

epic DISCOVERY

A SUMMER MOUNTAIN ADVENTURE

SIGN REGULATIONS AMENDMENT

Amending the Special Provisions
Applicable to Ski Base Area Signs

“
Conservation is a state of
harmony between men
and land.

“
INTRODUCING EPIC DISCOVERY

Submitted: February 15, 2016
Rev. February 24, 2016

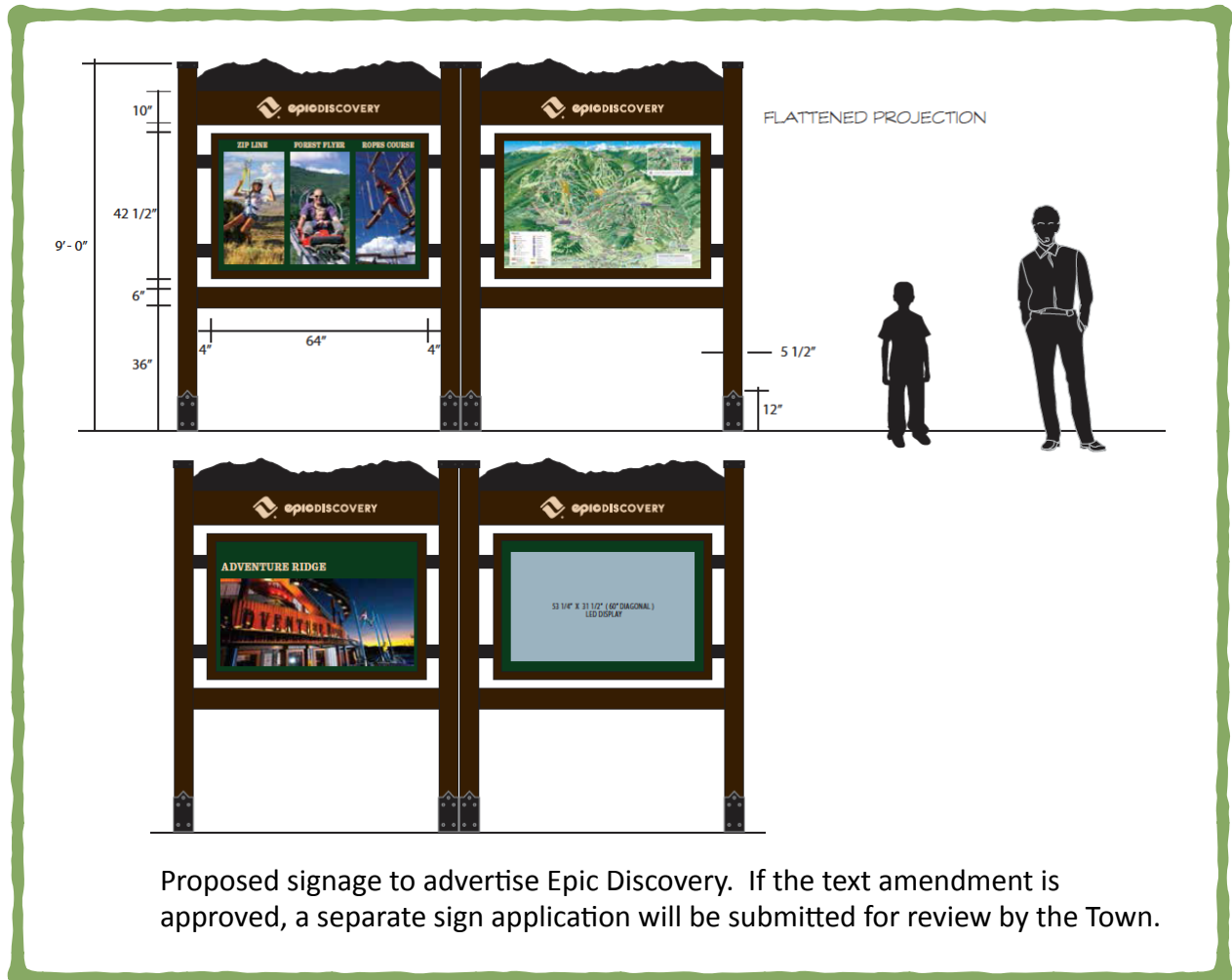


MPG

Mauriello Planning Group

INTRODUCTION

Vail Resorts, represented by Mauriello Planning Group, is requesting a text amendment to the Sign Regulations to provide clarity about the signage allowed at ski base areas, which include the base areas of Vail Village, Lionshead, Golden Peak, and Cascade Village. Vail Resorts approached the Community Development staff to discuss a proposed sign application for Epic Discovery signage at the Lionshead Gondola. Staff expressed some concern about the language of the Sign Regulations with respect to Ski Base Area Signs.



The Sign Regulations currently state the following with regards to Ski Base Area Signage:

Section 11-2-1: Definitions:

SIGN, SKI BASE: A sign in a ski base area that informs the public about on mountain conditions, grooming reports, status of ski lifts and tows, and the location of ski school facilities, ski racing facilities, ski patrol facilities, outdoor recreation facilities and activities, lift ticket sales, skier and guest services.

SKI BASE AREA: For the purpose of regulating ski base area signs, ski base areas are those areas of Vail Village, Lionshead, Golden Peak, Cascade Village, and any other future portals immediately adjacent to a ski lift or tow.

11-7-15: SKI BASE AREA SIGNS:

A. Description: These regulations apply to all signs erected within the ski base areas. These regulations are intended to provide the ski base areas with the signs necessary to operate the ski mountain. These signs are necessary to clearly communicate the multiseasonal offerings of the ski mountain. There shall be a sign program addressing the needs of both the winter and summer seasons. The intent of these regulations is to provide the highest level of guest services while maintaining the highest quality resort character. It is not the intent of these regulations to provide a competitive advantage to on mountain commercial uses.

