

**CITY OF STEAMBOAT SPRINGS, COLORADO**

**RESOLUTION NO. 2021-36**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS APPROVING AN APPLICATION FOR A CONDITIONAL USE, DEVELOPMENT PLAN AND MAJOR VARIANCE DPVC-21-06, WORLD WEST SUBDIVISION LOT 1.**

**WHEREAS**, on April 28, 2021, Gaby Riegler ("Applicant") submitted an application for the approval of a Conditional Use, Development Plan, and Major Variance DPVC-21-06 and ("Application") for a 75-unit multiple-family residential and mixed-use project ("Project") on the property located at 1901 Curve Plaza and more particularly described as World West Subdivision Lot 1; and

**WHEREAS**, the City Council held a public hearing on the Application on August 24, 2021, 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 August 24, 2021, the City Council hereby finds, for the reasons set forth in the Department of Planning and Community Development staff report dated August 5, 2021, that the following criteria have been met:

**707.C Conditional Use 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 Development Plan 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 224.B Zone District: Commercial Services Minimum Ground Floor Ceiling Height:**

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 402 Table 402-1 Frontage Landscaping & Table 402-2 Parking Lot Setback and Interior Landscaping:**

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 Variance #3 Section 438.E.1.b & 438.E.1.c Building Massing Standards:**

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 #4 Section 438.G.1 Surface Parking Design Standards:**

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 #5 Section 438.H.3.a Glazing and Transparency Standards:**

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.

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

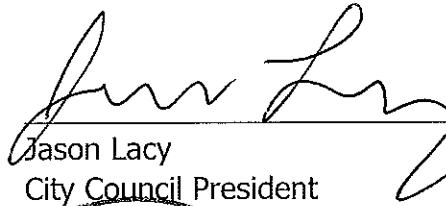
**SECTION 1.** The foregoing recitals are incorporated by reference as the findings and determinations of the City Council.

**SECTION 2.** The City Council hereby approves the Application subject to the following conditions:

1. The developer shall pay proportionate share of potential future roadway and/or intersection improvements at Downhill Drive/US40 intersection, calculated at 1.29% of \$7,441,409.92 or \$95,994.20. Payment shall be submitted prior to issuance of building permit.
2. Civil construction plans prepared by a licensed Colorado civil engineer must be approved prior to approval of an Improvements Agreement, issuance of a Building Permit or Grade and Fill Permit, or recording a Final Plat, and prior to the start of any construction.
3. Prior to approval of civil construction plans, owner shall receive approved CDOT access permit for intersection of US 40 at Curve Court/Sunlight Drive.
4. Prior to approval of civil construction plans, overlot grading plans, or issuance of a construction permit (Grade and Fill, Building, Foundation Only), the owner shall dedicate to the city the following easements, as shown on sheet C.700, through an agreement executed by all parties. A recorded copy of each shall be provided to the city:
  - a. Drainage easement related to the storm water quality treatment facilities including embankment extents and maintenance access from the public street.
  - b. Public access easement for Road from Elk River Road to Curve Court. The minimum width of easement is 30 ft.
5. Prior to Building Permit issuance, the property owner shall record an avigation easement.
6. Prior to Building Permit issuance, the property owner shall record an airport proximity disclosure.

7. Prior to Building Permit issuance, the mural will require approval through the Substantial Conformance process.
8. The following items are considered critical improvements and shall be constructed by the applicant and approved by the City prior to issuance of a Certificate of Occupancy or recording of any plat:
  - a. Road from Elk River Road to Curve Court.
  - b. Right in- Right out modifications to driveway onto Elk River Road.
  - c. Relocation of Transit Stop on Elk River Road.
  - d. Left turn lanes on US 40
  - e. Grading and drainage infrastructure.
  - f. Stormwater quality treatment facility.
  - g. Paved driveways and parking areas.
9. The Ownership & Maintenance Plan for the water quality treatment facility shall be recorded prior to Certificate of Occupancy.

**PASSED, ADOPTED, AND APPROVED** this 24<sup>th</sup> day of August, 2021.

  
Jason Lacy  
City Council President

ATTEST:

  
Julie Franklin, CMC, City Clerk

