

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

### **RESOLUTION NO. 2024-66**

#### **A RESOLUTION APPROVING A PRELIMINARY PLAT AND MAJOR VARIANCE PL20240103, 1965 SKI TIME SQUARE DRIVE PRELIMINARY PLAT.**

**WHEREAS**, on April 11, 2024, Lorne Bourdo, Oz Architecture ("Applicant") submitted an application for the approval of a Preliminary Plat and Major Variance PL20240103 ("Application") for a two-lot subdivision ("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 3, 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 713.D and Section 719.D; and

**WHEREAS**, having considered the testimony and evidence presented at the public hearing on December 3, 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:

#### **713.D Criteria for Approval:**

1. The Preliminary Plat substantially conforms to all applicable requirements of this CDC, including requirements of the applicable zone district.
2. Each lot in the subdivision that is proposed for development shall be developable. Elements reviewed for developability include a demonstrated ability to meet the requirements of this CDC in terms of zone district standards, development standards, and subdivision standards.
3. The Preliminary Plat conforms to all other applicable regulations and requirements including but not limited to state law, the Steamboat Springs Municipal Code, any capital improvement plan or program, or any Improvements Agreement or Development Agreement for the property.

4. The Preliminary Plat shall be compatible with the character of existing or planned land development pattern in the vicinity and shall not adversely affect the future development of the surrounding area.
5. The land proposed for subdivision shall be physically suitable for development, considering its topography, the presence of steep or unstable slopes, existing natural resource features such as wetlands, floodplains, and sensitive wildlife habitat areas, and any environmental hazards such as avalanche or landslide paths, rockfall hazard areas, or wildfire hazard areas that may limit the property's development potential.

**719.D General Criteria for Approval of Major Variance #1 to 602.C.5:**

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:

**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.

AND

**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 #2 to 602.D.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 #3 to 604.D:**

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 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:**

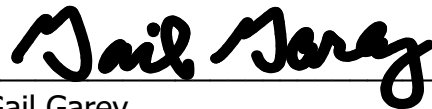
**SECTION 1.** The foregoing recitals are incorporated by reference as the findings and determinations of the City Council.

**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. If an Improvements agreement is considered, Civil Construction Plans shall be submitted for review and approval through the DRT process.
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. Prior to any construction permit issuance, the final signed and sealed drainage study shall be submitted.
4. 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.
5. The West Promenade Extension as shown on Sheet C.100 and C.110 is considered a critical improvement and shall be constructed and approved and/or accepted, or surety provided, prior to recording of a Final Plat. This critical subdivision improvement shall be complete prior to issuance of a Construction Permit TCO/CO for PL20240125 development.

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6. Drainage improvements on Lot 1 and Parcel B Ski Hill Subd as shown on Sheet C.100 and C.110 are considered critical improvements and shall be constructed and approved and/or accepted, or surety provided, prior to recording of a Final Plat. These critical subdivision improvements shall be complete prior to issuance of a Construction Permit for PL20240125 development.
  7. Emergency access shall be maintained throughout construction.
  8. Upsizing of sanitary sewer main is considered a critical improvement and must be constructed and approved or accepted, or surety provided, prior to issuance of a Certificate of Occupancy/Completion or approval of a Final Plat, whichever occurs first.
  9. Easements must cover all MWW concerns, be finalized, reviewed, accepted, and executed by all parties prior to recording of final plat.
    - a. The sanitary sewer easement is to be dedicated and accepted via the plat, not separate instrument. Work with MWW staff directly to finalize language.
    - b. Public Improvements Easement Agreement must be modified to include utilities, access, and Torian as signatories.
    - c. Off Site promenade, access, and utility easement legal description must specifically state access and utility (Torian PH1).

**PASSED, ADOPTED, AND APPROVED** this 3<sup>rd</sup> day of December, 2024.



Gail Garey  
City Council President

ATTEST:

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Julie Franklin, CMC, City Clerk