- 1. Number: Subject to design review.*
- 2. Area: Subject to design review.*
- 3. Height: Awning, projecting, wall, and electronic signs shall have a minimum clearance of eight feet (8') above pedestrianways and a minimum clearance of fifteen feet (15') above vehicularways. No part of a ski base sign shall extend more than twenty five feet (25') above grade.*
- 4. Location: Subject to design review. Signs may be permitted in the public right of way subject to subsection 11-5-3I, "Placement On Public Property", of this title.*
- 5. Type: Awning, freestanding, portable, projecting, wall, and electronic signs. A-frame and sandwich board style signs are prohibited.*
- 6. Lighting: Subject to design review.*
- 7. Landscaping: Subject to design review.*
- 8. Special Provisions:*
 - a. A sign program is required in accordance with the provisions of chapter 8 of this title.*
 - b. Signs advertising on mountain eating and drinking establishments, retail stores and establishments, and other commercial uses shall be prohibited.*

Vail Resorts would like to erect signs related to on-mountain activities, including the zip line, forest flyer, ropes course, Adventure Ridge, along with a mountain map. One of the signs would be an electronic sign. In reviewing the application, staff determined that the Sign Regulations would need to be amended. Specifically of concern to staff is Section 11-7-15 A. 8.b, which states:

Signs advertising on mountain eating and drinking establishments, retail stores and establishments, and other commercial uses shall be prohibited.

The proposed language of Section 11-7-5 is proposed to be amended as follows (text to be deleted is shown as ~~strikethrough~~, while text to be added is shown as **bold underline**).

