

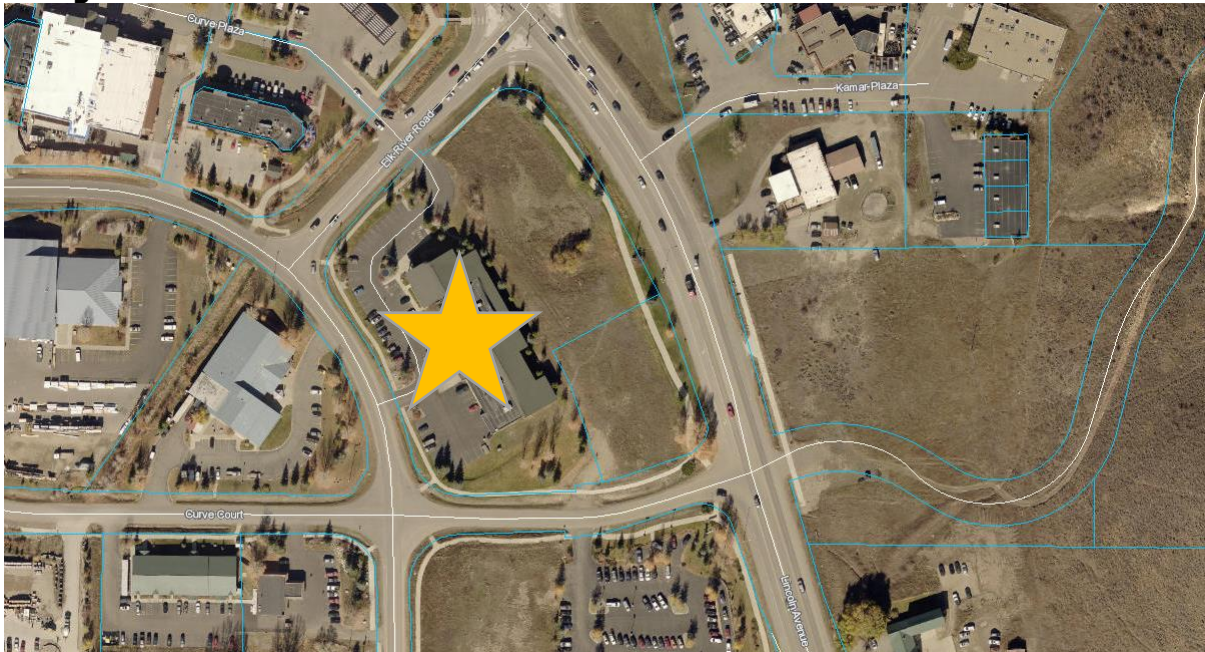
Staff Report

Department of Planning & Community Development

Project Overview

Project Name	World West Subdivision Lot 1 (1901 Curve Plz)
Project Code	DPVC-21-06
Project Type	Development Plan, Major Variance & Conditional Use
Project Description	Development Plan and Conditional Use as well as five Major Variances for a 75-unit multiple-family residential and mixed-use project
Applicant	May Riegler Properties LLC c/o Gaby Riegler
Zoning	Commercial Services (CS) Entry Corridor Overlay Zone (EC) Airport Overlay Zone (AO)
Report Prepared By	Kelly Douglas Senior Planner
Through	Rebecca Bessey, AICP Director of Planning & Community Development
Planning Commission	August 12, 2021
City Council	August 24, 2021

Project Location



Background

The 4.21-acre subject site is zoned Commercial Services (CS) and also within both the Entry Corridor and Airport Overlay Zones. It is located between Lincoln Avenue and Shield Drive, bordered on the north side by Elk River Road and on the south side by Curve Court. What is commonly known as the Pilot Newspaper building is on this property. The building was constructed in 1998, and it is currently vacant. A significant portion of the property is undeveloped.

The subject site is adjacent to CS-zoned parcels to the north across Elk River Road, to the east across Lincoln Avenue, and to the south across Curve Court. The property to the west across Shield Drive is zoned Industrial.

Project Description

The Applicant is proposing to develop a mixed-use project consisting of 75 multiple-family residential units, as well as 4,094 sf of Studio, Instruction space and 3,659 sf of Restaurant space within the existing Pilot Newspaper building footprint. This is an adaptive reuse development where the commercial portion of the development will utilize the existing structure and the residential portion will be a new construction addition, within the existing footprint. There are 30 studios, 30 one-bedroom units, and 15 three-bedroom units proposed. The project is requesting variances to the CS ground floor height, landscaping, building massing, surface parking design, and transparency standards, as well as approval of a Multiple-Family Residential Conditional Use.

Dimensional Standards

Overview	STANDARD	PROPOSED
Building Placement		
Lot Line Setbacks		
Front	5' min. 20' max.	Lincoln Avenue Frontage – 377' Shield Drive Frontage – 419' Curve Court Frontage – 122' Elk River Road Frontage – 130'
Side	7.5' min.	Lot 1/2 Lot Line – 25'
Lot Size		
Width	25' min.	Lincoln Avenue Frontage – 377' Shield Drive Frontage – 419'
Depth	No min.	424'
Area	No min. No max.	4.21 acres or 183,387 sf
Building Form		
Building Height		
Overall Height	63' max.	53' 3"
Frontage Height	26' min.	27'7" existing 51'9" new
Ground Floor Height	14' min.	Varies – See Variance Request #1
Other Standards		

Building Intensity		
Lot Coverage	No max.	19.7%
Floor Area Ratio	No max.	0.58
Second Story Intensity	50% min.	100%
Dwelling Unit Size	1,400 sf max.	616 sf average
Density		
Dwelling Units per Lot	No max.	75
Parking		
Number of Parking Spaces	108	128

*Per Section 224 footnote 2, the Director has permitted front setbacks in excess of 20' due to the existing building being utilized.

