

**STEAMBOAT SPRINGS PLANNING COMMISSION
PUBLIC HEARING MINUTES
June 7, 2018**

The regularly scheduled public hearing of the Steamboat Springs Planning Commission was called to order at approximately 5:00p.m. on Thursday, June 7, 2018, in the Citizens' Meeting Room, Centennial Hall, 124 10th Street, Steamboat Springs, Colorado.

Planning Commission members in attendance were:

Chair Rich levy, Lee Calihan, Martyn Kingston, George Eck, Michael Buccino, Tom Ptach and alternate Paul Weese.

Absent: Adams

Staff members present were Principal Planner Rebecca Bessey and Planning Director Tyler Gibbs.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None.

#1: FDP-17-08, Riverview Subzone C
STAFF PRESENTATION

Rebecca Bessey:

This is a final development plan application for six duplexes on Riverview C lots, C1-C6. We reviewed this application under the old code as well as against the major amendment to the PUD that you all heard at your last meeting. If this is to be approved, it would be contingent upon approval of the second reading of that PUD amendment.

We found that the proposal complies with the PUD standards as proposed to be amended with the exception of Lot C5 just falling short of the minimum lot coverage requirement. We've added a condition of approval that indicates that prior to building permit on that lot they would have to demonstrate that they could meet that lot coverage standard. As long as they were still in substantial conformance with the final development plan before you tonight, we felt that would be an appropriate way to move forward on that standard for that particular lot.

The applicant is requesting a ten-year vesting period. The standard vesting period for a final development plan is three years with the potential for an administrative extension of either two or three years. If the ten-year proposal is approved, that would be subject to a development agreement that would lay out that vesting period, and there would be no administrative extensions of that ten-year period.

Staff is recommending approval of the project subject to the conditions in the packet.

APPLICANT PRESENTATION

Mark Scully, Applicant:

Scully introduced his team, including Bob Weiss, Ryan Spaustat and Lu Beaker.

Lu Beaker, Applicant Representative:

We did have some good conversations with staff that helped guide us through the city codes and processes trying to find the right fit for this project that met both the PUD guidelines and requirements on a prescriptive basis but also met the qualitative standards within this very strategic site.

This particular site has another benefit in addition to being in walking distance of everything downtown offers in that it's got about 900 feet of the Yampa. So you have the feel of an urban environment but can quickly detach from that and be in a pastoral river frontage. So these duplexes have obligations to satisfy both the character of a river home as well as an urban setting.

We do a lot of work in the mountains and resort communities but also in authentic communities – not just Vail and Aspen but places that grew up out of a heritage and rustic culture that's embedded in this place. What is attractive about Steamboat in many ways to me is that rustic character in that things feel worn and they age graceful, and it's not too precious. The buildings here and the spirit of downtown is very much celebrating an active lifestyle. This idea of refined is to me emerging, but I really embrace that kind of rustic character that you all have.

Architecture downtown I think is rich and vibrant and walkable and pedestrian. Tectonically, it's diverse with wood and stone/masonry buildings. The new buildings are still reflective of history maybe a bit reinterpreted, but they still have that walkable scale and pedestrian focus. But there are anomalies with buildings that are eclectic and forward-looking in this community. There's a lot of rehab and construction downtown. The Olympian has more of a mountain heritage with timber and glass and starts to be more grand and open to the views. The fire station is being embraced and built upon and celebrated, as well as some of the more residential and transition scale as you move closer to the river frontage with both the material palates and forms and composition of form. I think it's neat to think of what the emerging character of downtown Steamboat is.

Looking at more of the mass and scale, the buildings along Lincoln are bigger and more urban, and the character of buildings along Yampa start to break down and become more residential and scattered with the green spaces and river views coming through. In the overall Riverview PUD there was a lot of conversation about creating public access along 5th and 4th to the river frontage. That was something we used as a launch point when we started thinking about duplex designs was could we create an architecture that also started to break apart with six duplexes and a total of twelve residences versus a single multi-family type of thing that would group those together. Could we create these view corridors and start to bring the greenscape up and through the buildings to activate the loop road and give visual access through the site much like you were doing with the PUD requirements of public access along the edges.