11-7-15: SKI BASE AREA SIGNS:

B. *Description: These regulations apply to all signs erected within the ski base areas. These regulations are intended to provide the ski base areas with the signs necessary to operate the ski mountain. These signs are necessary to clearly communicate the multiseasonal **recreational activities available on** offerings of the ski mountain. There shall be a sign program addressing the needs of both the winter and summer seasons. The intent of these regulations is to provide the highest level of guest services while maintaining the highest quality resort character. It is not the intent of these regulations to provide a competitive advantage to on mountain retail stores and **eating and drinking establishments** commercial uses.*

1. *Number: Subject to design review.*
2. *Area: Subject to design review.*
3. *Height: Awning, projecting, wall, and electronic signs shall have a minimum clearance of eight feet (8') above pedestrianways and a minimum clearance of fifteen feet (15') above vehicularways. No part of a ski base sign shall extend more than twenty five feet (25') above grade.*
4. *Location: Subject to design review. Signs may be permitted in the public right of way subject to subsection 11-5-3I, "Placement On Public Property", of this title.*
5. *Type: Awning, freestanding, portable, projecting, wall, and electronic signs. A-frame and sandwich board style signs are prohibited.*
6. *Lighting: Subject to design review.*
7. *Landscaping: Subject to design review.*
8. *Special Provisions:*
 - a. *A sign program is required in accordance with the provisions of chapter 8 of this title.*
 - b. ***Signs shall permit the advertising of multi-seasonal recreational activities available on the ski mountain as provided by the operator of the ski mountain.***
 - c. *Signs advertising on mountain **retail stores and** eating and drinking establishments, ~~retail stores and establishments, and other commercial uses~~ shall be prohibited.*

CRITERIA FOR REVIEW OF TEXT AMENDMENT

The review criteria for a prescribed regulations amendment are provided in Section 11-3-3 and are listed below. The Applicant's analysis of conformance with the criteria follows:

- A. Factors Enumerated: Before acting on an application for an amendment to the regulations prescribed in this title, the planning and environmental commission and town council shall consider the following factors with respect to the requested text amendment:

1. The extent to which the text amendment furthers the general and specific purposes of the sign regulations

Applicant Analysis: Section 11-1-2: provides the general and specific purposes of the Sign Regulations:

- A. *General Purpose: These regulations are enacted for the purpose of promoting the health, safety, morals, and general welfare of the town of Vail and to promote the coordinated and harmonious design and placement of signs in the town in a manner that will conserve and enhance its natural environment and its established character as a resort and residential community of the highest quality.*
- B. *Specific Purpose: These regulations are intended to achieve the following specific purposes:*
 - 1. *To describe and enable the fair and consistent enforcement of signs in the town of Vail.*
 - 2. *To encourage the establishment of well designed, creative signs that enhance the unique character of Vail's village atmosphere.*
 - 3. *To preserve a successful and high quality business environment that is aided by signs that identify, direct, and inform.*
 - 4. *To aid in providing for the growth of an orderly, safe, beautiful, and viable community.*

The proposed amendment is intended to provide clarity to the section of the Sign Regulations which regulate Ski Base Area Signs, which includes the areas adjacent to the lifts located at Vail Village, Lionshead, Golden Peak, and Cascade Village. The clarification allows the Town to fairly and consistently enforce the Sign Regulations in the Town of Vail, while recognizing the importance of these specific areas as providing unique offerings not available elsewhere in the Town. The proposed amendment also maintains the protections that Vail Resorts cannot advertise on-mountain dining or retail establishments to create unfair competition with these types of establishments located within the Town. This helps to preserve a successful and high quality business environment, aided by signs that direct and inform the public. As a result, the proposed amendment furthers both the specific and general purposes of the Sign Regulations and complies with this criterion.

2. The extent to which the text amendment would better implement and better achieve the applicable elements of the adopted goals, objectives, and policies outlined in the Vail comprehensive plan and is compatible with the development objectives of the town

Applicant Analysis: The various master plans that make up the Vail Comprehensive Plan have been reviewed and the following goals and policies are applicable from these documents:

Vail Village Master Plan:

The Vail Village Master Plan was adopted in 1990, with the intent to preserve and strengthen the character of the village, while allowing for limited, controlled growth. It provides the following applicable goals:

GOAL #1 ENCOURAGE HIGH QUALITY, REDEVELOPMENT WHILE PRESERVING UNIQUE ARCHITECTURAL SCALE OF THE VILLAGE IN ORDER TO SUSTAIN ITS SENSE OF COMMUNITY AND IDENTITY.

