

**STEAMBOAT SPRINGS PLANNING COMMISSION MINUTES
AUGUST 12, 2010**

The regular meeting of the Steamboat Springs Planning Commission was called to order at approximately 5:04 p.m. on Thursday, August 12, 2010, in the Citizens' Meeting Room, Centennial Hall, 124 10th Street, Steamboat Springs, Colorado.

Planning Commission members in attendance:

Chairman Jason Levy, Brian Hanlen, Rich Levy, Cindy Slavik and Kathi Meyer (alternate)
Absent: Cedar Beauregard Resigned: Curtis Church & Karen Dixon

Staff members present were Interim Director of Planning & Community Development Jonathan Spence, City Planner Jason Peasley, City Planner Seth Lorson and Staff Assistant Tami Heskett.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None.

Majestic Valley Revised Condition of Approval #FDP-04-15 Final Development Plan Amendment to a condition of approval for the Final Development Plan for the Majestic Valley Townhomes (#FDP-04-15) to place a three year sunset on the requirement to provide \$12,000.00 towards an offsite sidewalk adjacent to the townhome development.

Discussion on this agenda item started at approximately 5:04 p.m.

STAFF PRESENTATION

Jason Peasley –

We have a petition to revise some of the conditions of the approved FDP for the Majestic Valley Townhomes. They've completed the majority of the project. There was a requirement in their original approval to provide the City with \$12,000 for the construction of a sidewalk to the north of Majestic Circle to connect to a future sidewalk on Hwy 40. (He showed the site plan on the overhead). There are some wetlands on the property and some of the wetlands have been impacted and some of it was maintained. We have a situation where there's a soft surface trail and recently it was completed as a portion of the core trail extension. The pedestrian connection will no longer be along Hwy 40, but rather through the Super 8 site. The requirement was for Chuck Dunagin's project to connect it's sidewalk to the future connection that would eventually connect to the original network. That doesn't seem very likely anymore. Staff has recommended that he maintain this \$12,000 with the City for a portion of 3 years. If the funds aren't used by that time then Chuck Dunagin would be void of any of his responsibilities for that sidewalk connection.

COMMISSIONER QUESTIONS

Commissioner Slavik –

Where is the current terminus of the core trail by the Forest Service building?

Jason Peasley –

(He showed on the site map where the terminus of the core trail is located).

Commissioner Hanlen –

Do we have sufficient width either in the hwy 40 right of way or is there an easement adjacent to the hwy 40 right of way whether it's 10-20 years down the road if it is determined that we do want a path. Not the financial requirement of this developer, but do we have the ability to place a sidewalk adjacent to hwy 40?

Jason Peasley –

We don't have an easement on the Super 8 property. There might be room along the side of Hwy 40 right of way, but that's a determination by CDOT.

Commissioner Hanlen –

There are utilities shown within the property, but not in the right of way. I assume that implies that there's some easement there although it's not shown on this map as an easement. On the Majestic Valley property where it shows the utility lines running through the wetlands. It's not designated on this plan as showing it as an easement. If there are utilities there then I would assume that there is an easement. I don't want to preclude the possibility down the road that we could put a sidewalk there. It seems like people's minds

can change down the road as far as where the trail goes. I don't want to preclude the sidewalk being there.

Jason Peasley –

I'll look into that easement. The reason why they put the sidewalk in the configuration that it's in now is so they don't have further impacts to the wetlands on a permanent basis.

Jonathan Spence –

There's some desire that the core trail not necessarily lead right up to the highway.

Commissioner Hanlen –

I'm not implying that the core trail would be. As some of these sites get developed and redeveloped I don't want to preclude the potential down the road. If at a later date we're putting sidewalks down there I just want to make sure that there's that potential. Is the right of way larger than 100' at this point?

Jonathan Spence –

I don't think that anyone has proposed anything at this point.

Jason Peasley –

I don't have any dimensions on that right of way.

PUBLIC COMMENTS

None

FINAL STAFF COMMENTS

None

FINAL COMMISSIONER COMMENTS

Commissioner Levy –

At work session you said that one of the reasons for not allowing the surety to disappear now is that Public Works has considered moving the bus stop out of the Super 8 and out onto hwy 40. What is the process for that decision making and when will they say yes we'll move it or no we're not going to move it?

