

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. 2023-64

A RESOLUTION APPROVING A DEVELOPMENT PLAN AND MAJOR VARIANCE, PL20220662, ASTRID CONDOMINIUMS.

WHEREAS, on February 6, 2023, Eric Smith Associates ("Applicant") submitted an application for the approval of a Development Plan and Major Variance PL20220662 ("Application") for a phased, 63-unit Multiple-Family Residential development with pool/amenity building in seven buildings ("Project") on the property located at PINs 289400001, 156077001, 156577001, 156399201 and 156302002; and

WHEREAS, the City Council held a public hearing on the Application on November 14, 2023 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 CDC Section 709.C and Section 719.D; and

WHEREAS, having considered the testimony and evidence presented at the public hearing on November 14, 2023, the City Council hereby finds, for the reasons set forth in the Department of Planning and Community Development staff report dated October 5, 2023, 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 #1 to Section 418.C.2 & 418.C.3 Retaining Wall standards per Sheet C4, C5 and C6 in Attachment 1:

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 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 #2 to Section 440.H.3.a allowing a 22.9% transparency for Building 7:

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 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 #3 to Section 413.C.3.d allowing off-site amenities for Building 7 with Phase I:

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 an acceptable alternative:

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

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

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. The following items are considered critical improvements and must be constructed and approved or accepted prior to issuance of a Certificate of Occupancy/Completion:
 - a. Water and Sewer infrastructure
 - b. Private Street infrastructure
 - c. Access drive, driveway, and parking areas
 - d. Drainage improvements
 - e. Permanent storm water quality treatment facilities
 - f. Sidewalk improvements: Ski Trail Ln north side sidewalk
 - g. Trail improvements
2. The owner shall pay Plant Investment Fess to MWW prior to issuance of any Building Permit.
3. The applicant shall pay the required 1% for community amenities per CDC Section 440.C.1.c prior to issuance of a building permit. As a phased development, contributions shall be assessed based on construction valuation for each individual building permit being applied for.
4. Per 413.C.2, a development agreement shall be recorded to document phasing and terms of off-site amenities prior to issuance of a building permit.
5. Civil Construction Plans prepared/signed/sealed by a licensed Colorado Professional Engineer are required to be submitted to DRT for review and approval prior to approval of any Improvements Agreement, Building Permit, Grading Permit, or Final Plat and prior to the start of any construction.
6. Prior to Certificate of Occupancy/Completion, an executed Ownership and Maintenance Agreement for the Permanent Stormwater Quality Treatment Facility shall be recorded.

7. Prior to Engineering Final Approval Inspection, a Completion Letter signed and sealed by a Colorado Professional Engineer (Project Engineer) shall be uploaded to the applicable building permit condition.
8. Record Drawings/CAD Files including drainage, PWQTF(s), and sidewalks shall be submitted prior to Final Engineering Site Inspection.
9. CDC Section 440 (Base Area Design Standards) requires all buildings in the Base Area to comply with third-party certification of building materials and construction techniques that are consistent with a nationally recognized sustainable building program or alternative approved by the Director of Planning and Community Development. Prior to issuance of a Building Permit, the owner shall provide documentation to the City about the proposed program the project will comply with. Prior to Certificate of Occupancy/Completion, the owner shall provide the City with proof of completion of the chosen sustainable building program.
10. Prior to issuance of a construction permit, an agreement between the property owner and Bear Claw II shall be provided to the City. Said agreement shall provide access to off-site amenities in perpetuity, or until:
 - a. Issuance of Certificates of Occupancy/Approval for all buildings included with PL20220662 Phase II is complete, or
 - b. A future approved Development Plan provides amenities on-site in accordance with CDC Section 440.C.1.b.

PASSED, ADOPTED, AND APPROVED this 14th day of November, 2023.



Gail Garey
City Council President

ATTEST:

Julie Franklin, CMC, City Clerk