

FINAL MINUTES

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**STEAMBOAT SPRINGS PLANNING COMMISSION
PUBLIC HEARING MINUTES
May 10, 2018**

The regularly scheduled public hearing of the Steamboat Springs Planning Commission was called to order at approximately 5:00p.m. on Thursday, May 10, 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, George Eck, Martyn Kingston, Michael Buccino and alternate Paul Weiss.

Absent: Calihan, Ptach

Staff members present were Staff Planner Kelly Douglas and Principal Planner Rebecca Bessey.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None.

#1: DPF-17-08, Fox Creek Subdivision

STAFF PRESENTATION

Kelly Douglas:

This is the Fox Creek Filing 2, Lot 1 proposal. It is a development plan/final development plan application. The property is zoned Community Commercial. It's located off Hilltop Parkway just east of the intersection of South Lincoln Avenue. They're requesting approval of a 50-unit multi-family development. There is a conditional use requested for multi-family.

There are four variances requested to the following standards: the CC ground floor ceiling height, building variety, roof slope and transparency. One public comment has been received in support of the project.

Staff is recommending denial based on inability to support three architectural standards.

Variances:

Ground Floor Ceiling Height: Minimum required is 14 feet; they're asking for a 9-foot minimum. Staff supports this variance request.

Building Variety: For six buildings as proposed, the Urban Design Standards requires three different models. It gives us a description of how they should vary. The applicant is proposing to provide two building models. Planning is unable to support this variance request.

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Roof Form: The standard pitch is from 5:12 and 12:12 for multi-family buildings; they're proposing 1:12 and 3:12. Planning is unable to support this request.

Transparency: There's a requirement that 25% of the wall area of each floor be dedicated to transparent entrances or windows. They are not achieving that standard on each floor of each elevation. Planning is unable to support this variance based on the code analysis.

Applicant justifications are included in your packet.

APPLICANT PRESENTATION

Peter Kreissig, Applicant Representative:

We put together this project that's going to consist of 50 entry-level units. They're all basically designed for the local community. The Fox Springs site has been a challenge for many in the past with many site constraints. We feel we have a plan that works very well with these constraints and provides some very much needed relief to the housing conditions we are seeing today. Fox Springs will consist of 50 two-bedroom units with 1-2 car garages, which will provide much-needed storage space for the local lifestyle. With the location between town and the mountain and close proximity to public transportation, we feel that many of the owners may not use their cars very often.

Eric Smith, Applicant Representative:

Smith showed the zoning, site plan and proposed trail and road across from Yampa Valley Bank and adjoining the Yampa Valley Housing Authority project.

Smith: We're proposing four eightplexes and 2 nineplexes in here for a total of 50 units.

Even though we're in this CC zone, we're not part of the area that's designated for the south corridor in terms of the Urban Design Guidelines. The ninth unit is a one-story unit on the end, so it's an accessible unit. So as you drive in, you're presented with the single-story building on the end, and then the buildings step up. As we work through the loop, all these buildings are pulled forward or back and are set at different angles so we don't get a line of buildings in a row. There's a central drainage that comes down through the property. There's a soft trail that will connect to a new trail being constructed along the northeast side of Hilltop Parkway. The four center buildings are eightplexes; the outer two are nineplexes.

In terms of phasing, we'll start with Building 6 along with the road infrastructure and work counterclockwise. With the construction of the first building, we'll do the internal drive loop, all the infrastructure, the drainage structures, and as we get done with the last building we'll end up doing the second overlay on that paving when construction is complete within that internal loop.

This site has some pretty good grades toward the back as it climbs from the entry up the hillside and also as you come up Hilltop parkway along the back side. Essentially, the backs of these buildings are cut into the ground so that from a visibility standpoint, you really see two stories in the back and expose the garages on the front. The second level contains four units; the third level stacks on the second level with four more. The garages are all 44 feet deep, so we can get two vehicles in there plus bikes, kayaks, etc.

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On the nineplexes, the accessible unit is on the end with a ground-level entrance. The upper two floors are essentially the same. The roof plans are currently laid out so that the end of these building roofs is a shed that slopes to the end of the project on both ends. The center roof form, which is 1:12, starts at the front and slopes to the back of the buildings. One of the reasons we did this was to minimize any of the maintenance costs with dripping and snow shedding as well as wear and tear on the site. The ends of the building roofs pitch to the end, so we have zero conflict with any drip lines or icicles or anything on the pedestrian side of these buildings. We set these roof pitches fairly flat to keep the snow on the roof so we're not dealing with snow going off the roofs and having to go through that removal process on site. In addition to helping with all the snow removal issues, looking at the existing standards that were written in 2006, the world has changed immensely in terms of the product people are looking for. We're seeing a big shift toward a much more contemporary-looking product with flatter roofs, lower pitches. This keeps overall volume down and keeps building heights down as well.

Smith showed the exterior stair entrances to the above units; a 3-d perspective of the front and rear; color variations; nineplex building and roof perspective; end elevations.

Smith: If we pull these pitches up from 3:12 to 5 or 6:12, we essentially create huge volumes in the attic and substantially raise that building height with in our opinion no real gain from a utility perspective. The center section is a 1:12 pitch; if that goes up to a 6:12, we raise that attic up substantially and increase the building height with I don't think any architectural gain.

This is the first time we've had to count transparency on a per-elevation basis. We've previously looked at it surrounding the total building by floor. If we do that, the only floor that doesn't meet the requirement is the garage level. We think it's inappropriate to try to put 25% transparency in a garage. I think that part of the code was a carryover from the commercial when they were trying to be able to use retail on the ground floor and encouraging more transparency. To have to do 25% transparency on each elevation of those garages when half of it is buried in the back just seems inappropriate from a design and energy standpoint.

The second and third floors of buildings 1 and 6, the nineplex buildings, are over the 25% requirement; the only floor that doesn't meet that requirement is the garage level. The eightplex building has 27% transparency on levels 2 and 3; it has less than that on the garage level. So when you average those, we end up at 19 or 20% including that garage level.

Smith showed several 3-d perspectives requested at the Monday work session.

Smith: Variances:

I think the ground-floor ceiling height is pretty obvious that the 14 foot in the code was to allow some adaptation to commercial uses; there really is no commercial use here because those garages will be sold with the condominium units above. So putting a 14-foot ceiling there really just creates a lot of additional cost without any gain and we end up raising stair elevations and everything else.

Building Variation: We have two different buildings mixed with different orientations. From a vehicle or pedestrian standpoint along Hilltop, you're looking at a nineplex, the front of an eightplex, the back of a nineplex, then the back of an eightplex. So essentially you're going to be looking at four different elevations. Every time we change one of these buildings, we end up increasing all the architectural costs.

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Peter has worked very hard to try to keep these costs down. To create a whole separate set of plans for a different building we think is unnecessary and contrary to what we're trying to do from an overall pricing standpoint.

Roof Pitches: We've addressed this a little bit. I think as you look at the product being built in a lot of different areas in the mountains today, we're seeing a lot more of a push toward flatter roofs. It's much easier to manage snow and much lower cost to construct.

Transparency: I think from an energy standpoint we really don't want to increase the transparency. We now have windows that are six and eight feet wide. To increase those to larger windows I don't think makes sense in terms of the architecture or the users of the project.

QUESTIONS FROM COMMISSIONERS

Commissioner Eck confirmed that Urban Design Standards for site layout/development pattern, landscaping, building character and design still applied to this site since it lies within the CC zone district.

Smith: If you look at the commercial portions of the Urban Design Standards, they allow low-slope pitches in commercial mixed-use developments. Because we're doing a full residential project and we're in the commercial zone, we're applying the standards that apply strictly to residential. But because it's commercial, we're stuck in this zone. If you follow the commercial mixed-use requirements we can have the low-slope pitches. This document was drafted 12 years ago. I don't think it's necessarily applicable; it's the one that we have to go by, but I think it's pretty contradictory in the face of the document.

Rebecca Bessey:

These standards would apply to the multiple-family districts as well, so I don't think it's contradictory. We're not applying standards that don't apply.

