton Pond Sub F2 L2 (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 25, 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 26-149 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 – 1, 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 Community Housing Plan to to comply with a

development request for 14 townhomes at Walton Pond Sub F2 L2 (CHP-09-09) reviewed under CDC Section 26-149 of the CDC is not consistent with the minimum requirements; areas of non-conformance with the required findings include but are not limited to the following:

Sec. 26-149. (b) *Deed Restriction.*

shall mean a contract entered into between the City of Steamboat Springs or their designee with the owner or purchaser of real property which is developed or to be developed for permanently affordable community housing and identifies the conditions of occupancy, rental, sale and resale. Deed restrictions for rental units shall include a provision conveying an interest in the unit or units to the program administrator meeting the requirements of § 38-12-301, 10 C.R.S. (1999). Such interest may include:

- (1) A fractional undivided ownership or trustee interest provided that program administrator shall be indemnified against any and all liability by reason of its interest.
- (2) A lease to program administrator of the unit or units with authorization to program administrator to sublet pursuant to community housing guidelines, provided that program administrator assumes no liability by reason thereof. Program administrator may in its sole discretion accept or reject any proposed conveyance or lease pursuant to this section.

Sec. 26-149. (i) *Unit sizes.*

The community housing units required under this section shall meet the minimum and average size requirements as specified below:

- (1) Inclusionary requirements: a minimum of five hundred (500) square feet, with an average of nine hundred (900) square feet.

Section 2. Application Denial. Based upon the findings as adopted by the Planning Commission immediately above, Community Housing Plan to comply with a development request for 14 townhomes at Walton Pond Sub F2 L2 (CHP-09-09) 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:

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