Jason Peasley –

I talked to Danny from Public Works and he said that there's no definitive time frame in which they want to move that. They do see that by having the bus stop there it is a benefit to Super 8's business.

Commissioner Levy –

If they don't have a plan for it now then my guess is that it's not going to get moved in 3 years. They could make that decision and then not have the funding to make that connection out to hwy 40 if we allow this surety to disappear. I was hoping that we could get them to make a commitment to make a decision to say 'this is our plan, but we don't know when it's going to happen'. One of the reasons why you're allowing the sidewalk is because you're expecting the motel to redevelop at some point. Until then that sidewalk

isn't going to get built. When that redevelopment happens I think that would be a likely time when we're going to lose that bus stop.

Jason Peasley –

When that redevelopment comes in and we do move that bus stop then we have the ability to exact a sidewalk to connect to both the core trail and the terminus of this sidewalk.

Commissioner Levy –

By code aren't they required to have a sidewalk at least on one side of this Majestic Circle?

Jason Peasley –

Yes they are. (He explained why they are unable to have a sidewalk on their property).

Commissioner Levy –

How did you envision that this \$12,000 was going to be spent or where?

Jason Peasley –

In the future when either the City or Super 8 comes in for redevelopment then those moneys would be used to build a sidewalk. Any portions that weren't used in building that sidewalk would be refunded to the applicant.

Commissioner Levy –

There's a trail shown off of the west side in Attachment 1 in the northwest edge of the property. Does that go anywhere? Does that connect to the core trail? What's the existing circulation pattern?

Commissioner Slavik –

On the plan it looks like it's the access drive for Wastewater Treatment Plant.

Jason Peasley –

That's the access drive to the Mt. Werner Well Fields.

Commissioner Meyer –

There are 2 commercial buildings that are yet to be built, correct?

Jason Peasley –

Correct.

Commissioner Meyer –

This is a development permit that's not complete, because the applicant can still build those buildings.

Jason Peasley –

His vesting has lapsed. He's pulled building permits for all of the residential units. He will need to come in for a new permit to be able to build those 2 commercial buildings. At the moment they're sitting vacant at a re-vegetated state.

Commissioner Meyer –

Wasn't this originally a PUD?

Jason Peasley –
Yes.

Commissioner Meyer –
Was sidewalk circulation a part of the public benefit when the project was originally evaluated? If the commercial buildings would have to come in then we could make a determination if there's any additional public improvements that would need to go in to support the commercial component. That would clearly have a greater pedestrian potentially than the residential. That would be my concern is that the \$12,000 would go away after 3 years and we may need it.

Jonathan Spence –
It was a fee in lieu for the sidewalk.

Commissioner Levy –
With the 3 year sunset I was wondering if it would be worth changing the language to say 'if Public Works makes a plan to change that bus stop that would impact this decision within 3 years that we would not refund the money'. So if we give them a deadline then they will wait 2 years and 10 months and then they may say 'we want to move the bus stop'. They won't be able to get it done then before that end date. That way if a decision is made within that time period they can still hold onto it. It's a compromise that I would like us to consider.

Jonathan Spence –
At this particular time this wasn't based off of that public benefit idea. It was based more off of project criteria on public space, design transition, resource lands, etc.

Chuck Dunagin –
I don't think that the \$12,000 is designed for a bus stop, but rather for the approval for a pedestrian connection. In 2005 the idea was that there was going to be a core trail along hwy 40. As we know it's been moved from town past my property. We applied for a permit to put it up on hwy 40 and we were denied by ACE.

RECOMMENDED MOTION

Based upon the above analysis staff recommends that Condition #4 of the Majestic Valley Townhomes (#FDP-04-15) be amended to:

"The applicant shall provide to the City a letter of credit in the amount of \$12,000 for a period of three years earmarked for the construction of a sidewalk connection along the private access road to connect to a future sidewalk along US Highway 40. The City may not use these funds for any other purpose without the prior written consent of the applicant, or the successor in interest to the applicant. The use of the funds, along with provisions for refunding any unused balance and the dedication of easements, shall be governed by a development agreement between the applicant and the City."

MOTION

Commissioner Hanlen moved to approve the amendment to FDP-04-15. Commissioner Slavik seconded the motion.