Eck: Eric is saying that in the past, the window calculation has been per floor. Your analysis has it by side of each floor. Can you clarify anything on that?

Douglas: I feel confident that we've done the calculations per the code. The variance they're requesting may be reasonable; that's for you and City Council to decide. These are the calculations as set forth in the code. Staff feels that we have applied this standard consistently. I think it's a matter of whether the variance is acceptable.

Adams: Is this a newly rewritten standard? Is it a newly interpreted standard? Or has this been in place for a while?

Douglas: The Urban Design Standards document was adopted in February, 2008. I understand that that's how this standard was written and how we've interpreted it since we've had it. This project is being processed under the old code, so it has not been changed.

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Eck asked whether this standard was changed in the new code; Bessey said she did not know offhand and reiterated that staff feels that their interpretation of the standard has been consistent.

Kingston: Besides the garages, how many of the other facades don't meet the 25% standard?

Douglas: Staff does support the ground floor not meeting that standard. But some of the upper floors do not meet the standard.

Adams asked Smith why they stopped at 24% for two of the upper floor facades?

Smith: Just because we were using standard window sizes that we thought were pretty reasonable. These windows are all six foot wide and five foot tall on the back of those bedrooms. If we go to the next size up, we create more heat loss. In the case of four out of the six of the buildings, that back side faces north. So to increase the size of the windows on the north side, I really don't think it's appropriate, but we could do it. The bigger question is probably the end elevations, because when you look at the overall site plan, in the International Building Code, there are maximums related to area separation. In order to get up to the 25%, these buildings have to be 17.5 feet apart. If you look at a conventional townhouse development, none of them are 17.5 feet apart. So when you do that, you can't get 25% on the side walls based on the sprinkler requirement. That's why we've never bumped into this until this interpretation.

Adams: 25% instead of 24% is 8 square feet. So it would have taken such a small change to one window to bring it up to the guidelines that are written, what was the reason to make sure not to do that?

Smith: The window sizes increment by one foot rather than a couple inches. There's already so much glass, and I don't think it's appropriate to increase the amount of glass and increase the energy cost. If we had to do it, we could do it; I don't think it's the right thing to do on the back elevations.

Weese: Could you explain to me the difference in the reasonability of a high-pitched roof versus a low-pitched roof in this model? In my head, if it's a larger-pitched roof, it's not going to require the larger amount of structural support to hold four or five feet of snow on it.

Smith: The way the building codes work they don't allow you to count snow discharging off those roofs. So whether we're at 6:12 pitch, 8:12 pitch or 1:12 pitch, there's no allowance to discount that snow load for the sloped roofs in the code. From a practical standpoint, if the roof pitch on the end stepped up a lot and then stepped down in the middle and then stepped back up, any of these low areas we then have to calculate drifting in. So it actually increases our snow load in certain areas. Our most economical roofs are these low-sloped roofs because it doesn't increase our structure. The other thing that happens is when you increase the height of that attic truss, as the trusses get a lot taller, they can bend under loads. So the whole truss design gets to be a lot more aggressive when you pitch those roofs up higher and you get more attic space in there. So these low-slope roofs make a lot of sense from a construction cost standpoint, a snow retention standpoint, and you don't have the volume up there and you're keeping the height of the building down.

Weese asked how much space is in the attic; Smith said about eight feet in the high end.

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Adams asked for more staff insight on the two building models regarding what it takes from a design standpoint to have a new building model.

Douglas: “Distinct building designs shall be easily distinguished through a minimum of two of the following: a variation in length of 30% or more; a variation in the footprint of the building of 30% or more; a distinct variation in color and use of materials; a variation in housing type contained in the building that results in a significantly different exterior scale in mass, i.e. apartments versus townhouses or a duplex; or a distinct variation in building height and roof form.” So there is variety in the two provided, and there is variety in the color and use. There just was not a third building that met two of these criteria.

Adams: What are the two that are meeting the difference between the buildings right now? I think color is certainly one. I know the main difference between the building models is the ADA-accessible unit. Is that making the 30% difference in footprint that’s giving us that?

Douglas: I don’t have that exact answer offhand, but I do think that the lengths are different; the variety in colors and materials.

Buccino confirmed that the adjacent Yampa Valley Housing project was created in 2006, which was before these standards were adopted.

Buccino: I think you did a great job at solving this. There’s some diversity even though there are only two building models. Right next to it we have basically one model multiplied five times. This achieves a better result in my opinion.

Adams: I asked for that interpretation to make sure I understand how the two are different enough but to better understand the applicant’s reasoning for why we could not ask for the third that’s required. If what it takes to make one or two of the other buildings a different model is such an expensive thing, I’d like to understand which of the components are making it so expensive. Required massing? A different color? There’s a wide range in there. Making sure I understand the interpretation helps me understand why you’re not able to support it and why they were not able to provide a third one.

Douglas: The second building type does have a different roof form with the accessible unit on the first floor. That’s certainly one of the calculations.

Levy: Can you show us the three different models that you are proposing to us? I want to see them side-by-side. I only have one front elevation for Building 1 and 6 and one front elevation for the other buildings.

Smith: I think there are two more distinctive building types, but within the other buildings we’re using different colors and different materials.

Levy: Let’s see that distinction that you’re claiming that staff is not accepting.

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Smith showed buildings with metal sections as well as different colors. He reiterated that they're trying to bring as much variety as possible without having to go through the expense of designing and having to build an entirely different structure that's half the size.

Kingston: Did staff make suggestions when you met with the applicant about ways to make this work?

Douglas: Yes, we worked together throughout the project. The applicant has reasons for what they're proposing today. Our inability to support the variance requests is just based on the code and what it calls for. Whether it's a reasonable request to vary is up to the Planning Commission. We're not saying that these are not good buildings or they do not look nice or they do not meet the intent; there are two buildings that have variety, but there are not three, and that's what the code calls for. So as staff, we're tied to that and we have to make that recommendation. But you can take the applicant's justification into account and make a decision as to whether that's a reasonable request or not. I think there's a number of ways they could have met the standard, however, I would not speculate about what's easy and what's difficult to do on their behalf.

Levy: A lot of your justifications are about cost, and in your application you talk about a price point that has generated a lot of attention. I would consider that to be a valuable asset. But how can we be sure that's something that's ever going to come to fruition?

Smith: The market is pretty sensitive, but I think the reality is everything we do to make this project more expensive has to raise the price. Having done this for many years, I can tell you statistically – and we track all the costs on our projects as well as sales values – we're finding that our hard construction costs we basically have to double to have a project that makes money. By the time you look at the soft costs, land costs, interest/carry costs going through construction, planning process, cost of sales and marketing (about 10% of sales cost,) if we're trying to sell a product at \$300 a foot, we have to be building it at \$150 a foot on salable not on gross. Meaning, if we're trying to sell a condominium like this at \$300 per square foot, we have to be able to build that condo at \$300 a foot assuming the garage is free, and we know the garage isn't. So our construction costs are critical components. The only way we can try to assure that these numbers come in is not doing things that raise our costs – either from an architectural fee standpoint, a construction standpoint. We're trying to do simple foundations, simple stacks, and we're trying to get as much variety as we can in the architecture while still controlling the cost. This is not an area I think from a site standpoint that we can do high-cost condominiums from a location and a sales standpoint. The challenge with anything affordable, whether it's in Steamboat, Boulder or anywhere, we're finding that with our concrete costs, framing costs, cost of material labor is the same whether we're building at the mountain or here, and we're finding the same thing whether we build in Aspen or in Steamboat. The difference is in Aspen we're selling high-end product for \$3,000 a foot, so it leaves us a lot of flexibility in terms of construction costs. But when you ratchet down on this affordable product, the costs are extremely sensitive.

Weese: How is the affordability point determined?

Smith: In a deed-restricted project, there's formulas that are used. The intention is not to have a deed restriction on this but to be able to provide workforce housing at a market rate as economically as they can.

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Weese: How did you determine that the price is at an affordable point?