Project Analysis

The following section provides staff analysis of the application as it relates to sections of the CDC. It is intended to highlight those areas that may be of interest or concern to Planning Commission, City Council, Staff or the public. For standards and requirements applicable to this proposal please refer to the CDC or contact the staff planner.

Principal Discussion Items

Conditional Use: Is the use acceptable for the proposed project?

Staff Comment

Staff supports the Conditional Use request as it has been found to be compatible with the direction of the Community Plan. Please see additional analysis below under Criteria for Approval: Conditional Use.

Variances: Are the requested variances acceptable for the proposed project?

Section 719.A.2 of the CDC states "This CDC sets forth a unified regulatory program for development, including but not limited to best practices for site development, engineering, architectural design, compatibility with surrounding context, and mitigation of off-site impacts, that will implement the preferred direction and policies of the Community Plan and other adopted plans. It is understood that no standard can anticipate all possible circumstances, alternative approaches, and unanticipated consequences of its application."

Staff Comment

Staff supports all the requested variances; however, it is Planning Commission's role to make recommendations to City Council, and it is City Council's role to take final action to approve, approve with revisions or deny an application. Please refer to the detailed analyses for each individual variance below.

Parking: Is the proposed amount of parking and shared parking arrangement sufficient to serve the development?

Staff Comment

Table 300-1 of the CDC establishes parking standards for each use. Footnote #1 of Table 300-1 determines whether parking standards are maximums or minimums. Below is an outline of the parking requirements for this proposal:

Parking Standards Overview

Use	Quantity	Standard	Amount
Residential			
One-Bedroom	60	1.5 spaces / DU	90
Two- & Three-Bedroom	15	2 spaces / DU	30
406.D.3 Proximity to Transit	50-200 Spaces	10% Credit	12 Space Credit
Residential Subtotal <i>Minimum Amount Required</i>			108
Commercial			
Studio, Instruction	4094 sf	1 space / 300 sf	13.6
Restaurant	3659 sf	1 space / 150 sf	24.4
Commercial Subtotal <i>Maximum Amount Required</i>			38
Total Maximum Parking Spaces			146

Footnote #1 of Table 3001-1 states "Parking standards contained in the Permitted Use Matrix are minimum requirements except in the CY-1, CC, and CS zone districts. In the CC and CS zone districts, parking standards for commercial uses are maximum requirements unless a parking study demonstrates additional parking is necessary to serve the use." That is to say, a total of 108 spaces minimum are required for 75 residential units, and a maximum of 38 spaces are required for the proposed commercial uses.

Regarding application of the CDC, the Applicant is proposing 128 parking spaces. That means the minimum number of residential spaces required by the CDC (108) is met. It also means 20 spaces are provided for commercial uses, which is less than the 38 space maximum, therefore the CDC is met. Additionally, Attachment I and J show peak demand data does not exceed 128 spaces for all uses combined. Based on this analysis, Staff finds that the amount of parking proposed is sufficient to serve the development.

With respect to whether the shared parking arrangement is sufficient to serve the development, Staff has looked to the Applicant's Supplemental Parking Narrative and Management Plan (Attachment J) in order to demonstrate viability. The Basecamp Parking Zone Allocation Map shows that residents will have access to adequate parking any time of day. The hourly parking demand data demonstrates 28 spaces is adequate to serve the proposed commercial uses within their respective hours of operation. Based on this analysis, Staff finds that the parking arrangement is sufficient to serve the development and that these uses are able to share parking.

Criteria for Approval: Conditional Use

Approval Criteria Summary	CONSISTENT?		
	YES	NO	NA
Compatible with the direction and policies in the Community Plan	✓		
Consistent with the zone district	✓		
Mitigates negative impacts	✓		
Complies with requirements of CDC	✓		

CDC Section 707.C – Conditional Uses shall be approved upon findings that the following criteria are met:

1. The proposed use is compatible with the preferred direction and policies outlined in the Community Plan and other applicable adopted plans.

APPLICANT JUSTIFICATION

The proposed multiple-family residential use is compatible with the preferred direction and policies outlined in the Community Plan, specifically those which promote mixed-use urban and infill development, maintaining a "sense of community", and providing more affordable housing options for Steamboat residents. The Conditional uses proposed specifically further the following land use goals and policies identified in the Community Plan:

- *LU-2: Support infill development and redevelopment*
- *LU-3: Support and plan for cohesive and mixed-use neighborhoods that serve year-round residents and visitors*
- *LU-4: Support existing commercial development along highway corridors shall evolve over time into mixed use corridors, with compact multi-modal oriented mixed-use Commercial Activity Nodes at key intersections.*
- *LU-5: Support efficient transportation system and alternative transportation modes*
- *H-1.3: Integrate housing in mixed-use areas*
- *H-3: Support a mix of housing types and styles that can accommodate the people who work in the community*

STAFF ANALYSIS: CONSISTENT

Staff supports this Multiple-Family Residential Conditional Use request because it is compatible with the preferred direction and policies of the Community Area Plan to encourage mixed-use, attractive, accessible development within Commercial Activity Nodes.

