

AGENDA ITEM #4

FINAL MINUTES

Planning Commission Minutes

January 25, 2018

STEAMBOAT SPRINGS PLANNING COMMISSION

PUBLIC HEARING MINUTES

January 25, 2018

The regularly scheduled public hearing of the Steamboat Springs Planning Commission was called to order at approximately 5:00p.m. on Thursday, January 25, 2018, in the Citizens' Meeting Room, Centennial Hall, 124 10th Street, Steamboat Springs, Colorado.

Planning Commission members in attendance were:

Chair Rich Levy, Vice-Chair Brian Adams, Lee Calihan, Paul Weiss, Michael Buccino, George Eck and Tom Ptach.

Staff members present were Staff Planner Bob Keenan and Planning Director Tyler Gibbs.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None.

#1: FDP-17-06, Old Town Hot Springs

STAFF PRESENTATION

Bob Keenan:

This is for an addition and remodel which includes changes to the site layout, parking and lot development. The applicant is proposing a 14,000 square-foot addition to the existing facility along with a significant exterior and interior remodel to the facility. Planning staff has reviewed the proposal to the custom PUD that was approved for this site a couple years ago, I believe. We found that it's in conformance with that approved PUD, which modified some of the use, dimensional standards and created a custom parking standard. The applicant was allowed to haul snow as needed, and they provided a snow hauling plan.

The parking lots and snow storage spaces have been proposed to change because it came to light that the parking on the north side of Fish Creek Falls Road where the old tennis courts were that was recently converted this year to a parking lot... That was an administrative development plan that was approved this year to allow that parking lot. That was found consistent with the PUD. The PUD had always contemplated that the area would be a support zone for parking to support the Old Town Hot Springs facility. So that was constructed to provide the required parking that would result from this new addition. That parking plan depicted 20 spaces that were going to be used for temporary snow storage during the winter plus the eight that was shown in the current application on the south side of Old Fish Creek Falls; so that was 28 spaces that would have been used for temporary snow storage. The applicant has a surplus of 17 spaces, so essentially they were 11 spaces short when it came to year-round parking.

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So we worked with the applicant, and they proposed instead of doing eight spaces for snow storage on the south side of Old Fish Creek Falls Road, they're going to go to four. It would be better to have more available parking on that side because it's closer to the facility. They would reduce the 20 spaces shown on the north side down to no more than 13 spaces. That would be consistent with the required parking. The plan is for them to haul snow every week.

In order to rectify the situation with that approved parking lot, staff is suggesting two conditions of approval: The first would be to amend the administrative final development plan prior to building permit to show no more than 13 spaces being used for temporary snow storage; also to submit a new drawing for sheet C102 that doesn't show the eight parking spaces but shows the four. Staff is suggesting with any recommendation of approval that these two conditions be added to what's already listed in the staff report.

APPLICANT PRESENTATION

Pat Carney, Project Manager:

Currently we have just under 7,000 members and 80,000 visits by tourists during last year. We haven't done anything major to the building since 1991, 27 years ago. What we're trying to do now is a once every 25-30 year improvement project. We'll get to the point where we don't have any more room for projects, but this hopefully will get us through the next 30+ years.

This is an important asset for this community. As the population has grown, we've become more overcrowded and not able to meet growing needs in three areas: health and wellness, (not enough indoor space to do what we want,) youth and senior programming (need for more programming inside the building,) community partnerships (need space for indoor education classes and other programming.) The exterior facelift of the building will transform the east side of downtown and hopefully make it look as good as the library on the west end.

Adam Wright, Steamboat Architectural Associates:

This is based on the PUD that was approved in 2016. Most of the work is being done in the Lincoln zone and an active zone.

Wright showed the site plan, which shows the current building and the proposed addition as well as pedestrian circulation. He highlighted the new additions: bike parking, better-defined pedestrian path across the upper parking lot, restriping, new sidewalk in the middle of the parking lots, dedicated striping to get to the post office, additional sidewalk to get from the building to east bound Lincoln, improved drainage on the parking lot with a new water quality basin, bank reconstruction.

Interior additions: expanded and redone entrance, two-story climbing wall, class/exercise rooms, conference space, back-of-house offices, perimeter walking track, enlarged free/racked weight space, reorganized workout facilities.

Building Exterior: complete remodel with new windows.

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QUESTIONS FROM COMMISSIONERS

Commissioner Levy:

Bob, can you remind us what was approved as a PUD and what items are up for discussion with this application?

Keenan: The PUD was used to approve the different uses and subzones, reduced snow storage, architectural design standards, custom parking because the parking requirement for this type of pretty unique use isn't covered in the CDC.

Levy: I would say height, lot coverage, all those things are already covered. I would guess we're looking at the parking and architecture to determine whether they meet what the PUD said it should be; pedestrian connections which probably weren't specifically called out in the PUD.

