

## **CITY OF STEAMBOAT SPRINGS, COLORADO**

### **RESOLUTION NO. 2025-03**

#### **A RESOLUTION APPROVING A CONDITIONAL USE, DEVELOPMENT PLAN, AND MAJOR VARIANCE, PL20240106, 2075 WALTON CREEK TOWNHOMES.**

**WHEREAS**, on April 4, 2024, Gabriela Riegler ("Applicant") submitted an application for the approval of a Development Plan, Conditional Use, and Major Variance PL20240106 ("Application") for eight townhomes ("Project") on the property located at 2075 Walton Creek Road and more particularly described as LOT 9 RESURVEY-SKI RANCHES F3; and

**WHEREAS**, the City Council held a public hearing on the Application on January 7, 2025 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 January 7, 2025, the City Council hereby finds, for the reasons set forth in the Department of Planning and Community Development staff report dated November 4, 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 for the reduction of glazing from 25% to as low as 11%:**

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.

**719.D General Criteria for Approval of Major Variance to increase the retaining wall height without stepping from 6' to 7.6':**

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

**719.D General Criteria for Approval of Major to eliminate recess requirements and entry interruption requirements for garages:**

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. 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 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:
  - Access drive, driveway, and parking areas
  - Drainage improvements
  - Permanent storm water quality treatment facilities
  - Sidewalk improvements
3. Record Drawings/CAD Files including drainage, PWQTF(s), and sidewalks shall be submitted prior to Final Engineering Site Inspection.
4. Per discussion with project engineer, existing utility services must be clearly identified, assessed, and incorporated into civils prior to issuance of construction permit.

5. Plant Investment Fees must be paid in full prior to issuance of construction permit.
6. The approval of this development plan is conditional upon the approval of the associated rezoning application PL20240259 to MF-3
7. The applicant shall enter into an agreement, acceptable to the City, restricting the occupancy of the Workforce Unit to qualified residents as defined by the Community Development Code. The agreement shall be recorded at the Routt County Clerk and Recorder prior to Certificate of Occupancy/Completion.
8. The owner or rental agency for the property shall provide an annual report to the Planning Director outlining compliance with the deed restricted workforce unit. The report shall, at a minimum, list all workforce units and how the occupants for each unit met the definition of Qualified Resident as defined in Community Development Code Section 802.

**PASSED, ADOPTED, AND APPROVED** this 7<sup>th</sup> day of January, 2025.



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Gail Garey  
City Council President

ATTEST:

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Julie Franklin, CMC, City Clerk