In addition, the proposed development generally supports the following goals and policies of the Steamboat Springs Area Community Plan:

- Goal LU-3: The Steamboat Springs community will continue to support and plan for cohesive and mixed use neighborhoods that serve year-round residents and visitors.
- Policy LU-4.1: Existing commercial development along highway corridors shall evolve over time into mixed use corridors, with compact multi-modal oriented mixed-use Commercial Activity Nodes at key intersections.

- Policy LU-4.2: Existing commercial development along highway corridors in between Commercial Activity Nodes should evolve over time to become mixed-use corridors.
 - Policy LU-5.1: Develop appropriate land use densities to support transit.
 - Policy H-1.3: Integrate housing in mixed-use areas.
 - Goal H-3: The Steamboat Springs community will have a mix of housing types and styles that can accommodate the people who work in the community.
2. The proposed use is consistent with the purpose of the zone district.

APPLICANT JUSTIFICATION

The proposed multiple-family use is consistent with the purpose of the zone district and is similar and complementary to those already in existence within the immediate vicinity (neighboring new Multiple-Family Residential developments). The CS zone district "is intended to provide areas for higher intensity community-wide commercial uses. This zone district accommodates automobile-oriented uses but also emphasizes pedestrian-friendly development and multi-modal access." The proposed multiple-family use will help in providing higher intensity community-wide uses, and because of the provision of ample parking, and its proximity to the Yampa River Core Trail and the existing City bus route, the development will be both pedestrian-friendly and have multi-modal access.

STAFF ANALYSIS: CONSISTENT

The CS zone district "is intended to provide areas for higher intensity community-wide commercial uses. This zone district accommodates automobile-oriented uses but also emphasizes pedestrian-friendly development and multi-modal access." Staff finds the proposed Multiple-Family Residential use to be consistent with the purpose of the CS zone district because, if approved, the development will be a pedestrian-friendly origin and destination that offers residents and visitors access to multiple modes of transportation.

3. The proposed use will mitigate any negative impacts to surrounding properties and the community, considering factors such as hours of operation and the potential for off-site impacts such as odors, noise, smoke, dust, glare, vibrations, shadows, and visual impacts.

APPLICANT JUSTIFICATION

No odors, excessive noise, smoke, dust, glare, vibrations, or shadows related to the multiple-family and fitness studio uses are expected to impact any neighboring properties. Visual impacts will be a net positive to Community as we are improving the site with a new, attractively designed structure and associated landscaped/courtyard areas, which is a marked improvement from the vacant and overgrown landscaping that currently exists. Additionally, per the Parking Study submitted with this development plan (dated April 15, 2021) the Applicant is providing 128 spaces, which is the peak parking demand space count identified in the shared parking model. Therefore, the Applicant has mitigated any potential impacts related to parking this proposed development.

STAFF ANALYSIS: CONSISTENT

When this proposal was under review with the Development Review Team, Staff's biggest concern was the potential for off-site impacts associated with the amount of parking and the sharing of parking. Staff worked to understand whether the future residents of this development would have adequate parking at any time of day, and that the proposed commercial uses would not create or exacerbate parking impacts.

In reviewing the Parking Study (Attachment I), the Applicant has demonstrated the amount of parking proposed meets the needs of the uses proposed, including Multiple-Family Residential. Demand does not exceed 128 spaces.

In reviewing the Supplement Parking Narrative and Management Plan (Attachment J), the Applicant has demonstrated that shared parking between the proposed uses is viable through their proposed management strategy and signage. Residents and customers will have access to appropriate amount of parking at all times of the day.

Taking Attachments I and J together, Staff finds the proposed Conditional Use should mitigate negative impacts to surrounding properties and the community.

4. The proposed use complies with all other applicable requirements of this CDC.

APPLICANT JUSTIFICATION

The proposed uses comply with all other applicable requirements of the CDC.

STAFF ANALYSIS: CONSISTENT

The use complies with all applicable Multiple-Family Residential use standards and all other applicable requirement of the CDC.

Criteria for Approval: Development Plan

Approval Criteria Summary	CONSISTENT?		
	YES	NO	NA
Consistent with character	✓		
Minimizes adverse impacts	✓		
Provides adequate vehicular access	✓		
Complies with requirements of CDC	✓		
In substantial conformance with approved conceptual development plan			✓

CDC Section 709.C – Development Plans shall be approved upon findings that the following criteria are met:

1. The Development Plan is consistent with the character of the immediate vicinity or enhances or complements the mixture of uses, structures, and activities present in the immediate vicinity.

APPLICANT JUSTIFICATION

Since the Project utilizes an existing structure, which has been a part of the area since 1998, the character of the immediate vicinity remains intact. The new construction portion of the project will utilize building materials, such as corrugated metal panels, as tribute to the industrial feel of the immediate area, while incorporating wood paneling and other accents that complement the existing structure. The planned uses of multi-family, restaurant, and fitness studio will enhance and complement the mixture of uses that currently exist immediately adjacent to the site, which also include multi-family and restaurant.

STAFF ANALYSIS: CONSISTENT

The subject site is immediately adjacent to commercial land uses. The proposed development is complementary to the mixture of uses nearby including residential, retail and office along Lincoln Avenue.

2. The Development Plan will minimize any adverse impacts on the natural environment, including water quality, air quality, wildlife habitat, vegetation, wetlands, and natural landforms.