Kim Kreissig, Applicant Representative:

We base the pricing on current market conditions and lack of inventory and backed ourselves into it, if that makes sense. We saw an opportunity where if we could make it happen and get the density that we need, keep those construction costs down, we could satisfy a price point in the sub 300's, which is nonexistent. People's mortgages will be less than they're currently paying in rent, and we're sensitive to that. This is not a big profit-maker for us, but it's a meaningful, worthwhile project that we really feel comfortable that we can perform and get done.

Eck: The price that they say they want to sell these at is not relevant to this discussion. They're going to sell them for as much as they can get. They're not weighing any variance consideration for the fact that these may be somewhat affordable.

Adams: But the applicant has used this as justification for some of the variances. So if we ask the questions and the answers are related to that, it does seem worth considering.

PUBLIC COMMENT

Bob Broadic, Fox Creek Condos:

I noticed that equipment started showing up on the property probably in September-November. I contacted Barb Wheeler from Code Enforcement. They said no outdoor permit was filed so that stuff should not have been there. Then we followed up again because more stuff started coming in like a sales trailer and a construction trailer, another trailer, pallets of stone, and it was a work-usable site, which it should not have been. So I let Barb know when she came back from vacation in March. She sent a certified letter, which was not claimed, and then she hand-delivered it. She spoke to a Teresa at K&K Builders with a project at 1421 Hilltop Parkway. She said apparently Fox Creek Development, LLC. Has not been registered to receive mail at this address.

I contacted Tyler from the Army Corps of Engineers office in Grand Junction about the wetlands.

We have 30 units there. Another question we have is why does the project have to be so big? If you go up all the way to Rita Valentine, there's nothing blocking the water coming down through there. To have a development at the bottom, I don't know if that's a good idea or not.

I talked to Dennis who owns the garage right there. They have all those vehicles that have been sitting out there on the property with no permit for that. All these tires, batteries, oil and diesel have been sitting there for years. So before going forward, address that to clean that up also.

Erin Becker, 1355 Hilltop Parkway:

One question I have is how far away is the intended sidewalk supposed to be from 1355? Just trying to figure out what that space is going to look like.

I also wanted to talk about the wetlands. I've been living there for four years now, and this year we definitely haven't had nearly as much snow as we've had in the past. But if you can see behind Fox Creek where that path is, that becomes a lake from May to July. It won't be this year because of the lack

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of snow, but in previous years it is almost so full that it wants to wash over the little connection we have to that trail.

I'm in a bottom unit so I have that back area as my front entrance. So I get to sit out there and watch all the wildlife. We have moose and bear and cubs and fox dens, deer and everything coming through there. I feel that this is going to be a huge disruption to the wetland area and to the natural habitat for these animals.

Also, when our project was put up, they did not do a proper job backfilling our unit. So the backfill around our unit was put in a year later and is really important to our structural integrity. So as this project is coming along, I just want to make sure that everybody is 100% aware of that situation that we've had.

Michelle Paratick, Fox Creek Village:

I also have a concern about the wetlands area. There's actual tags or ties on some of the trees down there that state: "Wetlands." I don't know how that factors into the construction. There's also an old, I'd imagine historic piece of farm equipment that was left behind as well that's tagged. So with that being a wetland area, that means that these buildings are going to be built in a floodplain, which could end up being disastrous.

With one entrance in and out and potentially 50 units, Hilltop Parkway is already congested trying to get to work in the morning as it is; imagine how much more traffic would be added to that interchange there.

The wildlife is a concern.

For the record, I am opposed to this development.

Ryan Seiler, 1355 Hilltop Parkway:

Reiterated wildlife, traffic and wetlands concerns.

Wondered what else might take place on site if he is already breaking codes by leaving trailers and equipment there.

Laura Brook:

I'm an adjunct professor at the college; I work at the airport; I'm a single mom.

I pay more money in rent than a mortgage. I need a home; I need roots; I can't afford to do that at \$400,000. You all own your own home; I want the same opportunity.

Work with us. Make it happen. I want to be first in line. I support your children; I support every flight that comes in all winter long and the college.

I appreciate it.

Cheryl Garity, Business Manager, K&K Builders, Fox Springs Development:

I've worked for Peter and Kim since 2003. I run the operation. When we purchased the land we were completely unaware that we were violating any type of code regarding storage of our equipment. We were finishing up the Rocky Peak Village development, so we moved some of our equipment down to what we thought was our land. Approximately three weeks ago we got a letter from Barb Wheeler.

Teresa responded immediately. We talked to Barb numerous times including today. As soon as she said her letter got returned to her, we jumped on it, sent my crew down, cleaned up the site, checked back

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with her two times and this morning checked back to see if there had been any further problems or complaints. She said no, everything is quiet; I think you've done a great job.

We are really proud of what we do; we are a fantastic builder; we are really good citizens. We don't break codes, and if we accidentally do, as soon as we are informed, we fix it. I was scheduled to retire, but I was so intrigued by this when I realized that the Kreissig's were set upon building something that could bring homes here to folks in Steamboat who might not be able to afford other homes, I was totally stoked and I stayed on. I told Pete I'd stay till the end of this project because I was really psyched to be part of something and give back at the end of my career something that could provide affordable housing for folks here in town without deed restrictions – which I don't happen to believe in.

I own a farm; I have 200 animals; I love animals and I love wildlife. But I think when it comes down to it, it's more important to provide housing for folks in our town and maybe find another spot for the animals to go. I don't know how that all works. But I know from our standpoint, we want to provide affordable housing for people in our town. Being able to put 50 units into the marketplace is a wonderful thing.

Jackson Creegan, who grew up in the neighborhood, stated that he wanted to find a compromise between the development and the area wildlife.

Jackie Sarre, Fox Creek Village, 1315 Hilltop Parkway:

I was one of the original people that bought into that project and have loved living there. I'm very concerned that this proposed project is being talked about as an affordable housing project. Someone here asked how they could come up with how they were going to sell those for a decent price. I understand the need for affordable housing because I'm in it. But I really feel like they're going to sell the project for as much money as they can get, and I don't think that's how it's being conveyed to the community. Some people think it's the Housing Authority that's doing it, which is obviously not true.

I feel like the proposed place that it's being put is – Rita Valentine Park way up was pretty much donated as not wanting that area to be developed. I think that particular intersection on Hilltop Parkway with 50 more housing units is going to create a nightmare for the middle of town. There's already so much traffic blasting through there. I feel like it's going to be a whole lot different. I think that intersection is going to have to be looked at. If you have two cars to a home, that's 100 cars a day going through there.

These buildings seem big to me. I don't think it's an appropriate location. I really think that moving all your things in and not having permits to do it doesn't do a lot for the trust later that people have now for this project.

She reiterated the concerns about wildlife as well as the wetlands. She said she was told that nothing else would be developed there because of the wetlands.

Greg Potembro:

I'm a mechanic, salaried; my wife is a middle school teacher. I just want to first say if that zone is intended for commercial use, if it's not residential, it's going to be commercial. So there's going to be a big warehouse, working noise, all that sort of stuff that's going to go right in there.

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We live up on Rabbit Ears Pass, and we have to drive into town every day. I can guarantee that I will never have to drive into town if I live there. You're going to have a lot of the same people with that same feeling that's going to be the working class. They are working in town. They are going to be able to commute to town through other means. I would say that will actually be a lot better because I do drive into town every day; that's an extra car that goes into town every day. That's two less cars that are not going to be moving whatsoever if that location does become residential.

Angela Ashby:

After having spent over a year working on the Housing Steering Committee, subsequently providing the city and county a 46-page report, I think the concept of the price point came from that. Entry level is up to \$310,000. So they're trying to fill this void. Two years ago it was 153 units that we were predicting we were short on. Some of the outcomes of that study were where can we do infill in town; where can we put in product that we need. We recognize that the CDC is cumbersome. I think a lot of it might be outdated. For the roofline, to me, anyone who has had an ice dam would appreciate a roofline like that because you're not going to have so many architectural points and areas of concern where you're going to have problems later and it's going to cost your HOA.