DISCUSSION ON MOTION

Commissioner Levy –

Is it possible if they come back in for their negotiation on the sidewalk if they have to reapply for these commercial units?

Jonathan Spence –

Certainly. The commercial buildings were one of the big plusses of the project.

VOTE

Vote: 5-0

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

Absent: Beauregard

Discussion on this agenda item ended at approximately 5:23 p.m.

Walton Creek Park Estates Replat of Lot 4 (Truslon Replat) #ZMA-10-01 Zoning Map Amendment to down zone the property from Multifamily Two (MF-2) to Residential Neighborhood Three (RN-3)

Discussion on this agenda item started at approximately 5:23 p.m.

STAFF PRESENTATION

Seth Lorson –

There's a memorandum addressing the 2nd variance in the PP. If you do approve this PP then please read the finding/motion on the back of the memorandum since it addresses both variances. The zoning map amendment is being run concurrent with the applicant's proposal to subdivide the lot. Its 1 ½ acres out on Stone Lane, which is currently zoned MF. It's primarily surrounded by RN-3. The proposal is to rezone to RN-3 to come in with a more consistent with the properties around it. Staff recommended that the applicant consider rezoning concurrently with the proposed replat. With its currently zoning as MF it could have a much more dense development on it than RN-3 zoning would allow.

APPLICANT PRESENTATION

Applicant was not present.

COMMISSIONER QUESTIONS

None

PUBLIC COMMENTS

Robert Stihl –

We're here for a similar reason as the Truslow's. They're trying to get the maximum value out of their property and we're trying to maintain the value of our property. If the property is subdivided and the house is built in the area of the building envelope it will almost certainly detract from our resale value. The building envelope is in an area that floods every spring. New construction in that area would have to accommodate for that by building the land up. I imagine that the reason why they didn't propose this earlier was because they didn't want to look out of their windows and lose their privacy due to another house. Now that they're moving that's only an issue for those of us remaining there. I understand the proposal to rezone from MF to RN-3. In some ways it feels like using the lot as an MF is a little bit of a threat. To have the neighborhood to accept the plan to subdivide is the lesser of the 2 evils. I was shocked that it was zoned as MF. In the last 20 years that lot has been treated as a residential lot. There hasn't been any talk about developing any kind of multi-family facility on that lot. It seems like the lot has already rezoned itself. I do think that it's time to formally rezone the lot. We're not excited about the subdivision and the impact that might have to some of the people living in the area.

FINAL STAFF COMMENTS

None

FINAL COMMISSIONER COMMENTS

Commissioner Levy –

Is there any process to review the current floodway/floodplain designation from ACE that has changed upstream or downstream that makes it inaccurate? Maybe our maps are inaccurate?

Seth Lorson –
I'm not sure.

Jonathan Spence –
I don't know that our maps are necessarily wrong.

Commissioner Levy –
We're in the floodplain and not the floodway? Is that the current designation of the building envelope?

Jonathan Spence –
Correct.

Commissioner Levy –
Are there certain building restrictions for doing so?

Jonathan Spence –
Yes.

Seth Lorson –
To build in a floodplain they will need to get a floodplain permit.

Commissioner Slavik –
Does that floodplain permit process also include evaluation of how bringing something to an elevation that is higher than where it is now impact the surrounding area? We're not going to allow that to happen. We're not going to look at just the property. We're going to look at whatever impact it might have on the surrounding properties as well.

Jonathan Spence –
Yes, that's part of the permit process.

Commissioner Lacy –
Do you have anything on the history of why it was zoned MF-2?

Seth Lorson –
We're not exactly sure. We don't have anything substantial to say how that happened.

RECOMMENDED MOTION

Staff recommends approval of the Ordinance rezoning the parcel known as Ski Time Square Parcel B (Corpus-MacGray Parcel) from Resort Residential One (RR-1) to Gondola Two (G-2).

MOTION

Commissioner Hanlen moved to approve ZMA-10-01 and Commissioner Meyer seconded the motion.

DISCUSSION ON MOTION

None

VOTE

Vote: 5-0

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

Absent: Beauregard

Discussion on this agenda item ended at approximately 5:34 p.m.

Walton Creek Park Estates REplat of Lot 4 (Truslon Replat) #PP-10-02 Preliminary Plat to subdivide one lot into two

Discussion on this agenda item started at approximately 5:34 p.m.