APPLICANT JUSTIFICATION

The proposed development will not create any adverse impacts on the natural environment. The footprint of the new construction portion of the building does not extend past the original building footprint, and stormwater/drainage calculations are being provided to show how the applicant plans to mitigate any impact from the addition of the new road, primarily by the addition of a stormwater retention area at the south end of the site.

STAFF ANALYSIS: CONSISTENT

The proposed development should not create any adverse impacts on the natural environment. The footprint of the building is not proposed to change in size.

3. The Development Plan provides adequate vehicular access, considering grade, width, and capacity of adjacent streets and intersections; parking; loading, unloading, refuse management, and other service areas; pedestrian facilities; and public or private transportation facilities.

APPLICANT JUSTIFICATION

The Development Plan provides adequate vehicular access, and will be served by three points of access, two existing on Elk River Rd and Shield Dr and one new point of access at Curve Ct. The access along Elk River Road will become a right-in/right-out, with a curbed splitter island proposed. The grade, width and capacity of adjacent streets and intersections is sufficient to accommodate the proposed improvements.

Sufficient parking is proposed for this development. 128 spaces are found to be the peak amount of parking required in the Stolfus parking study, and this is the amount being provided by the Applicant.

For loading, four parking spaces are designated for loading between the hours of 10 AM and 12 PM, and will be signed accordingly and monitored daily. A trash enclosure meeting CDC standard is proposed on the property.

STAFF ANALYSIS: CONSISTENT

Regarding access, the development will be served by two existing points of access along Shield Drive and Elk River Road. There will be one additional new access off Curve Court. It will connect to the access along Elk River Road which will become a right-in/right-out, with a curbed splitter island proposed in order to achieve this. The grade, width and capacity of adjacent streets and intersections are sufficient with the proposed improvements. Existing multi-modal facilities include sidewalks to and through the development as well as a bus stop at the Elk River Road entrance to this development.

Regarding parking, 108 spaces minimum are required for the residential use and 38 spaces maximum are required for commercial uses. 128 parking spaces are proposed. Parking demand data indicates the proposed amount of parking is adequate.

Regarding loading, three parking spaces are designated for loading between 10:00 A.M. and 12:00 P.M. Per the management strategy and signage in Attachment J, these spaces will be signed to be shared with commercial parking the remainder of the day.

Regarding refuse, a trash enclosure meeting standards is proposed.

4. The Development Plan complies with all applicable requirements of this CDC.

APPLICANT JUSTIFICATION

The Development Plan complies with all applicable requirements of this CDC, but for the four (4) variances being submitted along with the Development Plan regarding ground floor ceiling height, landscaping, building massing, and transparent glazing standards.

STAFF ANALYSIS: CONSISTENT

The proposed development complies with all applicable requirements of the CDC apart from the five Major Variances requested to CS ground floor height, landscaping, building massing, surface parking design, and transparency standards. Staff supports all five Variance requests. Please see Variance request #1-5 below for additional analysis.

5. The Development Plan is in substantial conformance with an approved Conceptual Development Plan, if applicable.

APPLICANT JUSTIFICATION

N/A

STAFF ANALYSIS: NOT APPLICABLE

Criteria for Approval: Major Variance

Variance Request #1: Section 224.B Zone District: Commercial Services
Minimum Ground Floor Ceiling Height
Standard: 14' Proposed: Varies – See Attachment D

Approval Criteria Summary	CONSISTENT?		
	YES	NO	NA
Will not adversely impact conforming uses or impacts accurately assessed and mitigated	✓		
Compatible with direction of the Community Plan	✓		
Unnecessary hardship			✓
Acceptable alternative	✓		

CDC Section 719.D - Variances may be approved upon a finding that the following criteria are met:

1. The Variance will not injure or adversely impact legal conforming uses of adjacent property, or the applicant has accurately assessed the impacts of the proposed Variance and has agreed to mitigate those impacts.

APPLICANT JUSTIFICATION

The ceiling heights of the building on the Ground Level will not adversely impact legal conforming uses of adjacent property. Having the proposed areas with ceiling heights below 14' will help keep the overall height of the building at a lower overall height, which is actually a benefit to adjacent properties.

STAFF ANALYSIS: CONSISTENT

The variance will not injure or negatively impact legal conforming uses on adjacent properties.

2. The Variance is compatible with the preferred direction and policies outlined in the Community Plan and other applicable adopted plans.

APPLICANT JUSTIFICATION

By not strictly adhering to the 14' min. ceiling height requirement noted in the CDC, the Applicant is able to easily provide five (5) floors of residential units to the project, while keeping the total height of the building well within the maximum height and minimizing massing. This variance would be compatible with and help promote the following policies outlined in the Community Plan:

- *Goal H-1: Our Community will continue to increase its supply of affordable home ownership, rental, and special needs housing units for low, moderate, and median-income households.*
- *Policy CD-1.4: Encouraging high quality site planning and building design (maximizing efficiency)*
- *Policy H-1.3: Integrate housing in mixed-use areas.*
- *Policy LU-2: Supporting infill development and redevelopment.*
- *Policy LU-3: Supporting and planning for cohesive and mixed-use neighborhoods that serve year-round residents and visitors.*

STAFF ANALYSIS: CONSISTENT

The variance is compatible with the following policies outlined in the Community Plan:

- Policy CD-1.4: Encourage high quality site planning and building design.
- Policy H-1.3: Integrate housing in mixed-use areas.