This is like a dream from the Housing Steering Committee. We wanted to find a place where we could find product like this from a developer who's been doing this for 20-something years. While I appreciate what the neighbors uphill are saying, they also bought affordable product, but they bought with different restrictions. We're doing the same thing in a different era 10-12 years later. Things have changed; cost of living has changed; so we're bringing product in a different modality, although we're not hamstringing it to a 30% debt-to-income; we're not appreciation capping it; they're making it no nightly rentals. So this is the very thing that we wanted to see from the Housing Authority's studies.

So when you increase windows, things that just don't make sense to me, you are going to increase energy costs. As for the three-building, I can't get my head around that one. I feel like what they've provided is architecturally pleasing. I think the code is strange in that manner as far as having – if you do a fourplex instead of an eightplex, they're going to increase their cost so the price will go up. That seems to be a silly thing to request. I think the variance on that is warranted.

I'm in favor of this.

Emily Beraducci:

My husband spoke previously. I am a middle school teacher. Currently our one-bedroom condo on Rabbit Ears is all we can afford to live in.

We'd love to start a family, and we'd love to stay in Steamboat because that's where our hearts are. The only affordable things now are one-bedroom condos, and a lot of them are outside of town. This would be inside of town making it closer and more affordable already with the cost of gas and car wear and tear. It would be something that other teachers who are in similar situations to myself would be searching for. They've done surveys indicating that this is a niche that needs to be filled, and these developers have provided an opportunity. Please take that into consideration for those of us who contribute and raise/educate your children.

Someone asserted that without deed restrictions, these units will no longer be affordable after the first owner.

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Bob Brenick said he thought the developer should know that the code requires an outdoor permit for their equipment and cars.

Kevin Detrick:

I hope you do consider these variances strongly. They're not asking for a lot. They've gone above and beyond to create a housing project that this community needs. We've looked at that property; many of my friends have looked at that property to be developed. It's been passed over several times because there's not enough profit in it. The Kreissig's are taking on a project that they probably don't need to do. They typically build bigger, nicer homes that are worth a lot more than this. I think this is a passion project that they are offering to do towards the end of their career to provide a very, very needed property in this town. We're losing people from town due to housing. Teachers, police officers, we're not able to attract them right now, but if they could pay 1500-1600 per month for a nice unit like this close to town... I hope you guys consider approving it.

As far as wildlife, I'm the biggest advocate for wildlife in this town. I'd love to preserve the entire town and not develop it. But we shouldn't have built in the sanctuary over Fish Creek or anywhere else. They're going to adapt; they're going to find a corridor further down. They've done it for a billion years; they're going to continue to do it.

For the wetlands, there are rules and regulations that I'm sure will be followed. But otherwise, I think this is a great project. It's architecturally stimulating, provides what the community needs for housing, and they're doing it in a very generous manner; I don't think it's a big money-maker. That should be taken into consideration. It will probably sit there for a long time if no one else takes this, and it's an underutilized property that could provide good housing for the community.

STAFF RESPONSE

Douglas: The traffic has been evaluated through the TAC process; our Engineering Department has provided a traffic impact study. It has been reviewed. We're recommending denial on account of the variances that we cannot support but not on account of impacts associated with traffic.

Eck asked why a traffic contribution was not included in a condition of approval in the alternate motion provided by staff.

John Snyder, Public Works Director:

Traffic contributions are outlined for applicants whenever there is an intersection with noted needed improvements where levels of service have dropped to an unacceptable level. That's not the case with this development or any developments in this vicinity.

APPLICANT RESPONSE

Kim Kreissig:

I think we got off to the wrong start with calling this an affordable housing development; the correct definition of this is attainable housing. Attainable because of our market, sub-\$300,000, which is what we're shooting for, is a lot of money still. But this project was intended to be attainable for just the folks

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who spoke in our favor this evening. One of the commissioners made a comment that we're going to sell them for as much as we can because I guess that's your opinion of developers. I'm here to tell you that is not what our intention is. In fact, I think my husband and I take offense to that. A passion project completely defines what we're trying to accomplish. I find it really interesting that the neighbors, who had their opportunity for attainable housing, don't want more people to have the same opportunity because it's going to impact wildlife.

I'd like to clarify a couple things about the cars: We inherited those cars when we purchased the lot. The seller had a lease in place for several years with the owner of the gas station that we inherited. I find it interesting that the owners of Hilltop are just now, after 5-6 years of those cars being there, having an issue with it. Certainly that's something we can look at but not something we felt we were violating. I absolutely was not anticipating all the pushback from neighbors – especially neighbors in an attainable housing complex.

While this is not formally deed restricted, we are sensitive to trying to keep that what happens when we're all sold out and our owners are on their own. I have a list of about 65 people that want in on this project right now. I have personal clients that ask me if they can have five, and I tell them no. We are not selling these to investors or to people who want to have nightly rental income. We are trying to find a way to put in a restriction that would prohibit our owners from flipping the property within x amount of years. I'd like three years, maybe five. If somebody has a life change and needs to sell and makes a profit, maybe that profit goes somewhere meaningful. It's important that you and the community know that we're mindful of that. We've seen it happen with all of our projects. People have made a lot of money selling what we sold them for a lot less. That's not our intent with this one. We appreciate your consideration.

ADDITIONAL QUESTIONS FROM COMMISSIONERS

Buccino asked Eric Griepentrog from Landmark Consultants to address the wetlands.

Griepentrog: We applied for an Army Corps permit a couple months ago, and I spoke with Tyler this morning to ask him about the status. We have some wetlands at the tail end of the culvert that crosses the road, and there's certainly wetlands along the Fox Creek corridor. Our impacts are less than half than are allowed by nationwide permit. Tyler said the only thing he'd like to see is to shorten that culvert a little bit.

When we looked at the drainage on Fox Creek, one of the main things that we wanted to make sure of is that the introduction of this project had no upstream impact. We weren't going to put in a culvert that would choke flow and back up on other people's property that Peter and Kim don't own. So the size of that culvert took careful consideration to respect them and make sure our pedestrian connections would work. We worked very closely with City Engineering on that. So we've studied pretty much every square foot of the site; our wetland impacts are we have to get the Army Corps permit, we're there. I also wanted to say on a personal level that the neighbors here, they don't realize how blessed they're going to be when they get to know Peter and Kim.

Eck asked Griepentrog to show impact mitigation; he did so, including the water quality feature and detention pond, which is separate from the water passing through with Fox Creek.

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Griepentrog: The center area is going to have a detention pond and a water quality feature to make sure that all the runoff from the driveways and the road and everything goes into it and gets cleansed before it gets released back into Fox Creek.

That's also part of the rationale on the roof pitches. They go to the outside, so we reduce any chances of people using salts for snowmelt and things like that which could go into Fox Creek and end up in the Yampa.

Adams pointed out that a downstream culvert is not nearly as large as the one entering the property and asked if Griepentrog was anticipating that things were going to back up into that portion.

Griepentrog: They would in a large storm event. If that happens, that backup would go into a natural area that the applicant owns.

Adams confirmed that the larger culvert under the driveway was because there is not a secondary backup/overflow location.

Kingston asked the chair and staff to clarify the role of the Commission regarding the attainable housing component of the argument made by the applicant and what relevance it has, if any, to the consideration of these variance requests.

Douglas: While that may be a component of the project, I don't think that impacts the variance requests or how we would weigh it against the variance approval criteria. I would also submit that along the lines of what Kim was saying, this project is not proposed to be deed restricted in any way. They're aiming for a certain price point, which is an aspect of the project, but I don't know that that's necessarily a consideration when making a variance decision. However, it is your review to make findings to approve or deny it either way. But I would urge you to evaluate the approval criteria and make findings to support your decision one way or the other.

Levy: My logic on that is: The first justification is "The applicant's alternative achieves a result that is equal to or better than the code standard for which the variance is being sought." Personally, I think attainable housing would be a benefit that you can consider. But, from the response I got from the applicant, I can't be sure that that's going to be achieved. Maybe you can. Just because that's their goal – I can say I want to sell something cheap; that doesn't mean it will. If it were deed restricted, I think we'd be talking slightly different. If there was some mechanism that assured me that it was going to be attainable at entry level as the Housing Committee identified, that would be different. But I have no assurances that that's going to happen.