The loop road has an urban character, and it is public access so people will be traversing back and forth. The character of the site and the landscape from street trees and the things that are within city standards of the intervals, plantings and snow storage exists along that. But as one moves from the loop road to the river frontage, the landscape transitions from a more structured area to a more organic and wild with the cottonwoods and willows all the way to the Yampa and aspens and transitioning landscapes and these

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green fingers between the duplexes. It's important to me that the overall built environment isn't just architecture but contributes to the public realm in a significant way as well.

As part of the Duplex Standards, buildings should architecturally represent a single-family structure, and the dwellings shall not mirror each other. Mirroring was a big conversation we had. What strategies in architecture, both in materials and forms and detail, could we incorporate in the actual architecture to start to offset this idea that buildings should not be a mirror of each other. The criteria in the code talks about duplex garages must be set back, so the ground floor garages are set back from the upper floors by a minimum of five feet to create more car storage on the driveway but also create that offset.

Each front entrance must include a porch and covered entry. It's not just an entry that comes through a garage door, but visitors could come up to your front door and ring the bell like a regular home.

Each side of the duplex must differ in at least two of the six design elements. The first way of satisfying that was that there's actually two types of duplexes: a Riverview Model A, which is a little bit shallower and a little wider, and a Model B which is a little skinnier and deeper. Those came out of the site constraints and looking at the way the site flared and bowed with the river frontage.

One of the criteria that allow the duplexes not to read as a mirror image is the silhouette of the roof lines. Each half of the duplex has a planned shift of 3.5 feet down the centerline of the buildings. That allows the shadow lines in the roof to pull forward, and then as the buildings get closer to the gap between the units, they start to step back. So what we're trying to do is not to create a smooth line of that silhouette but actually break that up to create more vertical proportion and architectural silhouetting at the top line. Secondly, you'll see the step between the ground floor, step-back at the garage, the middle floor mass, and in Model A, a third-floor step-back that erodes the corner to further articulate a secondary roof line and break that up as one moves along the loop road frontage.

Another criteria in the Duplex Design Criteria is massing and building projections. I found inspiration in a building that already exists downtown of that garage step-back and pulling lines forward to create both shadow and that idea of the loft or that projected bay. So one half of the duplex projects forward, and the second half is recessed back in Model B.

One of the duplexes starts to create more of that two-story vertical expression that then does that significant step-back at the third floor; the second duplex type starts to really stair-step the building even further away from the river frontage along the living room bays and then has a center mass. The goal of this is to create a lot more of a built-upon or stacked effect versus just the smooth facades that are uninterrupted.

Entry was a criteria that should be considered as creating individuality. So within each type of duplex, one half of the duplex would be the entry doors coming in where the doorbell is. They would be rendered in a glass and more transparent way with a frosted glass garage door. The duplex on the other half would have the front door and garage door rendered in solid materials with different pattern. Secondly, we would hope that property owners would start to personalize spaces with landscaping and planters and get that pride of ownership that you would have at your typical front door.

The duplex criteria suggests that the buildings should be read as a single kind of material but a variety in terms of the textures and colors and patterns of how those materials are applied. For Duplex A, this is a cement board – very eco material – durable, fireproof, mold/mildew, doesn't fade. Very appropriate for

alpine mountain climates; rendered in a darker wood tone and then a lighter tone for the other half. As the third floor steps back, start to break those materials to further create that articulation. The exterior material palette is finished with some residential-grade Sierra Pacific aluminum-clad wood windows, very appropriate for the amount of sunshine in an alpine climate; metal, flat roof with snow storage on the roof versus shedding snow onto public ways or shoveling; designing roofs that can hold snow versus sloughing it off into the gaps between the buildings or onto areas where pedestrians are walking; using a lot of low-slope roofs and standing seam; the underside of the roofs would be wood to create some of that warm glow of materials.

It renders a little naked when you just look at the buildings and think about just a couple little bushes along the front edge of the loop road, but it's important to also understand that in the package we've submitted as part of the FDP we have landscape planting plans and hardscape plans that include the character and variety of color and different vegetation from ash along the loop road, to the front-yard trees which would be aspen, and then the myriad of perennials and the different colors along the loop road frontage. So our hope is that this still feels rich and textural appropriate to the river frontage. Along the river, standing up on a raft in the river, the architecture starts to be fairly transparent with some different massing and the lifted roof forms on the top floor. Equally important to that is that the landscaping that exists to really foreground between the river and these residences does a lot to actually obscure the architecture from the river frontage. So I think that it doesn't become as abrupt as you imagine traversing along the river frontage when you filter it with the views of the vegetation, which also adds to that level of privacy and richness.