3. Acceptable Alternative. The proposed development provides the following acceptable alternative(s) to the standard:
- i. The alternative achieves a result that is equal to or better than the code standard to which a variance is being sought.
 - ii. The purpose and intent of the code standard will not be achieved by strict application of the standard in the particular circumstance.
 - iii. **The application of other code standards, purposes, or intents will be improved by varying the standard.**

APPLICANT JUSTIFICATION

The proposed development provides the following acceptable alternative(s) to the standard: The application of other code standards, purposes, or intents will be improved by varying the standard.

The purpose statements from Section 438 Commercial and Mixed Use Buildings Design Standards will be improved by varying the CS ground floor height standard, namely:

- *438.A.1 – Provide for development of commercial and mixed-use building while ensuring compatibility with adjacent properties of lower densities.*
- *438.A.2 – Organize and design the siting of buildings to create vibrant and pedestrian active spaces*

The ground floor area in the new construction portion of the building that do not conform to the 14' standard are exclusively "private" residential areas (either units or access corridor). The proposed 9'-6" ceiling height is more than adequate and consistent with ceiling heights of apartment units provided in comparable multi-family residential products. The only other affected areas include portions of the existing building that remain, and are limited to the constraints of the existing building. The areas will be located in the proposed fitness space, and a portion of the residential lobby, both of which will quickly transition to well over 14' ceilings in the remainder of the space. The remainder of the "public" spaces will conform and have ceiling heights at 14 feet or higher.

STAFF ANALYSIS: CONSISTENT

Staff finds that the following purpose statements from Section 438 Commercial and Mixed Use Buildings Design Standards will be improved by varying the CS ground floor height standard and therefore support the request.

- 438.A.1 Provide for development of commercial and mixed-use buildings while ensuring compatibility with adjacent properties of lower densities.
- 438.A.2 Organize and design the siting of buildings to create vibrant and pedestrian-active spaces.

Criteria for Approval: Major Variance

Variance Request #2:

Section 402 Landscaping
Table 402-1 Frontage Landscaping & Table 402-2 Parking Lot
Setback and Interior Landscaping
Standard: Apply to entire property
Proposed: Apply to Study Area A

Approval Criteria Summary	CONSISTENT?		
	YES	NO	NA
Will not adversely impact conforming uses or impacts accurately assessed and mitigated	✓		
Compatible with direction of the Community Plan	✓		
Unnecessary hardship			✓
Acceptable alternative	✓		

CDC Section 719.D - Variances may be approved upon a finding that the following criteria are met:

1. The Variance will not injure or adversely impact legal conforming uses of adjacent property, or the applicant has accurately assessed the impacts of the proposed Variance and has agreed to mitigate those impacts.

APPLICANT JUSTIFICATION

The shortage of the required quantity of plantings will not adversely impact the uses of the adjacent properties. The landscape of the undeveloped portion of the lot will remain as it currently exists, which is neither a benefit nor an impact. The landscaping proposed for this portion of the lot will be completed as part of a future development and will be shown to be compliant with CDC standards at that time.

STAFF ANALYSIS: CONSISTENT

The variance will not injure or negatively impact legal conforming uses on adjacent properties.

2. The Variance is compatible with the preferred direction and policies outlined in the Community Plan and other applicable adopted plans.

APPLICANT JUSTIFICATION

This variance is compatible with Policy CD-1.4 – Encourage high quality site planning and building design. The Applicant is working within the confines of the already developed portion of the lot for this project. Our proposed landscaping plan for this portion of the lot (Study area A) is a good one and meets CDC standards. Once plans for the remaining portion of the lot are determined and finalized, a landscaping plan compliant with CDC standards, as well as the Community Plan, will be submitted along with the Development plan for the remainder of the lot area.

STAFF ANALYSIS: CONSISTENT

The variance is compatible with Policy CD-1.4 "Encourage high quality site planning and building design."

3. Acceptable Alternative. The proposed development provides the following acceptable alternative(s) to the standard:
 - i. The alternative achieves a result that is equal to or better than the code standard to which a variance is being sought.
 - ii. **The purpose and intent of the code standard will not be achieved by strict application of the standard in the particular circumstance.**
 - iii. The application of other code standards, purposes, or intents will be improved by varying the standard.

APPLICANT JUSTIFICATION

The Applicant feels compliance in only Study Area A is an Acceptable Alternative to the standards. The purpose and intent of the code standard will not be achieved by strict application of the standard in this circumstance.

The applicant feels it is unnecessarily wasteful to require the vacant portion of land to be landscaped to specific standards prematurely, without the future development of this portion of the lot being fully known or finalized. Instead, the applicant requests this portion of the lot to remain as it currently is to maintain flexibility, and minimize site disturbance unnecessarily, until such time when a future development application (containing a proposed landscaping plan in accordance with CDC standards) for this portion of the lot is submitted.

STAFF ANALYSIS: CONSISTENT

The intent of Section 402 is to "enhance the community's appearance as viewed from the public realm" and "soften the appearance of surface parking lots." In light of the Applicant not impacting the undeveloped portion of the site, and that that undeveloped portion may be subdivided and/or developed separately in the future, Staff finds that the purpose of landscape standards will not be achieved by requiring landscaping to enhance or soften the appearance of an unknown development. Therefore, Staff supports the request to landscape Study Area A in compliance with Section 402.