Adams: It's a goal, not a requirement that they're going for. There's nothing in writing to guarantee that, which is a nice thing when you're weighing something based on that.

Adams asked about the building variation regarding height and roof form.

Douglas: I think it's a distinct variation in building height and roof form, so it seems that it's asking for different-height buildings with different roof forms.

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Bessey: And I think we would probably interpret that pretty liberally. If there was a building that was four stories or a building that was two stories and it was distinctly different than the others, we may have been able to make that finding. I question whether that intent says that your roof form and your height has to be different. If it was one or the other that made your building look substantially different, I think we could interpret it pretty liberally.

Kingston confirmed that the Army Corps permit is not a condition of approval on this item.

Kingston: It seems like the applicant has analyzed the site, recognizes the wetland issues, has applied for an Army Corps permit, but has not received that back yet. Shouldn't that be part of the conditions of approval?

Commissioners indicated that the applicant would not be allowed to build the site without one.

COMMISSIONER DELIBERATION/MOTION

Commissioner Buccino moved to approve DPF-17-08 with the recommended conditions on the alternative motion.

Buccino:

Ground Floor Ceiling Height: I think the applicant made a very good argument. They're not going to convert those garages into a commercial entity, which is where the 14-foot need would come in, makes a lot of sense.

Building Variety: There's six buildings, and I think they've done a very successful job changing up the tone of the outside of the building. When you look at the project next door and how track home it looks – obviously there wasn't a standard like they have now. When I consider some other developments over by Steamboat Crossings where they're going to have 1-12 buildings, it's definitely a requirement to have multiple models. I think they've achieved it successfully here.

Roof Pitch: With the runoff from the roof and the salt and the extra water going off the back of the building running through the dirt and gravel and coming back to normal that way, as opposed to crossing asphalt and gas and oils and everything else going into the Yampa River, as well as architecturally – when I look at that building, the façade of that is high with natural light coming in; there's a good amount of windows, which leads into the transparency variance request.

Transparency: Looking at all four sides of this, I'm fine with where you're at in the application. It says: The intent of the standard is to provide a high degree of visual interest in the pedestrian level of a commercial and mixed-use development within the city's entry corridors as well as enhance the appearance of multi-family building elevations as viewed from the city's entry corridors and public right-of-way. Additionally, this standard is intended to promote informal oversight of public spaces and eyes on the street.

The staff said it was inconsistent based upon the code, and that's kind of where we're stuck. We have this code that we all know needs to be changed or at least looked at. It costs upwards of \$100,000 for us to go through and change some of these design standards. We've talked about it as long as I've been on the Commission as something that needs to happen. Variances come up because of that code, and when you see some good arguments that they've handled it architecturally, I'm agreeing with you. That's why I'm agreeing with this project.

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Additionally, I'm looking at the affordable housing. I really don't like that word. I think it's just attainable; we just need housing in Steamboat. Deed restriction housing I think is even worse than just calling it affordable because you have a problem when a young person can afford to get into a place, and they start to achieve success, and now all of a sudden they can't sell that house and make a profit. There's nothing wrong with people buying a house from the Kreissig's at a price that you set, and as the market bears those up, they can sell it and maybe move up. That's the whole idea of moving up. Angela and I worked on that on the Committee. How do you move up? Because you get to sell and make money on that. Deed-restricted properties handcuff people that are in them. So affordable housing with deed restrictions I think is not an alternative that we need to consider on every case. This is a great project for the middle of town. I live right adjacent to it. I see the bears and the moose and the deer and the foxes and all of that. I don't think they're going away. They may be hindered a little bit. I've been there for 12-13 years now, and that's not a problem. I should be the one saying I don't want a big monster project right below my house that I have to look at every day. I can overlook what I want for the good of this community. We've looked at this parcel as an infill; it doesn't make sense. Thank you, Peter, for giving it a go and trying to make it work. I think we as a community at times need to look at these projects – and they're infill in the city – for our workforce. They need to have the ability to buy a home. So I say kudos to this project. There are some variances that the code has defined; you've done a great job at justifying each one of those. I'm all for it.

Commissioner Eck seconded the motion.

DISCUSSION ON MOTION

Eck: The design standards are always tricky. The intent is to have good-looking properties. We've looked at it a lot, and they look good.

Kingston: I'm satisfied with the wetland process that's going on; I'm satisfied given that the engineer says the traffic study passes; I'm satisfied with the comments on the wildlife concerns – as someone who owns property on a wildlife corridor, I know the wildlife will make adjustments.

I also want to acknowledge that as defined in our codes, I think staff is completely correct. They have interpreted the written code correctly with the roofing considerations, the transparency and building variation considerations. I think Mr. Smith has been very convincing on the criteria “equal to or better than” in allowing us to grant the variance for the roofing considerations. I also found his transparency justification equally convincing. Building variation was the more difficult one for me. I couldn't wrap my head around why the applicant couldn't give us another building variation. That's where I moved into the attainable housing consideration. I know by a strict definition we shouldn't be looking at that definition, but as Brian alluded to earlier, it's very difficult not to considering that intent – especially when forcefully described and explained by the applicant's themselves in the public record. So for the reasons that they provided and Mr. Smith supported, I overcame my resistance to the building variation issue.

So for all of those reasons, I will be supporting the motion.

Eck: I want to be clear that pricing was not part of my consideration here. The intent of this number of models is this barracks-style feel. This does not look or feel at all like barracks; it's not three houses, three houses. So it's not the intent.

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Adams: For those of you who want to see an attainable housing project go through, to what level is our job here tonight to take them at their word or make them put their money where their mouth is – make them put it in writing that that is the guarantee that you’re leaning on. More windows could be put in; a more expensive roof could be put in. If some of these reasons are for that, is it our job to take them at their word? Is it our job to not take them at their word and ask them to put that in writing? How does the motion-maker feel about that?

Buccino: I don’t see that these variances are any reason to deny this project, because they’ve handled it correctly in my eyes; that’s why I approved it. The issue of housing and being able to sell the housing: We can’t govern whether or not they’re going to sell these for 350 or 400,000. What will, will be the market and the size of the units per square foot. Mountain Vista, if some of those were deed-restricted because the builder was making too much money on them, did that limit all the people that bought them and can’t sell their unit at a profit. I know a lot of people who bought there as a starter home and moved up to a home because they were able to sell it at a profit.

Adams: That’s the example that has me concerned. Those are a very similar size and a very similar number of garages. There’s one for sale right now for 512, not 300. So you need somebody who really doesn’t want to make that money to not offer it at the same price that other product in this town is also offering it at. What is to stop them from saying that they want to sell at 300 and selling it at Mountain Vista prices.

Buccino: I don’t think it’s their problem. They’ve sold a lot of properties that people have bought and made more money on than they did. I think with Mountain Vista if someone buys it and sells it for \$300,000 more than they bought it for, I know it’s not a good thing, and the fact that we’re forcing this issue of capping the profitability – I don’t think these developers are in that – and I don’t want to put a restriction on that. I don’t want to say make half of them deed restricted; I think that’s limiting in a lot of ways.

Adams: I think deed restriction is absolutely limiting as well.

Buccino: We need more attainable housing in our town. That’s going to help the price stabilize. Someone is trying to sell a Mountain Vista for \$500,000 because there’s nothing else on the market.

Kingston: We’ve heard these people say on the record what their intention is. I know if it were me, I wouldn’t like to stand up in front of a community I wanted to continue to live in and say I’m going to do x and I end up doing y. So I think that does reassure me. It would be horrible for me to think of denying this proposal when there’s so much public good that can come from this proposal and that the variances can be supported based on the criteria before us and the minimum of requests that have been made.

Adams: I like that world that you live in, and I really like the product too. My question was whether it’s our job to guarantee these things that have been put forward by the applicant in conditions of approval.

Buccino pointed out that City Council has the ability to add some conditions to this.