Scully: I was at the Monday session, so I thought I'd proactively speak to the vesting. Why ten years? I would submit the following five points:

While it's six duplex structures, it is twelve homes. They are more expensive homes; they're going to sell slower; I think more than five years would be anyone's bet.

Just as importantly is the architectural integrity of what we're trying to do along the river, which is to create that variability but also that consistency and integrity that I think will be a beautiful presentation along the river.

The seasonality here just slows you down.

If there's a recession, it's easy to lose three years in that window, especially when you have a phased project like this.

We just finished selling out Howelsen Place and Alpenglow; unfortunately, they were built ten years ago; obviously, the recession dictated five of those years.

Of course, we'll meet all current building codes; fire/life safety; whatever is in place at that point in time. It's really just the architectural integrity we want to have stand the test of time.

QUESTIONS FROM COMMISSIONERS

Commissioner Eck:

All we got in the packet was that longer vesting may be approved through a development agreement. Do we have criteria to consider this, or it's just whatever?

Bessey: The code establishes the standard vesting period; it says a longer vesting period may be requested and approved through a development agreement. That request is required to come in with the

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development plan; they can't come in later and ask for it. But there are no criteria, so it's really based on the applicant's reason for the request and if you feel that's appropriate.

Commissioner Kingston:

What was the rationale behind the three years in the code?

Bessey: I think many years ago there was no specific time period in the code. Prior to 2001, I believe there was lifetime vesting. That became problematic, so in 2001 when the CDC was rewritten there were these specific timeframes included with the potential that Council and Planning Commission could approve a longer period for specific reasons. Why we landed on three years versus two or four, I don't know.

Eck: Can one side of a duplex get a CO with the other side being incomplete?

Bessey: They'll construct an entire duplex at one time.

Beaker: To get a CO we require all the life safety conformance and all that for the full building, so we couldn't leave the other half that's not completed in a condition that is unsafe.

Bessey: I believe it requires two building permits, but Lu is correct that the Building Department has minimum requirements that would have to be met in order to sign off on a CO for one side.

Eck: Does staff feel that the condition regarding the 35% for that one lot is sufficient? I was asking about that on Monday because in reading that, I was confused about what needed to happen following this.

Bessey: They're at 34 on that site. In speaking with the architects, they felt that there were some pretty minimal changes to the footprint of that building that they could make in order to bring that lot into compliance. Often times we see slight changes to a building when it comes through for building permit, because once they get their development plan approved they go to construction drawings, and sometimes things are tweaked. We have a review that we do when a building permit comes through, and we look at it to make sure that the permit meets our code. In addition to that, we look at what's proposed in the building permit application and compare it to what was approved in the development plan to make sure that it's in substantial conformance and that they don't come back with something drastically different and out of conformance with what Planning Commission and City Council approved. In talking with the applicant's team, we felt that with that condition we are making it clear that we expect that the lot will comply with the standards and fall within substantial conformance.

Commissioner Ptach:

Does staff have a position on the ten-year vesting?

Bessey: We didn't take a strong stand on that one way or the other. I think we heard more tonight from the applicant regarding their reasoning for their request.

Kingston: Is there a precedent on ten-year vesting up front when it's more than 330% more than what's stipulated in the code? That's an exceptionally-large jump from three years to ten years. Given that

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applicants can request extensions in the context of a recession or a change in the market, why are we doing this if there is no precedent historically for a 330% increase in the vesting period?

Bessey: I think that there have been projects that have been approved for longer periods of time up to ten years.

Commissioner Levy:

Any this small, though? I think they were all much larger, more complex projects to be honest.

Bessey: I hesitate to speak to that because I can't say definitively offhand, but I thought that The Crawford project had an extending vesting period – it was five units, I think.

Ptach: Is your crystal ball clear enough that this design is going to stand the test of ten years, or if you get four of them built, will you be looking for an amendment to the approved plan for something?

Scully: We're kind of making that bet now. We're also setting HOA Design Standards for all of Riverview, which is big. It will be consistent with what you see here, and if it is to change, we would have to go through that amendment process. So we are comfortable with that.

Ptach: I think this is certainly what the market is looking for these days, but as you know, in ten years markets can change rather drastically.