Criteria for Approval: Major Variance

Variance Request #3: Commercial and Mixed Use Buildings Design Standards
Section 438.E.1.b & 438.E.1.c Building Massing Standards
Standard: Require step backs in buildings over 45' and incorporate a recognizable base, middle, and top
Proposed: See attachments F and K

Approval Criteria Summary	CONSISTENT?		
	YES	NO	NA
Will not adversely impact conforming uses or impacts accurately assessed and mitigated	✓		
Compatible with direction of the Community Plan	✓		
Unnecessary hardship			✓
Acceptable alternative	✓		

CDC Section 719.D - Variances may be approved upon a finding that the following criteria are met:

1. The Variance will not injure or adversely impact legal conforming uses of adjacent property, or the applicant has accurately assessed the impacts of the proposed Variance and has agreed to mitigate those impacts.

APPLICANT JUSTIFICATION

The portions of the façade that do not conform to the CDC standards indicated in 438.E.1.b and 438.E.1.c do not injure or adversely impact legal conforming uses of any adjacent properties.

STAFF ANALYSIS: CONSISTENT

The variance will not injure or negatively impact legal conforming uses on adjacent properties.

2. The Variance is compatible with the preferred direction and policies outlined in the Community Plan and other applicable adopted plans.

APPLICANT JUSTIFICATION

This variance is compatible with the policies outlined in the Community Plan, specifically the following:

- *Policy CD-1.5: Infill and redevelopment projects shall be compatible with the context of existing neighborhoods and development. This infill/redevelopment project is compatible with the context of the adjacent existing neighborhoods and buildings (90-unit Sunlight Apartments, and 48-unit The Reserves). Furthermore, the Sunlight Apartments' design contains several locations that contain 4 stories uninterrupted.*
- *Policy CD-2.1: Create identifiable neighborhoods with unique design elements. This design incorporates unique and identifiable design elements (building recesses/setbacks at column line A-B and E-F that run from floors 2-5, varied use of materials, multiple-story wall mural along col line 10, base/middle/top at the primary South and West elevations, etc.), versus the alternative of having a more uniform façade with the same setbacks occurring throughout, which would be required with strict adherence to the CDC standards. The Applicant's design aims to change building materials at points of massing inflection, creating a more "natural" massing and so materials don't look "painted on". This is why the top floor, some areas are metal and others are EIFS.*
- *Goal H-1: Our community will continue to increase its supply of affordable home ownership, rental, and special needs housing units for low, moderate, and median-income households. By not having to provide an 8'+ setback at the top floor, the applicant is able to provide 14 additional rental units (the uniform setback throughout would render the 5th floor no longer viable), priced for moderate and median-income households, of which there is a massive shortage in Steamboat Springs. By not providing the setbacks required by strict adherence to CDC standards, the Applicant is furthering the goal to provide as much rental housing as possible, particularly in a location that is easily accessed by public transportation.*
- *Policy CD-1.4: Encourage high quality site planning and building design. This proposed redevelopment, while not in strict compliance with the setback requirements noted in section 438.E.1.b and 438.E.1.c of the CDC design standards, is still a high-quality design, and complies with all other requirements of section 438.E.1.*

STAFF ANALYSIS: CONSISTENT

The variance is compatible with the following policies outlined in the Community Plan:

- Policy CD-1.4: Encourage high quality site planning and building design.
- Goal H-1: Our community will continue to increase its supply of affordable home ownership, rental, and special needs housing units for low, moderate, and median-income households.

3. Acceptable Alternative. The proposed development provides the following acceptable alternative(s) to the standard:

- i. **The alternative achieves a result that is equal to or better than the code standard to which a variance is being sought.**
- ii. The purpose and intent of the code standard will not be achieved by strict application of the standard in the particular circumstance.
- iii. The application of other code standards, purposes, or intents will be improved by varying the standard.

APPLICANT JUSTIFICATION

Acceptable alternative: The alternative achieves a result that is equal to or better than the code standard to which a variation is being sought. The proposed design achieves a result that is better than the code standard, namely providing a more interesting, attractive, dynamic, and unique design, while also providing the most amount of rental housing to the community as possible. Additionally, an important aspect of the design is a large public art mural proposed to be located along the exterior wall at grid line 10. Incorporating a large set-back or substantial material changes between the 4th and 5th floors would inhibit our ability to include an uninterrupted mural, which the Applicant feels is an important community benefit and a unique element of the project.

In closing, the Applicant feels the design must be looked at holistically and not with strict adherence to CDC standards. The relevant guidelines of section 438.E are still being met, namely mitigating visual impacts of a large building through offsets, and recesses in the façade, providing modulation and articulation to otherwise large expansive walls, and providing transitions in scale between pedestrian areas and large building masses. The proposed design is well within the max allowable building height, complies with 438.E.1.c (base/middle/top) at the most important West and South facades facing Curve Ct. and Shield Drive. Furthermore, the applicant feels a design in strict adherence to 438.E.1.b would create a "wedding cake" building form that would not be as attractive or unique. The proposed design is an appealing, logical, and defensible design, and allows the ability to provide a public art component and maximize the quantity of rental units at attainable price points for the Steamboat Community.

STAFF ANALYSIS: CONSISTENT

In considering the requested variance to commercial and mixed use step backs and base/middle/top design standards, Staff finds the proposal complies with the following Guidelines, and therefore, achieve a result that is equal to the code standard.