Adams: My other question to my commissioners is regarding transparency: For myself, they have certainly overloaded the transparency along the front façade of the upper floors, which is wonderful.

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Along the side walls, which are really just adjoining each other, it certainly speaks to Building Code and privacy to reduce those below 25%. I'm having a real hard time seeing the good justification for why we can't meet the code standard on the rear façade of the buildings that are actually fronting the public road that are really not necessarily the rear façade at that point.

Buccino: I do agree with that. As you come down Hilltop, you're going to see the backs of those buildings. I think the breakup of the architecture and the textures and forms that are there – granted they're off by a few percentage points in the transparency – I can overcome that, personally.

Eck and Kingston said they have a lot of windows given the floor plan.

Adams asked if commissioners who made and seconded the motion wanted to make an additional condition for the developer to add 8 square feet of transparency to the back walls.

Eck and Buccino did not.

Adams: Some of me finds that lazy to not solve when it could meet the code. It's a little disappointing that it wasn't when given the opportunity. But I do agree with your general points, and I will be able to support the motion as well.

Levy: I'll address some public comments:

Somebody talked about current violations; we just review the application based on what's proposed to us; violations are dealt with by Code Enforcement.

Deed restrictions are not always just price point; there's also workforce housing restricted to people that live and work in Routt County. That would be a hard and fast way that to some degree would insure some attainability, but they haven't offered that.

Douglas: The units that are proposed wouldn't meet the size limit for a workforce housing unit.

Levy: The county has a deed restriction for employee housing for Routt County residents.

Numerous times the applicant said they hadn't met the variances because of cost. They said that creating a third model would increase architectural cost, creating additional windows and not having the roof form needed would all be additional cost.

Ground floor ceiling height we all tend to agree on that.

Building variety: I haven't heard a good reason why they shouldn't meet the code. The barracks statement is just one type of quality that's in the intent. The code is very clear: three different models. When something is this large, we want to see diversity. Apparently color is not one that we can judge. They haven't met that. I have not heard from the applicant a reason why they shouldn't provide that, except that it would cost too much.

Roof Form: They could still have all the water shedding away from the central drive and have higher-pitched roofs. So to say that they're meeting the shedding by doing that is not completely accurate. They could have higher pitches. If they were to alternate some of them on some of the buildings, they could meet the two variants of having a different model form. I can't see an architectural reason for not having a taller building.

Transparency: They did a pretty good job; it looks okay. I'm not sure where energy efficiency falls on our criteria for a better design, but I'll let that one go.

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For me, the big touching points are the roof pitch and the third building model that's not provided. The applicant's argument numerous times about keeping the cost down – every applicant that comes before us has that. In this case, I haven't heard justification that that's a reason to grant a variance.

Buccino: I don't like it when they use that as a reason, either.

Weese: All the points that were made were excellent. I especially agree with Commissioner Levy and Commissioner Adams.

VOTE

The motion carried 5-1 with Commissioner Levy opposing.

#2: DPF-17-06, Howelsen Ice Arena Multipurpose Facility

STAFF PRESENTATION

Kelly Douglas:

I am the staff planner for this project, and the city is the applicant.

This is a development plan/final development plan application. They're requesting approval of an addition to the existing ice rink facility including an open-air second sheet of ice, expanded concession/lobby area and additional locker room space.

This facility is located off Howelsen Parkway in between the rodeo grounds and the Parks and Rec maintenance facility. The property is zoned OR, Open Space and Recreation.

One variance is requested to delay paving of the shared parking area until October 31, 2021. Two public comments have been received regarding access.

Staff is recommending approval.

APPLICANT PRESENTATION

Ed Becker, Mountain Architecture, Applicant Representative:

Our company has been involved in various Parks and Rec projects on Howelsen Hill for quite a while. This project dates back to 2010.

I think the fact packet was very well put together as far as your information to make a decision on this.

This is an expansion to the existing ice rink. It's intended as a youth sports arena -- not just hockey but any kind of ice function open to the public. There is great demand for ice time in this town. Out of that grew the need for this project.

In April, 2010, Planning and City Council approved what was to be a teen center at that point. It had visions of a second rink, although that was not part of that planning. That project would have added similar functions to the front of the building to what you see in front of you today. We did significant site planning to determine where a potential second sheet would go. That project was approved but never constructed.

In 2015, we met with a user group to rekindle the whole idea of a second sheet of ice because the need kept growing. We established some design parameters and came up with a concept. That was entertained through the Parks and Rec Commission. Those drawings are essentially what you see in front of you tonight, though the plan has evolved a little bit.

In December, 2015, this user group headed by Kerry Shay came before City Council to get a feel for their interest in the project. We were very encouraged by that so proceeded with planning documents intending to submit plans for Planning.

In 2016, there was a request for funding. It was denied in the city CIP. We then continued forward with the addition of some private investor funding which is encouraging this development. We

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submitted plans to the Planning Department in June of last year. What also has happened in the meantime is this group has applied for 2A funds, and that was granted last October. So now we are in front of you today with a specific floor plan.

Our design goals were to meet current needs, plan for future growth, improve the flow of the facility with a bigger concession area and more bathrooms; obviously tying the architecture into the theme that exists in Howelsen today.

We do believe we're meeting the intentions of the Community Area Plan.

Becker showed the floor plan with the existing building, new building, one-story link to the new rink with new locker rooms, and expansion of the concession area with public restrooms.

Becker: We have considered some functions of a multipurpose facility such as batting cages. The planned rink is an NHL-sized rink slightly narrower than the existing Olympic rink. Our site plan focuses on maintaining the flow of traffic entering the facility; it will all come through a single control point. Any use of the new facility will still be controlled, so from a site planning standpoint, we want to keep all of the parking on that end of the building.

QUESTIONS FROM COMMISSIONERS

Buccino: We got some late notice responses that went through City Council and also to us talking about parking and access to the Parks and Rec building. It doesn't look like you're changing it.

Douglas: There's no changes proposed to the Parks and Rec. The access to the ice rink will stay the same off of Howelsen Parkway. When the shared parking is constructed, that will be accessed from the same point of access where you access the rink now. There may be some operational changes with the Parks and Rec Department, but those are not attributable to this proposal before you tonight.

Buccino: It implied that there would be no more access off River Road, and it didn't seem like that was the case.

Douglas: I think there's some misunderstanding. There is an access point off of Agate, but it will not be public now or in the foreseeable future.

Levy: Your response did mention that there may be additional traffic going out through Agate. Is that because the new ice rink is eliminating what was previously used for deliveries?

Craig Robinson, Interim Director, Parks and Community Services:

In 2010 when we remodeled our facility, we had a secondary access built that accesses Agate Street, and that was planned for operational use. At that time, occasionally some trucks would go through there but we weren't using it as originally planned. Throughout the process, we've had the secondary access with the igloo next door; we've continued to use that access and the front entrance and periodically using the back entrance. With this shift, we are going to look at operations a little bit more. In summertime, some work vehicles may be using that secondary access that was created previously.

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Adams: How is the outdoor rink being handled security-wise? How are we enclosing this and requiring the front-door access point?

Becker: There would have to be some sort of fencing or protection.

Lacy Ramunno, Mountain Architecture:

We've had conversations with operations and Steve Hoots who is not here. We've talked about fencing the area between the open air structure. That's not something the applicant is wanting to do, but we're also looking at wind screening, which would provide some sort of barrier. We are as a group looking at ways to secure that space. The intent is to keep it open air and have wind screening come from the top down.

Buccino: So in the middle of the night some drunk people can't climb in there and start ice skating; there's safety that the city needs to consider.

Alan Lind, Director of General Services:

I'm here for Steve Hoots. From a control standpoint what Parks and Rec will do is similar to where people access the ice arena today, it will still be through that front entrance. The perimeter will be controlled. People will be going through the lobby and then either through the outside or through a side door and enter the rink. They will have tickets. From a security standpoint, there will be fencing off hours.

Adams asked about the ice in the summer.

Lind: It will probably come down April-May timeframe, and then the space will be multipurpose; it could be used for events, storage, soccer, lacrosse. But it will not be iced during the summer.