Scully: Yes. But there's so many scenarios where ten years would be relevant to this piece of this puzzle, because it is a big puzzle. I could see the right half getting done first; God willing a hotel behind it coming second; and then the balance coming thereafter. It really is putting this whole thing together that will govern how these are built. That's why we asked for ten years.

Bob Weiss, Applicant Representative:

I've been dealing with this issue for four decades. At one point the city's process was to allow one-year extensions indefinitely. There were projects I remember that I got 20 extensions. I can't recall that anyone ever built one, but it was used as a hammer. The applicant would come in and say: This was approved 20 years ago; nobody liked it; we've been getting these single-year extensions for 20 years. If you don't approve this, we're going to build this because we don't have any other choice.

There was a reaction to that when the code was revised.

The other thing that happened was one generation of code said: If you finish the first phase, you have an indefinitely vested project.

That was deemed to be inappropriate.

So what we ended up with was this three years business but the allowance to go to ten. I think with the expectation that given the complexity of the project, the expectation of the price point, market conditions as they might evolve, that Planning Commission and City Council could allow up to ten years. It's not really 330% because you can extend by application up to six. The three-year extension is generally granted in my experience. So we're really going from six to ten. I think the reason this is important to this applicant is because the certainty is important if you're dealing with other people that might buy lots, that might be interested in building here, you want to have a plan in place that will dictate what's going to be built so you have architectural consistency. If this plan expires, there's no approval on the site and you have a subdivided duplex lot. That means somebody could come in and struggle with

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a design that's inappropriate. So I think from the city's standpoint and the developer's standpoint as well, it's better to have the extended vesting period so everybody knows what's going to be built on this property in a reasonable timeframe that the market can absorb.

Buccino: What kind of price point are you talking about for these?

Scully: With current construction pricing, about 900 per foot, 3300 square feet per townhome, you're about \$2.85 million with a two-car garage. So 2.5-\$3 million I would say.

Levy: I think for the most part the reason for vesting is in case our plans and our vision change. That way the development plan doesn't outlast or overlap a new vision. But with a PUD, what would a new vision actually affect? Aren't all the architectural standards already in place? If we were to change our whole vision for downtown, their PUD is vested indefinitely, is it not?

Bessey: It is. There's potential to amend PUD's, but I think that's a fair point to make. The infrastructure that's going to serve these lots is going to be completed as part of their plat and PUD requirements. So even if some of our infrastructure requirements changed, it wouldn't impact a future development plan on these sites significantly. Most of their standards are included in the PUD, but there are a number of standards such as the duplex and landscape standards that do fall back to our code. So there's some potential that some of those could change.

In listening to some of the comments from the applicant just now and hearing the question about other vesting extensions for other larger projects, some thoughts that came to my mind:

It is only six duplexes, but if you think of that, it's six separate buildings. When you have a multi-family project, once you decide to build you're building -- a building with a larger number of units in it at one time; they're all built, whether they're all sold up front or not. Just seeing how these aren't likely going to be built until they're sold, and we have six different buildings that have to go at different times, I do think that that's something to consider.

I think it's our vision as well as the applicants that this whole Subzone C was going to develop as one cohesive development. I don't think anyone envisioned that these would develop as completely separate lots with very different-looking duplexes on them but that they are developed as one cohesive development; it may just take more time for that to be completed.

Kingston: I just worry about having a semi-finished construction project that's so high profile at that point in town stretching out over ten years.

Bessey: I don't think a shorter vesting period is going to make them build these faster; I think what you would potentially see is that they don't all sell and get built within a shorter period, and they have to come back with something else, which has the potential to be different.

Levy: Besides the Duplex Standards, can you think of other city codes or standards that might change that are not covered by the PUD?

Bessey: No, not anything that I think would drastically impact...

Beaker: That was a question that we wrestled with. I think building codes and energy codes do change, whether it's coming from a municipality or at a state or federal level. These are designed robustly to be

above and beyond minimum code standards, but Denver is going through a Green Roofs Initiative for flat roofs; 50% of your flat roof has to be PB or Green Roof. That could come to some of the big duplexes later. I would think that we would have to fall under those guidelines at that time we would be intending to go for building permit for that chunk of duplexes. Energy code is one that moves fairly rapidly and keeps us on our toes.

Levy: If they were to break ground in year nine, how does that affect the overall timing of the project?

Bessey: All of the buildings would have to have a building permit pulled within the vesting period.