- 438.E.2.b Developments that are significantly larger than adjacent existing development should provide a visual scale transitions utilizing the alignment of

- horizontal massing, fenestration, and architectural features to reflect the heights of adjacent development.
- 438.E.2.c Building design should mitigate the visual impacts of a large building mass through offsets, projections, and recesses in the façade.
- 438.E.2.d Step backs in building massing should be provided to achieve at least one of the following:
 - i. Relate to the surrounding development context; or
 - ii. Provide human scale adjacent to public and private streets, pedestrian circulation, and gathering areas; or

Criteria for Approval: Major Variance

Variance Request #4: Commercial and Mixed Use Buildings Design Standards
Section 438.G.1 Surface Parking Design Standards
Standard: No parking between building and public street
Proposed: See attachments G and K

Approval Criteria Summary	CONSISTENT?		
	YES	NO	NA
Will not adversely impact conforming uses or impacts accurately assessed and mitigated	✓		
Compatible with direction of the Community Plan	✓		
Unnecessary hardship			✓
Acceptable alternative	✓		

CDC Section 719.D - Variances may be approved upon a finding that the following criteria are met:

1. The Variance will not injure or adversely impact legal conforming uses of adjacent property, or the applicant has accurately assessed the impacts of the proposed Variance and has agreed to mitigate those impacts.

APPLICANT JUSTIFICATION

The portions of the surface parking that do not conform to the CDC standards indicated in 438.G.1.c do not injure or adversely impact legal conforming uses of any adjacent properties.

STAFF ANALYSIS: CONSISTENT

The variance will not injure or negatively impact legal conforming uses on adjacent properties.

2. The Variance is compatible with the preferred direction and policies outlined in the Community Plan and other applicable adopted plans.

APPLICANT JUSTIFICATION

This variance is compatible with the policies outlined in the Community Plan, specifically the following:

- *Policy CD-1.4: Encourage high quality site planning and building design. Since there is going to be future work at the undeveloped section of the lot (East side of*

proposed road and parallel parking), it makes sense from a planning perspective to leave the surface parking unscreened until future development is complete.

- *Policy T-1.1: New development, including infill, shall be designed to achieve walkable communities and limit trip generation.*
- *Policy T-1.5: Implement access control improvements as development occurs. The designed road provides two more points of access to the new development during construction.*

STAFF ANALYSIS: CONSISTENT

The variance is compatible with Community Plan Policy CD-1.4: Encourage high quality site planning and building design.

3. Acceptable Alternative. The proposed development provides the following acceptable alternative(s) to the standard:
 - i. **The alternative achieves a result that is equal to or better than the code standard to which a variance is being sought.**
Staff Analysis
 - ii. **The purpose and intent of the code standard will not be achieved by strict application of the standard in the particular circumstance.**
Applicant Justification
 - iii. The application of other code standards, purposes, or intents will be improved by varying the standard.

APPLICANT JUSTIFICATION

The Applicant feels the variance request to wait and provide the required screening with future development is an acceptable alternative to the standards. The purpose and intent of the code standard will not be achieved by strict application of the standard in this circumstance. The applicant feels it is unnecessarily wasteful to require vacant land adjacent be screened prematurely, when further development of the adjacent land, which will provide the necessary screening, is imminent.

STAFF ANALYSIS: CONSISTENT

In considering the requested variance to surface parking design standards, Staff finds the proposal complies with the following Guidelines, and therefore, achieve a result that is equal to the code standard.

- 438.G.2.a. Surface parking should not be the predominant frontage on public streets.
- 438.G.2.b. The majority of surface parking should be located away from or screened from public streets by buildings, landforms, and landscaping.
- 438.G.2.d. The impact of parking located between public and private streets, pedestrian circulation, and gathering areas should be minimized by limiting the need to walk through parking lots to access building entries, provision of dedicated pedestrian walkways through parking areas, and limiting the dimension of intervening parking areas.

Criteria for Approval: Major Variance

Variance Request #5:	438.H.3.a Building Scale, Variation, and Fenestration Glazing and Transparency Standards
Standard:	Ground Floor 30%

Proposed: Pedestrian-Active Building Frontage 40%
Upper Floors 25%
See Attachment H

Approval Criteria Summary	CONSISTENT?		
	YES	NO	NA
Will not adversely impact conforming uses or impacts accurately assessed and mitigated	✓		
Compatible with direction of the Community Plan	✓		
Unnecessary hardship			✓
Acceptable alternative	✓		

CDC Section 719.D - Variances may be approved upon a finding that the following criteria are met:

1. The Variance will not injure or adversely impact legal conforming uses of adjacent property, or the applicant has accurately assessed the impacts of the proposed Variance and has agreed to mitigate those impacts.

APPLICANT JUSTIFICATION

The portions of the façade that do not conform to the CDC standards indicated in 438.H.3.a (i) and (iii) will not injure or adversely impact legal conforming uses of any adjacent properties.

STAFF ANALYSIS: CONSISTENT

The variance will not injure or negatively impact legal conforming uses on adjacent properties.

2. The Variance is compatible with the preferred direction and policies outlined in the Community Plan and other applicable adopted plans.

APPLICANT JUSTIFICATION

This variance is compatible with the policies outlined in the Community Plan, specifically the following:

- *Policy CD-1.5: Infill and redevelopment projects shall be compatible with the context of existing neighborhoods and development. The design of this redevelopment is compatible with the context of the adjacent existing neighborhoods and buildings. Other residential apartment buildings in the immediate vicinity also contain residential units at the ground floor (and are likely not in strict compliance with CDC transparent glazing standards). This proposed apartment building would be consistent and compatible with these other properties.*
- *Goal H-1: Our Community will continue to increase its supply of affordable home ownership, rental and special needs housing units for low, moderate, and median-income households. By Providing residential units at the ground floor, in lieu of retail (for which the 30% CDC requirement is most likely intended for), the applicant is able to provide much more housing for median-income households in this mixed-use area.*
- *Policy CD-1.4: Encourage high quality site planning and building design. Despite not technically meeting the transparent glazing percentages required by the CDC design*

standards, the proposed apartment building addition represents high-quality site planning and building design. The windows are being designed in a random pattern to blend the transparent and opaque portions of the façade, with wood detailing adjacent to the window to further provide visual interest.