Kingston: We're talking about items not included in the final plans. Wouldn't we expect a private entity to clarify the egress and security factors and the fencing questions?

Bessey: I don't know that the fencing is anything our code would require. The grounds of the ice rink right now are open for people to walk on. I don't think from a planning and land-use perspective we have any concerns about how the perimeter of that will be achieved under the code.

Kingston: So the ice sheet could remain open, and we don't have to deal with that question at all.

Bessey: Just from my experience with being in these facilities, it will be enclosed with something. Wind is something that has to be addressed in the winter. It will be addressed; I don't think we have concerns about how it will be addressed.

Buccino: It's the same concept as the rodeo grounds; if someone wants to walk in, you can.

Levy: I would say it's just not in the code; we can express our concerns about these issues, but it's not part of the code for our purview.

Adams asked if this could potentially become unsightly outdoor storage.

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Becker: I don't intend that ever would become outdoor storage. I understand what you're saying, therefore the need for screening. But I look at this ice rink as an ice rink in a park. We didn't put a fence around the boards, and it's not required by the regulations to secure the boards. The public will be protected from flying pucks much like it is in the existing rink with netting in that season, but I really look at it as an open-air building except for one wall running the full length of the building to separate the two buildings. That will allow all of this to be contained as one building. This is just really an area with a roof on it. I don't think it would ever be interpreted as outdoor storage.

Adams: I'm being overly concerned and talking about a worst-case scenario where you take what is I think a great idea of being open like you envision it, and the only unused rink area is on the River Road side, and the maintenance workers for the building keep trying to find places to put things, and they put them there, and now you're outdoor storage is right up against the public street, essentially. I see a concern of evolution and how do we make sure that that doesn't happen?

Douglas: Like any development plan that is approved, the applicant is on the hook for being consistent with that development plan. If there were a situation where someone is out of compliance with their development plan, then we undertake a code enforcement action.

Adams: Screening would remove us from even having to worry about calling Barb Wheeler on ourselves.

Douglas: Like we were talking about before, it's not a requirement of the code. I do think if it's something that you think is important to consider, that's what we're here to discuss today.

Kingston: What would stop people coming into the main building by that back entry?

Buccino: Is it even a concern if people can come in from the back door?

Becker: These would all be secured much like the back door is here.

Kingston: I'm saying in the back corner which you suggest will be the entry into the new rink, what's to stop people coming into the existing building with no security or desk there?

Becker: That's a locked door.

Buccino: If people are in there using the rink it's not locked.

Adams: Or does it even matter? It's a public building, and you don't have to pay to get into it.

Kingston: People are paying to get into the existing rink.

Adams: Not to get into the front door.

Kingston: So we're just believing that there won't be any influx of people circumventing paying.

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Lind: There is certainly an opportunity if somebody wanted to go through there. They will be having tickets for people to skate there. The parking is on the lobby side. It's really not a very accessible area over there. It will be controlled by Parks and Rec staff.

Kingston: I guess the context of my question – I'm getting a little bit more concerned because we always hear how resource-deprived we are and how difficult it was to get permission to get the funds to build this complex, and then we seemingly aren't concerned with collecting dues and ticket amounts for use of the public space. I'm just confused. I know in Park City where I have a house, all the parks and rec centers there are like Fort Knox. It's virtually impossible for anyone to get in there and not pay their portion. It's a modest fee. I hope the taxpayers are certainly concerned that that fee be levied.

Robinson: My understanding is staff took a tour to Breckenridge where they do have a similar-style rink. The theory here is that it's programmed space; it's a team that's going to be in there; one member of a team is not going to be not paying. It's not an individualized sport where I'm going to sneak into a space like that. Breckenridge doesn't have that challenge right now. I hear what you're saying, but I don't think we're seeing the same concerns from our side. Plus, staff will be monitoring the space, and there's a process by which people register and check in.

Levy: Can you explain how we derived these parking numbers based on bleacher seats? Hopefully the referenced traffic study wasn't actually conducted in June.
How did we come to this criteria for determining parking spots?

Douglas: It's consistent with how the ice rink was initially approved. It's also consistent with how this report was prepared by traffic engineers that study parking. They found that applying the standard based on bleacher seats is reasonable and typical nationally. Also, the site itself, I believe they did some observations. They took into account how it functions currently and were able to arrive at that conclusion. We work with the traffic engineers; we look at our standards; we have the benefit of a facility right next door that's very similar. So we felt comfortable and felt that those numbers were appropriate for this facility. To your question about teams versus observers, we feel it's reasonable to base it on seats because people are not just coming there to sit; they're coming to observe something. So we feel that that is an adequate and appropriate way to measure how much parking would be needed to measure the impact of the people who will be visiting the facility.

Levy: This may be beyond our scope, but to say that we observed how it currently operates, my observations have been that even with a single sheet of ice, that parking lot is filled. If we're adding a second sheet with admittedly-reduced bleacher seating, I'm not sure how we can say we only need 26 more parking spots when there's 90 already there. Do you understand my question?

Douglas: I understand what you're saying. We rely on traffic studies when we don't have a parking standard, which we do not for this type of facility. So we rely on professionals to help us come to a determination. It's in the professionals' interest to be forthcoming; they would certainly not come up with these numbers to appease us. They sign and seal these documents as being true and correct in their opinion. So we felt that there assurance that this will work for the future was a reasonable...

Levy: If we find that this parking requirement is not adequate and people are parking on the street all the time like they already do, what can be done after the fact?

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Bessey: If the development plan is approved as presented, I don't think it's a compliance issue, but if operationally there's a parking issue and people are parking where they're not permitted to park, we have a means to enforce that. If it's a persistent problem, I think it would be in the city's interest to try to come to some solution.

Robinson: Winter operations for the second sheet of ice is about a four-month season. In the offseason, the rodeo parking lot is not used. We occasionally have Nordic events in that facility, but we would work scheduling not to overlap Nordic events with big ice tournaments where that parking is necessary. If it is inadequate at least with the parking that exists today, the overflow would then go into the rodeo grounds parking lot. I believe part of the variance request is in part because the city has a plan to enlarge and expand and better use that rodeo space that's there today and increase parking with striped, paved parking for downtown overflow, rodeo overflow and ice arena overflow.

Adams: For the deferred parking variance, if we're deferring parking for the sake of the city's planning with other city properties, is that giving the city preferential treatment? Or how are we making this acceptable as a general variance?

Douglas: This request is consistent with how we treat other private development. It appears a little different because in other situations with a private developer we would hold surety and we would have a development agreement. We cannot hold surety from ourselves and we can't have an agreement with ourselves. So in this situation, this is the next best thing. We have a date certain that it is required to be done by, and it really is consistent with how we would treat a private developer. Taking into account practical difficulties such as grading and drainage that has to happen to have a parking lot, if we just do one piece of it, we may have to tear it all up to repave the rest of it; so it seems wasteful.

Snyder: Kelly is exactly right. Being that we can't hold surety for ourselves, what we're proposing with our conditions of approval is that we take \$150,000 from the ice arena project budget and move it into a restricted reserve account that would then be used to pave that rodeo grounds lot. It's the closest thing to surety that we can come up with as an internal mechanism.

Adams: From a conditional point of view, the fact that we do have this date certain is kind of a guarantee that if the rodeo grounds somehow decided not to ever do something, we have a point where we need to make this parking right.

Kingston: On Monday we had some uncertainty about the date, can we on the public record confirm...

Douglas: In the packet that was left before you today, there's a memo with updated conditions of approval. It addresses that the date is the final thing, not the number of years.

Kingston: So paving has to be completed by what date?

Douglas: October 31, 2021.

PUBLIC COMMENT

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Kyle Pietris:

It seems like this is kind of a chain reaction where Public Works is now going to be going out onto Agate Street. It's going to increase traffic and things like that. I live in that neighborhood. We're concerned about that. I used to work there, and I'd go in and out of there 10-20 times a day, easy. They have 20 vehicles going in and out all day long, there could be hundreds of people going in and out on that street that doesn't see any traffic. There's tons of kids in this neighborhood; they play in that little park. They can't play on River Road, so they all come over to Pearl Street and use that as a safe access to the park. So we're just concerned about that.