GOAL #2 TO FOSTER A STRONG TOURIST INDUSTRY AND PROMOTE YEAR-AROUND ECONOMIC HEALTH AND VIABILITY FOR THE VILLAGE AND FOR THE COMMUNITY AS A WHOLE. (pg. 8-9)

Lionshead Redevelopment Master Plan:

The Lionshead Redevelopment Master Plan was adopted in 1998 to encourage redevelopment and new development initiatives within Lionshead. Recognizing that redevelopment in Lionshead was critical for the community to remain a competitive four-season resort, the Town developed the Lionshead Redevelopment Master Plan with the following applicable objectives:

2.3.1 Renewal and Redevelopment

Lionshead can and should be renewed and redeveloped to become a warmer, more vibrant environment for guests and residents. Lionshead needs an appealing and coherent identity, a sense of place, a personality, a purpose, and an improved aesthetic character.

2.3.2 Vitality and Amenities

We must seize the opportunity to enhance guest experience and community interaction through expanded and additional activities and amenities such as performing arts venues, conference facilities, ice rinks, streetscape, parks and other recreational improvements. (pg. 2-2)

Vail Land Use Plan:

The Vail Land Use Plan was adopted in 1986, with the focus of addressing the long-term needs and desires of the Town of Vail as it matured. It provides goals and policies to guide the Town in making land use decisions. It provides the following:

1.1. Vail should continue to grow in a controlled environment, maintaining a balance between residential, commercial and recreational uses to serve both the visitor and the permanent resident.

1.3. *The quality of development should be maintained and upgraded whenever possible.*

2.4. *The community should improve summer recreational options to improve year-round tourism. (pg. 4-5)*

Vail 20/20 Plan:

The Vail 20/20 Plan was adopted in 2007, with the goals to create a plan that identifies commonly shared values, create a clear vision for Vail, integrate a plan to coordinate Vail's strategies for the future, and create a plan that transcends the administrations of Town staff, Vail Town Council, and appointed boards and commissions. The Vail 20/20 Plan provides the following:

Premier Resort Community: Vail values its role as a premier resort community, which recognizes the interdependent relationship between the resort, community and municipality. Vail's success as a resort depends largely on its success as a community, as the community fosters relationships between locals and visitors. We make plans and take actions that are investments in the experiences and lives of many different generations, today and into the future. It takes work and reinvention to stay No. 1, and Vail is committed to innovation and creativity to achieve our goals.

Activities Benefit Individuals and the Community: Vail values a vibrant community life supportive of spiritual and physical well-being and encouraging of intellectual and cultural growth. This value includes providing a wide variety of educational, recreational, entertainment, art and cultural opportunities. These offerings are accessible to all and appeal to residents and guests of all ages, incomes and interests. These activities promote the development of relationships that strengthen the community.

Sense of Place and Character: Vail values the strong history of the town and its unique character and legacy while acknowledging the importance of reinvention. This is reflected in the high quality of the built environment with design and features that endure over time. (pg. 3)

The Vail 20/20 Plan provides specific goals and implementation strategies which are furthered by this proposed amendment:

