

CITY OF STEAMBOAT SPRINGS, COLORADO

RESOLUTION NO. 2024-49

A RESOLUTION APPROVING A CONDITIONAL USE, DEVELOPMENT PLAN, AND MAJOR VARIANCE PL20240033, RIVERFRONT PARK.

WHEREAS, on March 4, 2024, Steamboat Engineering and Design (“Applicant”) submitted an application for the approval of a Development Plan, Conditional Use, and Major Variance PL20240033 (“Application”) to develop new dwelling units, expand dwelling units, and for associated site work (“Project”) on the property located at 1900 Bridge Lane and more particularly described as Units 8 through 14, and Common Area of Riverfront Park, Filing No. 1; Units 1 through 7, Future Expansion Parcel Filing No. 2, and Common Area of Riverfront Park, Filing No. 2; Units 22 through 27, and Common Area of Riverfront Park, Filing No. 3; and

WHEREAS, the City Council held a public hearing on the Application on August 20, 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, the proposed plan offers an acceptable alternative to the 1400 square foot maximum unit size standard where the purpose and intent of the standard would not otherwise be met. Where unit size restrictions promote dwelling unit density in mixed-use zone districts, strict application of the standard in this circumstance otherwise inhibits the redevelopment within existing building envelopes; and

WHEREAS, having considered the testimony and evidence presented at the public hearing on August 20, 2024, the City Council hereby finds, for the reasons set forth in the Department of Planning and Community Development staff report dated July 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 to change the maximum dwelling unit size from 1400 square feet to 2337 square feet:

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 and an acceptable alternative:
Unnecessary Hardship: The special circumstances of the subject property make the strict application of the standard an unnecessary hardship to the applicant, and the special circumstances are not the result of actions of the property owner or applicant.

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.

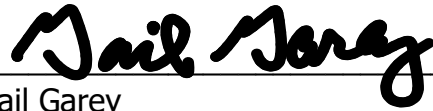
NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, THAT:

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. All open code violations must be resolved with Building Permit applications applied for within 4 weeks of the date of decision.
2. Tap fees must be paid for all undocumented work prior to issuance of building permits.
3. Units and sub addresses need to be addressed before building permits are issued.
4. Approval of this Development Plan is conditional upon the approval of the CMA and ZMA associated with this parcel that would rezone said project to CS zoning.
5. Approval of this Development Plan is conditional and shall only become effective upon at least ten (10) of the Owners of each building recording a deed restriction on at least one Unit in their building no later than one month following City Council approval, which Unit shall be no less than 600 square feet in size, restricting residency of the Unit to Qualified Residents under the Community Development Code. Such deed restrictions may include provisions for current residents to continue their residency and shall be approved as to form by the City Attorney. Owners who do not record deed restrictions shall be deemed not in compliance with this development approval, and may not have their building permits approved, and may be subject to enforcement efforts in Municipal and/or District Court by the City.
6. Approval of this Development Plan is conditional and shall only become effective upon the recording of a trail easement for a soft surface public trail approximately fourteen (14) feet wide along the Yampa River, roughly in the location of the current foot trail, no later than one month following approval by City Council.

PASSED, ADOPTED, AND APPROVED this 20th day of August, 2024.

A handwritten signature in black ink that reads "Gail Garey". The signature is written in a cursive style and is positioned above a horizontal line.

Gail Garey
City Council President

ATTEST:

Julie Franklin, CMC, City Clerk