Keenan: There was mention in the PUD of pedestrian connectivity through and to adjacent sites. There was requirements for bank stabilization and stream bank enhancement. Part of it is in the CO zone district, and there's a build-to requirement where there's a 0-foot build-to on the front property line, which given the parking and circulation they need for this site they knew they weren't going to achieve that. So that was a large component of the PUD was to establish setbacks that differ from the Old Town core. The height was another part of it, and that was amended recently to allow that entry feature and the climbing wall. The height is 38 feet for all parts of the building and 40 for that entry feature.

Wright: Given that there were three or four existing zone districts on that property already, the PUD allowed those to coalesce and then make a few changes such as the height and parking.

Gibbs: Most of what you're seeing here was anticipated in the PUD.

Keenan: There are no variances because they created this custom zone district to anticipate this development. It's really just making sure the parking, snow storage, architectural design, height and setbacks are matching the custom PUD.

Wright: The CDC was still the basis for most of the criteria for design and most of those things. So it wasn't like there were massive, sweeping changes with the PUD. We're still referring to the CDC in most areas.

Commissioner Adams asked Keenan to go through the additional conditions and how they came about over the past week.

Keenan: After the work session, staff and the applicant looked at that administrative final development plan that approved the parking on the north side of Old Fish Creek Falls Road to see what they were showing for snow storage in those spaces as a result of those questions from commissioners. Staff asked the applicant to come up with a solution for how best to store snow and organize their parking. We

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worked together to come up with this plan. They came back to staff with a proposal for snow storage in four spaces in the lot closest to the building and to reduce the 20 in the lot to the north down to 13. That's 17 spaces which equals the surplus parking that they currently have on site that they can use for temporary snow storage. I think we both agree that it was a good solution and we just needed to get these changes into the record. That's why the first condition I mentioned was to amend the previous approval of the administrative development plan to change that from 20 spaces down to 13; the second condition would be to revise that sheet C102 to accurately reflect the four spaces that they're now proposing. Given the time constraints, we didn't feel it was necessary to have them rush to make the change to that sheet when there's plenty of time for them to do that prior to building permit.

Adams confirmed that the applicant is in agreement with these conditions.

Adams: You mentioned in your email that you're currently working on a formal snow and maintenance agreement. Is this something that can just be verbally discussed or should it be a condition? What makes something important enough to be a condition of approval, and what makes it just "yeah, we're working on it?"

Keenan: That's a good question. I still don't have a great answer. I think at the end of the day it goes back to the heart of the discussion when they decided to do the underpass. There was a verbal agreement at that time. I think both parties recognized the practicality of having that written down so that there's no questions down the road. As staff, I don't think we have any problems to require that agreement be made in writing and agreed upon prior to building permit. You may want to ask the applicant if they're okay with that. But I talked to the Parks and Rec Department. It's definitely on their radar. They're in the process of doing that, and they obviously see the need to have it happen. But to the extent that the Planning Commission thinks it's that important to nail down and require as part of this approval, we can do that. But it's really something that already occurred; it's not something that's a result of this application. That's why it's not out front and on top of this application.

Adams: The question stems from more of a – as much as we feel the need to put conditions of approval on anything, as much as Parks and Rec or Public Works or anybody is looking at these projects and saying no, I need this in writing before I'm okay with it. Just wondering if this was something everybody felt like no, I need this in writing if I'm okay with it or not.

Keenan: That wasn't expressed to me by Parks and Rec that we needed a condition of approval. It certainly doesn't hurt from a Planning staff perspective. We don't have any problems with it.

Levy wanted to make sure it was clear to the applicant that regardless of the once-a-week snow hauling plan, they cannot exceed that temporary snow storage on their snow-hauling sites.

Wright: I would like to make clear that the plan is not to haul snow every week or once a week. That could happen if it kept snowing nonstop I suppose. The plan is that when the designated storage that's available onsite becomes cumbered, then the call would be made to haul snow. That's what occurs currently, and as described that's usually within 24-48 hours. The plan states that potentially it could be

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more than that and so therefore we articulated that a week we felt was reasonable to ensure that that's cleared. In talking to Pat about this, certainly their goal is to free up parking for their guests; they don't want their guests to be inconvenienced. The Hot Springs is not ever looking to be deceitful and end up with more snow than they potentially have room for. Additionally, any sort of problem with parking would be in the summer months not winter months. A lot of visitors come via shuttle. That doesn't necessarily dictate how much snow storage you need or not, but it is the case that parking is less of a problem.

Levy: That just caught my eye when we changed the number of spaces you were going to use for temporary snow storage before hauling that you were aware that that could potentially increase the number of times that the snow needs to be hauled.

Wright: We recognize that.