Eck: After this is completed, can I take my car from the front of the ice rink and get to this gate?

Douglas: No. If you drove on the dirt track, but not on the paved public access.

Chris Drobec, 95 Agate:

There's currently two houses on that street, and I do have concerns about Parks and Rec accessing their second entrance with their city vehicles. I was the other one who wrote the letter, and the response I got was they are going to utilize it for semi-trucks. I do have concerns because I have kids as well that play in that neighborhood. There aren't sidewalks on Pearl Street, so the kids tend to play in the street. So I worry about the increased commercial traffic and our historic neighborhood. I'm not opposed to the ice rink, but I am opposed to the changes that are going to occur with this secondary access that the city would like to utilize.

STAFF/APPLICANT RESPONSE

Robinson: As far as I understand, through the process in 2010 when we added a large addition to this building essentially almost doubling the size, that secondary access was put in for big-rigs at that time. We get maybe 15 a year on average. It's difficult to turn around in the existing parking lot today. Very seldom have they gone out there because they have been able to manipulate and turn around. We're not quite sure what this full parking configuration is going to look like, but we see this access being used a little bit more operationally day-to-day for our work vehicles.

Levy: The email response just talks about 15-20 times a year for deliveries. Can you be a little more clear on what you expect the level of use to be on a daily basis?

Robinson: We do have about 20 trucks, and they can go out and back anywhere between 2-5-10 times a day.

Levy: So this has been approved for this level of use previous to this and just hadn't been utilized? Is that my understanding?

Douglas: This is an operational change, so it is not – the access was approved with the Parks and Rec building, but there's nothing precluding Parks and Rec from using it at any time.

Bessey: Based on the proposal that's on the table tonight, we felt that the only impact that the rink is having on the use of that second access would be potentially that the larger trucks wouldn't have that same turning movement and be able to get back out on to Howelsen Parkway and will be exiting through

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that secondary access. So I don't think the rink itself is driving decisions to use that access one way or the other aside from those larger trucks.

Robinson: It was approved in 2010. We planned ahead for future use of that area. There's been lots of talk over time about the ice arena expanding and impacts with the youth center and that area next to the igloo, which is being used today. The intent was something was going to happen in that area, and a secondary access was created for the time that it was going to be used more, and that time is now. That is the operational change. So whether it was the igloo expansion that was planned for the Youth Center and that other access may be moved...

Eck: What I don't understand is what relation does having this second rink have to you having your guys go out through this back gate?

Robinson: So there's two accesses today: the main one that's paved and the igloo access right next to it. When our Parks and Rec shop was expanded, we planned this secondary access. We did not fully utilized it at that time because we still had this igloo. There was plans for this igloo to be expanded, and the thought was when we needed to shift our operational change, we would use that secondary access more. So the fact that it's not the igloo expansion happening and it's more along the lines of the second sheet, either way this is encouraging us to use this now as planned.

Eck: Because there's going to be one driveway off rather than two driveways?

Robinson: Essentially.

Kingston: So that does bear relevance to our consideration as a Commission then. There were two front access points that took the primary brunt of the coming in and going out of 20 vehicles you said. Those 20 vehicles come in and out in the summer up to five times a day. So it could be 100 exits and 100 coming back. I have some concerns that because the city is involved in all of these properties, shouldn't we be considering the impact on traffic flows the city is causing and the changes that this proposal brings about?

Eck: It just doesn't make any sense to me that they would pull out in the back of a neighborhood rather than just getting on River Road. But I don't think we can do anything, even if it's the same ownership here.

Levy: We can talk about a higher standard, but our role as Planning Commission has always been to enforce the CDC. If you want to make that case, you could, but you have to recognize you're escaping the CDC as your decision-making applicant.

Our criteria of approval #5 is this paragraph that talks about access requirements and consistency. It talks nothing about other impacts; it only talks about the impacts created on the site by this expansion itself. I'm sure there's more language in the CDC about how this change is going to enact a previously-approved approval that just hadn't been utilized previously. That's my understanding of what's happening. Is there anything more in #5 that might address collateral damage. It's not in the paragraph you've given us, which gives me no discretion to make a decision based on this additional impact.

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Bessey: When we reviewed this proposal, we looked at the proposed scope of work and what was happening inside that scope of work. We didn't consider this to be a new access point to the site because it is existing and was approved. How that access point gets used or doesn't get used is entirely an operational decision of the Parks and Rec Department. That didn't come into play in our Planning review of this proposal. So I think where there is some impact is the fact that that igloo connection to the Parks and Rec parking area is being eliminated, and that will have an impact on how some of the larger trucks will be able to turn around and exit the site. We anticipate they would exit through that Agate entrance. We did acknowledge that there is some impact there; I think it's quite minimal if we're anticipating that would happen about 15 times a year. I will defer to Craig, but we didn't look at the ice expansion as being an impact on how the employees use the entrances and the exits to the Parks and Rec facility itself; it's outside of the scope of work of this project. That access point is there; it was approved at some point in time; I have to trust Craig when he says it was anticipated that it would be used at some point in the future. How that gets used is an operational decision on a day-to-day basis; we didn't see that as an impact resulting from the ice arena expansion.

Adams: The access point that goes into the back side of the igloo I think is being abandoned. It's hard to tell on the drawing.

Douglas: It will still exist; it just does not go through as it does today.

Adams: My assumption was that it was going away. Because I didn't see a sidewalk being proposed to go there, I was going to ask that we should propose a sidewalk to go there. But if it's staying, that's kind of its own answer.

Snyder: I think if Parks and Rec says they don't need to be able to drive a vehicle right there, we'll close it off and put the sidewalk through.

COMMISSIONER DELIBERATION/MOTION

Commissioner Weese moved to approve DPF-17-06 with staff's recommended conditions.
Commissioner Buccino seconded the motion.

DISCUSSION ON MOTION

Adams: My own confusing questions aside, this looks like a great project. I'm excited to see it come into place. Some of the confusion might have come from the drawings or my ability to read the drawings.

Eck: This looks great. This is an unfortunate issue with Parks and Rec and that second entrance. I'm hoping you tell your guys to try to avoid going through that busy neighborhood. Maybe Council can direct the same, but that's a little beyond our scope.

Levy agreed with Commissioner Eck's comments.

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Kingston: I think I will vote against the motion but very much for the same reasons. I think the project is compelling, but I am very concerned about the comments raised from the public. I still feel that if this was a private application, we might have seen the relationship of taking away a direct entrance to a frontage road and the implications for traffic flow perhaps a little differently. I am sort of concerned that we may be talking about 100 trips in and out from trucks and smaller vehicles and these 10 or 15 semis going down a small, residential road. But I think this should have been examined much more closely in the application process, and for that reason I'm going to vote against.

Levy: Similar to the parking, some process has happened that we didn't see. We didn't fully see the parking analysis; we didn't fully see the approval of this secondary access some time ago by a different body. I think we have to assume that they were done properly until proven otherwise.

VOTE

The motion carried 5-1 with Commissioner Kingston opposing.

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#3: Approval of Minutes: March 19, 2018 Public Work Session

Kingston: On the second page, under Kingston, change “the location of parking versus the proper angle for a photo” to “the location of parking and how it affects optimum place for a photo of the mountain backdrop.”

Kingston: On the fourth page, 80% down, under Kingston, change the “is rule” to “is the rule”

Commissioner Eck moved to approve the March 19 meeting minutes as amended; Commissioner Buccino seconded the motion.

The motion carried unanimously.

#4: Approval of Minutes: March 22, 2018 Public Hearing

Commissioner Adams moved to approve the March 22 meeting minutes; Commissioner Eck seconded the motion.

The motion carried unanimously.

Director’s Report

None.

Adjournment

Commissioner Eck moved to adjourn the meeting at 8:24 p.m.

Commissioner Buccino seconded the motion.

The motion carried unanimously.