STAFF ANALYSIS: CONSISTENT

The variance is compatible with the following policies outlined in the Community Plan:

- Policy CD-1.4: Encourage high quality site planning and building design.
- Goal H-1: Our community will continue to increase its supply of affordable home ownership, rental, and special needs housing units for low, moderate, and median-income households.

3. Acceptable Alternative. The proposed development provides the following acceptable alternative(s) to the standard:

i. The alternative achieves a result that is equal to or better than the code standard to which a variance is being sought.

Applicant Justification

- ii. The purpose and intent of the code standard will not be achieved by strict application of the standard in the particular circumstance.

iii. The application of other code standards, purposes, or intents will be improved by varying the standard.

Staff Analysis

APPLICANT JUSTIFICATION

Acceptable alternative: The alternative achieves a result that is equal to or better than the code standard to which a variation is being sought. The 30% ground floor transparent glazing requirement for Mixed-Use buildings is likely intended for a mixed-use building that contains a ground floor commercial use. However, the Applicant's proposed design concentrates the commercial space in the "existing to remain" part of the structure, allowing for the uses plan east of column line 8 to be exclusively residential in nature, and thereby containing transparent glazing in lesser quantities that are more appropriate for this type of use. Containing 30% transparent glazing at ground floor residential areas would essentially be storefront, which is not comfortable for residents and creates privacy concerns.

By providing transparent glazing percentages of 21.2, 22.3, and 21% for the South, West, and East elevations, respectively, the applicant is very close to the CDC's 25% requirement and feels the intent of the design standards are still being met.

STAFF ANALYSIS: CONSISTENT

The application of the International Building Code is improved by varying transparency standards in this circumstance. The addition exterior wall at column line 10 is not proposed to have any openings because it is planned as a 3-hour fire-rated wall, required by building code, to separate the new steel apartment structure from the wood-framed structure that is existing-to-remain. This is a requirement because the construction types of each component will vary greatly. In addition, Staff finds the amount of windows to be reasonable for the floorplans proposed; and generally transparency is proposed to be improved.

Staff Findings

Staff finds that the Development Plan, Major Variance and Conditional Use, DPVC-21-06 for a 75-unit multiple-family residential and mixed-use project, is CONSISTENT with the Criteria for Approval for a Development Plan, Major Variance and Conditional Use.

Recommended Motion

Planning Commission recommends approval of DPVC-21-06, a Development Plan, Major Variance and Conditional Use application for a 75-unit multiple-family residential and mixed-use project at 1901 Curve Plaza, subject to the following conditions:

1. The developer shall pay proportionate share of potential future roadway and/or intersection improvements at Downhill Drive/US40 intersection, calculated at 1.29% of \$7,441,409.92 or \$95,994.20. Payment shall be submitted prior to issuance of building permit.
2. Civil construction plans prepared by a licensed Colorado civil engineer must be approved prior to approval of an Improvements Agreement, issuance of a Building Permit or Grade and Fill Permit, or recording a Final Plat, and prior to the start of any construction.
3. Prior to approval of civil construction plans, owner shall receive approved CDOT access permit for intersection of US 40 at Curve Court/Sunlight Drive.
4. Prior to approval of civil construction plans, overlot grading plans, or issuance of a construction permit (Grade and Fill, Building, Foundation Only), the owner shall dedicate to the city the following easements, as shown on sheet C.700, through an agreement executed by all parties. A recorded copy of each shall be provided to the city:
 - a. Drainage easement related to the storm water quality treatment facilities including embankment extents and maintenance access from the public street.
 - b. Public access easement for Road from Elk River Road to Curve Court. The minimum width of easement is 30 ft.
5. Prior to Building Permit issuance, the property owner shall record an avigation easement.
6. Prior to Building Permit issuance, the property owner shall record an airport proximity disclosure.
7. Prior to Building Permit issuance, the mural will require approval through the Substantial Conformance process
8. The following items are considered critical improvements and shall be constructed by the applicant and approved by the City prior to issuance of a Certificate of Occupancy or recording of any plat:
 - a. Road from Elk River Road to Curve Court.
 - b. Right in- Right out modifications to driveway onto Elk River Road.
 - c. Relocation of Transit Stop on Elk River Road.
 - d. Left turn lanes on US 40
 - e. Grading and drainage infrastructure.
 - f. Stormwater quality treatment facility.
 - g. Paved driveways and parking areas.
9. The Ownership & Maintenance Plan for the water quality treatment facility shall be recorded prior to Certificate of Occupancy.

Attachments

- A. Project Timeline
- B. Project Narrative
- C. Conditional Use Narrative
- D. Variance Narrative #1 – Ground Floor Height
- E. Variance Narrative #2 – Landscaping
- F. Variance Narrative #3 – Building Massing
- G. Variance Narrative #4 – Surface Parking Design
- H. Variance Narrative #5 – Transparency
- I. Parking Study
- J. Supplemental Parking Narrative and Management Plan
- K. Plan Set