Adams: I don't think I understood how that smallest south parking lot – is one of those spaces dedicated for snow storage there as well? How does that last parking lot work?

Wright: That hasn't been part of this most recent discussion because it's covered with a small amount of area as you enter the lot. So there is enough room to push snow to the entry of the lot without impacting any parking spaces.

PUBLIC COMMENT

None.

COMMISSIONER DELIBERATION/MOTION

Commissioner Ptach moved to approve FDP-17-06 as described in the materials with conditions 1-14 from the packet and the additional two conditions in Item 4 of Bob's email of January 24.

Commissioner Buccino seconded the motion.

DISCUSSION ON MOTION

None.

VOTE

The motion carried unanimously.

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#2: PC Final Decision Authority

Rebecca Bessey:

We're having a public discussion tonight about a potential policy change in the CDC. As we discussed at work session a couple times now, there's some consensus on Planning Commission to recommend that the Commission be given primary review authority over certain application types: conditional uses, conceptual development plans, development plans that would require public hearing, preliminary plats and major variances.

There's a few clarifying points I wanted to make tonight.

The charter says that the Planning Commission is an advisory body, so we're not really going to be giving final decision-making authority to the Planning Commission. However, we have worked with Legal and we think that there is a way forward in which the primary review and recommendation is still made by the Planning Commission. We can't call you the final decision-making authority because that's contrary to the advisory language in the charter. I think we can devise a process that meets the intent of what we're trying to achieve: That is to have the primary public hearing held with the Planning Commission rather than automatically going to City Council.

Those decisions would be subject to call-up by City Council or appeal by affected parties.

Upon expiration of the 10-day appeal period, the Planning Director and City Manager would certify your recommendation as a final decision.

That final decision would not be subject to appeal.

If you made a decision, and somebody appealed or a Council member called that up, then decision-making authority gets shifted to Council to make a final decision on that appeal; or they can remand it back to the decision maker to evaluate it based on additional information.

Levy: What would happen if someone disagreed with Council's decision on appeal?

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Bessey: It would have to go to the Court.

Adams: However, if the decision-maker was the Planning Director instead, then you would still have an avenue of being able to appeal to City Council.

Bessey: No. This type of a decision would be different than the administrative decisions that the Planning Director is authorized to make now where Tyler as the Planning Director makes that decision; it is considered final; there is an appeal/call-up period after which the decision remains a final decision. In this situation, the Planning Director wouldn't make that final decision until after the expiration of the call-up/appeal period.

Adams: It seems like you could do it differently so that the Planning Director could make the decision right away and still offer that appeals line of reasoning that we talked about at work session.

Bessey: In talking with Legal, they're not comfortable with that type of a process given the advisory language in the charter. The decision can't be truly final until that appeal/call-up period expires, and then it could be made a final decision.

Gibbs: The understanding would be that the City Manager or Planning Director is going to after the appeal period runs out make that decision final. So their opportunity to appeal is between your recommendation and that final certification by the manager or director.

Adams: What I think I've liked about the process we're looking into right now is that we would be able to set up a system where a decision could be made and an appeal happen to City Council that would not have to go straight to District Court – kind of like a Planning Director decision can be appealed without leaving city channels. Would that still be able to happen if we're not an official decision maker? Would somebody be able to appeal using that kind of appeal language even if we weren't the decision maker?

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Bessey: Yes, that 10-day period would be there between the time you make your recommendation and the time the director would make that decision final. It would be the same appeal process using the same language we have in the code now; it's just that it would happen prior to the final decision rather than after.

Adams: I guess I was just caught up that you would need an official decision maker in order for there to be an appeal after that. But if we can do it without that, then it doesn't really change the process.

Bessey: We will have to make some language tweaks to the code, but it would essentially be the same process.

Eck: On Monday we talked about call-up and limiting it potentially. Is it now the opinion that because of the charter language, there has to be call-up ability?

Bessey: There would always be call-up ability just as there is now. With certain Planning Director decisions there is call-up ability by Planning Commission and City Council. Any decision that you would be making a recommendation on that wouldn't normally automatically be going to City Council would be subject to call-up in that same 10-day period.

Levy: Did you have an idea of putting a placeholder on City Council's agenda for that to happen? Sometimes we're right in that two-week time period. We're trying to make sure the new process doesn't take longer than the existing process. If someone were to appeal or call it up, do you have an idea of whether it's automatically going to be placed in the City Council agenda for the next meeting? If so, how would you advertise it without people thinking there's going to be a hearing on that item on that date and continue to ignore the Planning Commission?

Bessey: The code language for both appeal and call-up states that it needs to be placed on the next available meeting date. We would anticipate that we would get it on Council's agenda at the

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very next meeting unless the agenda was too full or something like that. I don't anticipate that we would delay placing it on Council agenda for any reason.