STAFF PRESENTATION

Seth Lorson –

There are 2 variances;

1. It's an irregularly shaped lot.
2. It is more than 5x longer than it's wide.

It's an irregularly shaped lot due to access and the inability to put a lot line through an existing home.

APPLICANT PRESENTATION

Applicant is not present.

COMMISSIONER QUESTIONS

Commissioner Slavik –

As long as when they come in for the building on the property that it will be evaluated again to make sure that we're not creating any problems with surrounding properties. I want to make sure that those properties nearby don't get increased flooding in the spring. That should be taken care of by that permit.

PUBLIC COMMENTS

FINAL STAFF COMMENTS

FINAL COMMISSIONER COMMENTS

RECOMMENDED MOTION

Finding

Staff recommends approval of the Truslow Replat at Walton Creek Park Estate Lot 4 with the findings the proposal is **consistent** with CDC Sec. 26-67 Preliminary Plat (e) Criteria for Review and Approval, with the following conditions:

1. Submit the permit for modifications to the wetlands/ waters of the state from Army Corp of Engineers prior to approval of civil drawings
2. The following items to be identified on the building permit or grade and fill permit plans and are considered critical improvements and must be constructed prior issuance of any CA or CO; they cannot be bonded:
 - Public drainage improvements
 - Access drive and fire turnaround, if required.
 - Storm water quality features. (Vegetation must be established prior to CO when required as part of the feature design.)

3. A flood plain development permit must be obtained for building in the 100 year flood plain prior to approval of a building permit; any development shall be in compliance with City flood plain regulations.

MOTION

Commissioner Hanlen moved to approve PP-10-02 with the amendment that Seth Lorson included in the memorandum and Commissioner Meyer seconded the motion.

DISCUSSION ON MOTION

Commissioner Hanlen –

I would encourage staff in the future to avoid the lot as an irregular shape recognizing the dysfunction that occurs when you have an irregularly shaped building envelope. I understand where the irregular shaped building envelope came from. Depending on how the house is laid out it tends to push that house towards that one property line and had a more regular shaped building envelope created I think that we would have ended up with a better product.

Seth Lorson –

(He gave his reasoning behind the irregular shaped building envelope).

Commissioner Hanlen –

I would encourage staff to play a little bit of give and take. If that line could be pushed in one place and retracted in another then we still end up with a wash at the end of the day as part of preservation of the intended area that we end up with a better product overall for the neighborhood. The more of an irregular shape that you end up with it tends to end up with a funkier design.

VOTE

Vote: 5-0

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

Absent: Beauregard

Discussion on this agenda item ended at approximately 5:38 p.m.

APPROVAL OF JULY 22, 2010 MEETING MINUTES

Changes:

Commissioner Meyer –

On pg 13 under Commissioner Dixon's first comment change 'tabs' to 'taps'. On pg 16 under Commissioner Dixon's last comment change 'roe' to 'row' in 2 places. On pg 18 we voted to deny the CHP change in the 'voting for approval to approve' to 'voting for approval to deny'.

MOTION

Commissioner Meyer moved to approve the Planning Commission Meeting minutes from July 22, 2010. Commissioner Levy seconded the motion.

VOTE

Vote: 3-0

Voting for approval of motion to approve: Beauregard, Levy and Meyer

Abstain: Lacy and Slavik

Absent: Beauregard

DIRECTOR'S REPORT

Jonathan Spence –

The new staff director Tyler has recently moved his family up here to Steamboat Springs. We're going to have to tone him down.

Commissioner Lacy –

That's not a bad thing, but we could change it from 5 minutes to maybe 15 minutes for a response time.

Jonathan Spence –

He has acknowledged that he's addicted to his Blackberry.

Commissioner Slavik –

Is there going to be any opportunities for us to meet him?

Commissioner Lacy –

Will we have a work session or a hearing where he'll be there?

Jonathan Spence –

He'll be at the work session on Monday September 13th. I think he starts somewhere around Labor Day. If he does walk in that day then he's going to be walking into a little bit of fire since there's a City Council meeting on TDR in which I might need help with anyways.

ADJOURNMENT

Commissioner Levy moved to adjourn the meeting at approximately 5:43 p.m.
Commissioner Meyer seconded the motion.

VOTE

Vote: 5-0

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

Absent: Beauregard