

**CITY OF STEAMBOAT SPRINGS, COLORADO**

**RESOLUTION NO. 2022-29**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS APPROVING AN APPLICATION FOR A DEVELOPMENT PLAN AND MAJOR VARIANCE, PL20220086, VILLAGE DRIVE TOWNHOMES (1805 WALTON CREEK ROAD).**

**WHEREAS**, on March 18, 2022, Sunscope LLC ("Applicant") submitted an application for the approval of a Development Plan and Major Variance PL20220086 ("Application") for site development and building construction of seven townhomes in two buildings ("Project") on the property located at the corner of Walton Creek Road and Village Drive, and more particularly described as a 0.65-acre Tract in the NW quarter of the NW quarter of the SW quarter of Section 27 Township 6 Range 84; and

**WHEREAS**, the City Council held a public hearing on the Application on June 20, 2022 to consider testimony from the Applicant, staff, and the general public regarding the application; and

**WHEREAS**, the public hearing was duly noticed in accordance with Section 703 of the City of Steamboat Springs Community Development Code ("CDC") by posting, publication, and mailing to surrounding property owners and to the owners of mineral rights, if any; and

**WHEREAS**, CDC criteria for approval of the Project are set forth in Section 709.C and Section 719.D; and

**WHEREAS**, having considered the testimony and evidence presented at the public hearing on June 20, 2022, the City Council hereby finds, for the reasons set forth in the Department of Planning and Community Development staff report dated May 31, 2022, that the following criteria have been met:

**709.C Criteria for Approval:**

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.
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.

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.
4. The Development Plan complies with all applicable requirements of this CDC.
5. The Development Plan is in substantial conformance with an approved Conceptual Development Plan, if applicable.

**719.D General Criteria for Approval of Major Variance to CDC Section 214.B, 3rd Story Setback: to locate the third story of the building 16 ft from the property line instead of 20 ft as required for a front setback.**

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.
2. The Variance is compatible with the preferred direction and policies outlined in the Community Plan and other applicable adopted plans.
3. The Variance application meets the following criteria for unnecessary hardship or an acceptable alternative:

**Acceptable Alternative:** The proposed development provides the following acceptable alternative to the standard:

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

**719.D General Criteria for Approval of Major Variance to CDC Section 214.B, Building Intensity, Maximum Floor Area Ratio (FAR): to increase maximum FAR from 50% to 67%.**

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.
2. The Variance is compatible with the preferred direction and policies outlined in the Community Plan and other applicable adopted plans.
3. The Variance application meets the following criteria for unnecessary hardship or an acceptable alternative:

**Acceptable Alternative:** The proposed development provides the following acceptable alternative to the standard:

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

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, THAT:**

**SECTION 1.** The foregoing recitals are incorporated by reference as the findings and determinations of the City Council.

**SECTION 2.** The City Council hereby approves the Application subject to the following conditions:

1. Civil construction plans prepared/signed/sealed by a licensed Colorado Professional Engineer are required to be submitted to the RCRBD with a Building Permit/Grading Permit application for review and approval prior to the start of any construction.
2. The owner shall provide the following recorded easements prior to issuance of a construction permit (Grade and Fill, Building):
  - Drainage and access easement from Public Street related to the storm water quality treatment facility.
  - Public access easements for public sidewalks which are not completely within the right-of-way.
3. The following items are considered critical improvements and must be constructed and approved or accepted prior to issuance of a Certificate of Occupancy/Completion or approval of a Condo/Townhome Final Plat, whichever occurs first:
  - Water and Sewer infrastructure
  - Access drive, driveway, and parking areas
  - Drainage improvements
  - Permanent storm water quality treatment facilities
  - Sidewalk improvements
  - Snowmelt system
4. Prior to Certificate of Occupancy/Completion, an Ownership and Maintenance Agreement for the Permanent Stormwater Quality Treatment Facility shall be recorded.
5. Prior to Permanent Stormwater Quality Treatment Facility Inspection, a recorded Ownership & Maintenance Agreement shall be submitted.
6. Record Drawings/CAD Files shall be submitted prior to Permanent Stormwater Quality Treatment Facility Inspection.
7. Sprinkler and alarm systems are required in all units prior to issuance of a Certificate of Occupancy.
8. The project is approved with a snowmelt system and no designated areas for snow storage or plan for snow hauling. The snowmelt system shall be kept in operating condition in perpetuity. Any circumstance on the property other than a snowmelt system serving the entire development will require development plan approval.

9. An approved recorded final plat is required prior to issuance of any construction permit, grading permit, or other similar building permit.
10. Prior to issuance of a Grade and Fill Permit or Building Permit, a revocable license/permit shall be issued for all privately maintained encroachments into the public right-of-way or public easement:
  - Landscaping
  - Landscaping Improvements
  - Stairs
  - Private walkways
11. Prior to issuance of any construction permit, the owner/applicant shall submit a revised sewer main design to Mount Werner Water for approval. The owner/applicant may propose a new alignment along with the associated easements, lower the existing main in place along Walton Creek Road, or a combination of both.

**PASSED, ADOPTED, AND APPROVED** this 20<sup>th</sup> day of June, 2022.

*Robin Crossan*

---

Robin Crossan  
City Council President

ATTEST:

---

Julie Franklin, CMC, City Clerk