Levy: So it doesn't need the two-week advanced notice?

Bessey: No. Currently right now with appeals, we don't have to do additional notice per the CDC. Of course, all City Council agendas are noticed per the Open Meetings Act. But we don't have to do additional surrounding property notice or publish a legal notice in the newspaper for an appeal. So I don't anticipate any notice requirements slowing down a process.

Adams asked what would happen if an aggrieved party wasn't aware of the decision.

Bessey said that the 10-day period is meant to give anyone eligible to appeal (property owners within 300 feet of the subject property and anyone who comments at the public hearing) time to familiarize themselves with the decision.

Eck wondered whether the stipulation of commenting at the public hearing in order to be considered an aggrieved party could be applied to anyone within 300 feet of the property so as to eliminate appeals from those within 300 feet who did not comment at the hearing.

Bessey: I don't know that we want to necessarily take away someone's appeal right because they didn't come speak for a project. They may have been for it and didn't show up and you deny it. They may not like a condition of approval or a lack thereof.

Ptach: Do you feel that we're meeting our objective of expediting the process for the applicants with these recommendations?

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Bessey: I think it has the potential to speed up the process by a minimal number of days. There's only so much we're going to speed up the process, anyway. It could be as few as five days or as much as a couple weeks. I do also think it could potentially save Council a lot of time on their agendas to not have everything automatically go to them.

Levy: I certainly hope that as this gets to City Council we'll be seeing some newspaper articles that a change is in the air to get people to show up here that normally would wait for City Council.

Bessey: After this meeting tonight, if we have good consensus on moving forward with those process types that we've identified, we plan to report to City Council on your preliminary recommendation and get feedback from them. I think showing up at Council and talking about this will garner some attention. Certainly as we craft an official ordinance amendment we'll be doing public notice with regard to that (public hearing here, two readings in front of City Council.) I would imagine we will be reaching out to the development community if we see this going forward to make clear to them that the process is changing. We'll have to update all of our internal process flowcharts and those things to convey the process change to the developer community.

Eck: When do we see this change becoming effective?

Bessey: I would like to get in front of Council in February on a discussion item on their agenda. I think we could draft the amendment language pretty quickly; we'd have to do some public notice and schedule public hearings. If all that goes smoothly, I would think we could get a public hearing here early March, then it would go to two readings at City Council; then the ordinance would be published and it would become effective five days later or more if we wanted to set a later date at which this change would become effective.

Gibbs: I think it's important to recognize that there's a cultural change that has to go along with this, and it may not have an immediate impact in the way that we would anticipate that it should in the long term because people are used to the final decision being made at City Council. But I

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think if initially we see a high number of appeals and call-ups but City Council is supportive of the Planning Commission's decisions, I think ultimately we would get more accustomed to participating at the Planning Commission level that those decisions are appropriately made here.

Levy hoped staff would present statistics to Council showing the number of Planning Commission decisions that have been altered by City Council.

Martyn Kingston joined the hearing.

Kingston confirmed that the suggestion is that items 1-5 final decision comes to Planning Commission; the Community Plan amendment process stays with Council.

Ptach: Rebecca, you were going to look at preliminary plat.

Bessey: I did look at that. I think it's fine to move forward with the direction you were going. There are some instances where a preliminary plat is required because there's a vacation of right-of-way requested. That is done by ordinance by City Council. So I think it's still okay to have the preliminary plat review and decision made by Planning Commission. The vacation action of right-of-way or easements would still require an ordinance with City Council. It's not really any different than how we handle easement vacations now; they're typically done through a final plat, which is an administrative decision. We just take the ordinance to Council to vacate the easement.

Commissioners wondered what would change as far as what needs to be in writing with every decision and what does not.

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Kingston said he would have liked to have known what Council felt about these items other than speeding up the process and lightening Council's load. He would like to know how many Planning Commission decisions Council has overturned over time.

Bessey reminded that even in those instances where Council does not alter a decision, they still hold a public hearing and discussion before coming to the same conclusion.

Bessey will take this general consensus to Council for feedback.

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#3: Approval of Minutes: January 8 Public Work Session

Commissioner Eck moved to approve the January 8, 2018 meeting minutes; Commissioner Adams seconded the motion.

The motion carried unanimously with commissioner Buccino abstaining.

#4: Approval of Minutes: January 11 Public Hearing

Commissioners Ptach and Buccino arrived late to this meeting.

Commissioner Eck moved to approve the January 11, 2018 meeting minutes as amended; Commissioner Buccino seconded the motion.

The motion carried unanimously.

Director's Report

None.

Adjournment

Commissioner Eck moved to adjourn the meeting at 6:06 p.m.

Commissioner Adams seconded the motion.

The motion carried unanimously.

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