Levy: And the building permit would only last a certain amount of time as well, correct?

Bessey: Correct.

Scully: The Metro District will be doing substantial landscaping and public space improvement before we do anything. You won't see an ugly presentation on the river, even when it's not built. We're spending \$2.5 million to make it look great, which benefits all of us as we bring other investors to the site.

Kingston confirmed that if they go through the PUD amendment process five years from now, the vesting period associated with that proposal would supersede the period approved with this proposal.

PUBLIC COMMENT

None.

COMMISSIONER DELIBERATION/MOTION

Commissioner Ptach moved to approve FDP-17-08 with conditions 1-8 as stated with a period of ten years of vesting as specified in Condition #2.

Commissioner Eck seconded the motion.

DISCUSSION ON MOTION

Kingston asked about the public access to the river during the ten-year period.

Bessey: As a condition of both the PUD and the preliminary plat, the applicants are going to be developing a soft-surface trail that will connect the two river access points at the terminus of 3rd Street and 4th Street. That infrastructure and the landscaping in the riparian buffer area will all be completed separate from this application.

Kingston: When is that period of time?

Bessey: All of those infrastructure requirements that were identified as the initial phase, including the trail and the riparian buffer as well as the river access points, will have to be completed prior to issuance of a CO for any of these duplexes.

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Kingston asked whether that public access would be affected by construction.

Bessey: There are some provisions I believe in the easement agreements that we're still finalizing that would allow for some temporary closures potentially to some of the public access during construction. But it's based on approval by the city, so it wouldn't be shutting down the trail for ten years. But if there's a circumstance where one unit was under construction and the trail needed to be closed for safety purposes for a short period of time, that would be allowable.

Eck: Ten years for six duplexes I think is a lot. What got me here is it's a PUD; it's not going to change. Some things might change like landscaping, but their landscaping design is well above anything we could conceivably require in the next ten years. So if it wasn't a PUD I don't think I'd be supporting it, but I think it's appropriate here.

Ptach: Looking at the price point of these and knowing the market, it's taking anything over 1.5-\$2 million at least a year to sell. This is new product; it may move quicker; but at 2.5-\$3 million, it's not unreasonable to think that these things will take 8-10 years to fully sell out.

Buccino: I disagree. I think that they have it priced reasonable. There's not many places in Colorado that are on a river, so they have a very, very unique property. They only need twelve people to buy them; I don't think you're going to need ten years at all. If it wasn't a PUD, I probably would not agree with ten years because I don't want to start setting precedent for it. I think three years with a two or three year extension is sufficient; I think they'll sell by then. It's not going to take ten years.

Weese: I would say that it could easily take ten years. These units are not that easy to build. If there is weather involved, there could be a really large issue overall with having to wait to get these things constructed. I can see the first several units having a lot of interest and possibly selling. Irrespective of that, the applicant is right. We have market changes that are imminent; we just don't know the timing of it. Overall, it's a great project and it's going to take time to build out. Will it take ten years to sell them all? I don't know. Will it take ten years to build them all? Possibly.

Overall, I think ten years is a realistic request, especially because they're not going to come back and ask for anything else regarding the vesting period.

Levy: I tend to agree with the PUD comments. I think that overrules any future changes that might affect this property. So I don't have a problem with ten years at this time.

Kingston: I agree with the PUD comments. I've been struggling with the vesting period, but I think if the first couple units sell there's going to be incentive to build and sell the next one and the next one. If that doesn't occur as quickly, then obviously the ten-year vesting period makes some sense. I'm just concerned that this beautiful project get created from start to finish as quickly as possible. If the units sell, there's going to be no reason for you to not build the next unit to sell it, right? So I think that line of logic tells me that if you do need the ten years, it's probably for a good reason.

VOTE

The motion carried unanimously.

#2: Approval of Minutes: May 24 Public Hearing

Commissioner Eck moved to approve the May 24, 2018 meeting minutes; Commissioner Buccino seconded the motion.

The motion carried unanimously.

Director's Report

Gibbs: The Downtown Working Group will meet again next week to review the public comment and survey results. We got 634 individual responses; we were very pleased with that. We're planning a second round of public open houses on July 12.

Adjournment

Commissioner Buccino moved to adjourn the meeting at 5:50 p.m.
Commissioner Eck seconded the motion.
The motion carried unanimously.