

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. 2024-69

A RESOLUTION APPROVING A CONDITIONAL USE, DEVELOPMENT PLAN, AND MAJOR VARIANCE, PL20240125, 1965 SKI TIME SQUARE DRIVE DEVELOPMENT PLAN.

WHEREAS, on April 11, 2024, Lorne Bourdo, Oz Architecture ("Applicant") submitted an application for the approval of a Development Plan, Conditional Use, and Major Variance PL20240125 ("Application") for a 440,000 square foot mixed use development ("Project") on the property located at 1965 Ski Time Square Drive and more particularly described as PINs 936223015, 936223016, 133177001, and 320200002; and

WHEREAS, the City Council held a public hearing on the Application on December 17, 2024, 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 707.C, Section 709.C, and Section 719.D; and

WHEREAS, having considered the testimony and evidence presented at the public hearing on December 17, 2024, the City Council hereby finds, for the reasons set forth in the Department of Planning and Community Development staff report dated November 7, 2024, that the following criteria have been met:

707.C Criteria for Approval:

1. The proposed use is compatible with the preferred direction and policies outlined in the Community Plan and other applicable adopted plans.
2. The proposed use is consistent with the purpose of the zone district.
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.
4. The proposed use complies with all other applicable requirements of this CDC.

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 418.C.3:

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 440.E.1.c:

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.

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

719.D General Criteria for Approval of Major Variance #3 to 440.F.1.b and 440.F.1.c:

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. 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.
2. 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.
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:
 - a. Drainage improvements
 - b. Permanent storm water quality treatment facilities
 - c. Ski Time Square Frontage improvements

- d. South Promenade Extension
4. Record Drawings/CAD Files including drainage, PWQTF(s), and sidewalks shall be submitted prior to Final Engineering Site Inspection.
 5. Prior to Certificate of Occupancy/Completion, an executed Ownership and Maintenance Agreement for the Permanent Stormwater Quality Treatment Facility shall be recorded.
 6. Prior to Building Permit issuance, the developer shall pay their proportionate share of potential future roadway and/or intersection improvements at Mt. Werner Rd. @ Mt. Werner Cir. intersection, calculated at 4.1% of current cost basis \$4,169,033 (indexed to CDOT CCI) or \$170,930.
 7. Prior to Building Permit issuance, the developer shall pay their proportionate share of potential future roadway and/or intersection improvements at Mt. Werner Rd. @ Pine Grove Rd. intersection, calculated at 2.9% of current cost basis \$1,563,387 (indexed to CDOT CCI) or \$45,338.

PASSED, ADOPTED, AND APPROVED this 17th day of December, 2024.



Gail Garey
City Council President

ATTEST:

Julie Franklin, CMC, City Clerk