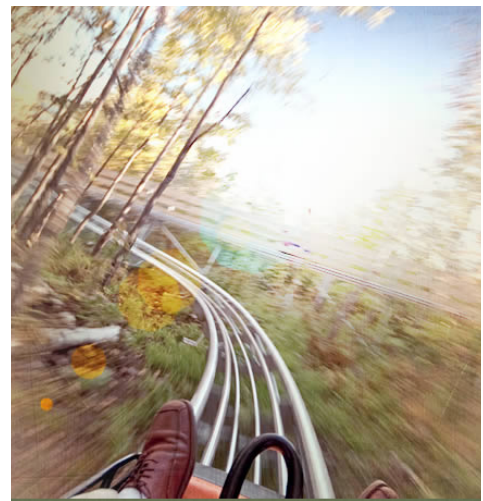
Goal #1: Vail will continue to manage growth, maintaining a balance between the bulk and mass of residential, commercial and recreational uses to ensure the quality, character, diversity and vitality of the town by ensuring that all regulatory and advisory land use documents are updated and current, providing ease of compliance and enforcement, and uniformity among regulatory and advisory documents.

Make amendments to the Vail Town Code to reflect planning document updates, including the Sign Regulations, Zoning Regulations and Development Standards Handbook. (pg. 4)

As Vail Resorts continues to expand its on-mountain, multi-seasonal recreational offerings, the goals and objectives listed by the Town of Vail in all of its comprehensive planning effort are also furthered. Updating the Sign Regulations to create clarity in how these new recreational offerings are advertised is an important implementation step to further these goals. The proposed amendment adds more clarity, while maintaining the protections against advertisements for on-mountain commercial uses such as restaurants and retail establishments. As a result, the proposed amendment complies with this criterion.

3. The extent to which the text amendment demonstrates how conditions have substantially changed since the adoption of the subject regulation and how the existing regulation is no longer appropriate or is inapplicable

Applicant Analysis: Vail Resorts launched Epic Discovery in 2012, a comprehensive program of summer activities with the goal of encouraging “learn through play”, promoting environmental education and forest stewardship with activities across Vail Mountain. These activities include zip line tours, ropes courses, additional hiking and biking trails, an alpine slide, etc. The Sign Regulations were written at a time prior to all these various recreational amenities being considered. In reviewing the current language, staff identified some concern that the existing language which states: *Signs advertising on mountain eating and drinking establishments, retail stores and establishments, and other commercial uses shall be prohibited.* Specifically, staff was concerned that the prohibition of advertising “other commercial uses” was unclear as to whether these new types of recreational uses were permitted to be advertised. Clearly, the intent was to limit the advertisement of on-mountain dining and retail establishments that would compete with those located within the Town. With the launching of Epic Discovery, conditions have substantially changed since the adoption of the subject regulation and it is important to provide clarity to the regulations to ensure that these new on-mountain recreational offerings can be advertised to maximize and encourage the use of these facilities. As a result, the proposed amendment complies with this criterion.



Photos from epicdiscovery.com

4. The extent to which the text amendment provides a harmonious, convenient, workable relationship among land use regulations consistent with municipal development objectives

Applicant Analysis: The clear objective with this section of the Sign Regulations is to allow the operator of Vail Mountain the ability to advertise on-mountain activities at the base areas. These multi-seasonal recreational uses are consistent with municipal development objectives, as outlined in the comprehensive planning documents identified above. The proposed amendment provides further clarity about the ability to advertise these uses, while maintaining the protections against advertising on-mountain eating and drinking establishments, and retail establishments. As a result, the proposed amendment provides a harmonious, convenient, and workable relationship among land use regulations and complies with this criterion.

5. Such other factors and criteria the planning and environmental commission and/or council deem applicable to the proposed text amendment

Applicant Analysis: Any other factors and criteria that the Planning and Environmental Commission deems applicable shall be addressed by the Applicant.

B. Necessary Findings: The Planning and Environmental Commission shall make the following findings before granting a conditional use permit:

- 1. That the amendment is consistent with the applicable elements of the adopted goals, objectives and policies outlined in the Vail comprehensive plan and is compatible with the development objectives of the town; and**
- 2. That the amendment furthers the general and specific purposes of the sign regulations; and**
- 3. That the amendment promotes the health, safety, morals, and general welfare of the town and promotes the coordinated and harmonious development of the town in a manner that conserves and enhances its natural environment and its established character as a resort and residential community of the highest quality.**