



## PLANNING AND ENVIRONMENTAL COMMISSION

August 8, 2016, 1:00 PM

Vail Town Council Chambers

75 S. Frontage Road - Vail, Colorado, 81657

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1. Call to Order

Members Present: Chairman Rediker, Brian Gillette, Henry Pratt, Ludwig Kurz and Brian Stockmar

Absent: John Ryan Lockman, Kirk Hansen

2. A request for the review of a variance from Section 11-6-3: Business Signs and Section 11-6-4: Building Identification Signs, Vail Town Code, pursuant to Section 11-10-1: Variances, Vail Town Code, to allow for a Business Sign in excess of six (6) square feet and a wall mounted sign to be placed higher than twenty five feet (25') above existing grade, located at 1775 Sunburst Drive (Vail Golf & Nordic Clubhouse) / Lot 3, Sunburst Filing 3, and setting forth details in regard thereto. (PEC16-0028) - 15 min.

**Applicant:** Town of Vail, represented by Greg Hall

**Planner:** Jonathan Spence

**Action:** Approve the Sign Height Variance w/ conditions (sign in excess of 6 sq. ft. not approved.)

**Motion:** Pratt **Second:** Kurz **Vote:** 4-1-0 (Gillette opposed)

Spence – Summarized the Town's three (3) sign districts and referenced graphics depicting the locations and dimensions of the proposed signage. The golf course is located within Sign District 1, which is intended for pedestrian-oriented businesses. The golf course, being automobile-oriented, is therefore requesting two (2) signage variations from the underlying sign district; one (1) variance to exceed the maximum allowed size and one (1) variance to exceed the maximum allowed height.

Kurz – Asked for clarification of the height of the sign.

Stockmar – What is across the street from the property and have there been any neighbor comments?

Spence – The golf course townhomes are across the street and the owners were notified of the request, but there have been no comments.

Gillette – What size were the previous signs?

Spence – Does not know.

Rediker – Why does only one of the signs require a size variance?

Spence – Sign size is calculated based on frontages. The building is allowed a sign up to fifty (50) square feet and the tenant is allowed up to six (6) square feet.

Public Comment – There was none.

Kurz – Has the rest of the signage been approved by the DRB?

Spence – No, it will be reviewed separately by the DRB in the near future and it is anticipated that the signage will be staff approved.

Kurz – Believes the signage is appropriate and is in favor of the requested variances.

Pratt – Supports the request for the sign height variance, but is unsure about the sign size variance for the tenant.

Spence – Mentioned that if the property were located in Sign District 2, the proposed tenant sign would be permitted by right.

Gillette – Does not support either requested variance because he believes everyone will know that the property is a golf course.

Spence – Different properties within the same sign district have different circumstances.

Stockmar – Supports the sign height variance, but is concerned about the size of the tenant sign. Would like the two (2) requests to be separated.

Rediker – Agrees with other Commissioners in that he supports the sign height variance request, but not the sign size variance request. Believes there are other solutions available, and that the sign size variance request does not fulfill the three (3) criteria for a sign variance.

3. A request for a major amendment to SDD No. 24, Warner Development, pursuant to Section 12-9A-10, Amendment Procedures, Vail Town Code to remove Section 5, Item 3, requiring the pool area on Lot 4 to be permanently restricted to a pool, from the conditions of approval within Ordinance No. 11, Series of 1990, located at 1825 Sunburst Drive/Lot 4, Vail Valley Filing 3, and setting forth details in regard thereto (PEC16-0027). - 30 min.

**Applicant:** Deborah Webster, represented by Current Architects

**Planner:** Matt Panfil

**Action: Approve**

**Motion:** Stockmar **Second:** Gillette

**Vote:** 5-0-0

Panfil – Summarized the request contained in the application.

Rediker – Is the site compliant with site coverage requirements?

Panfil – Yes.

Pratt – Under the SDD, what variations from the underlying zoning are there to be

gained?

Panfil – GRFA and site coverage were different at time of SDD approval.

Pratt – Today's underlying zoning requires 20% site coverage?

Panfil – Confirmed by today's zoning.

Rediker – Why are there three lots included in the SDD rather than one?

Panfil – The decision was made at time of SDD, but he does not have all of the details.

Rediker – Explain again the EHUs on the site and how they are related to the swimming pool?

Panfil – Clarified the EHU conditions on the site as being a public benefit in exchange for additional GRFA and site coverage.

Michael Current, Current Architects, representing the applicant provided an overview of the request.

Stockmar – Are there any current plans to make further changes to the property?

Michael Current – No changes at this time are anticipated.

Pratt – Has the applicant contemplated abolishing the SDD?

Michael Current – Contemplated the idea, but this specific request is narrow.

Rediker – Opened public hearing. No public comment.

Rediker - Opened Commissioner comment.

Stockmar – Concerned about site coverage but the request does not appear that it will affect anything else as it is an existing developed property. The request speaks to unintended consequences of changes in land use policy.

Pratt – Question for George Ruther about how many lots were originally plotted?

Ruther – Confirmed three lots.

Pratt – GRFA and site coverage are a concern of granting special privilege. Favors abolishing the SDD altogether to eliminate issues and then default to underlying zoning.

Kurz – Concurs with Commissioner Pratt.

Applicant requests to speak to issues raised by Commission. Site coverage is integral to the structure at this time. Structure has been in place since 1990 and the pool area is nearly entirely subterranean.

Stockmar – Asked applicant to clarify how the space will be utilized? May change bulk

and mass and footprint.

Gillette – Asked for clarification as to the approval process by council.

Ruther – The SDD was originally approved with deviations from GRFA and site coverage, but changes over time have made it now compliant with GRFA.

Gillette – Concerned with original council approval that the pool was to remain in perpetuity.

Pratt – Site coverage overage is not entirely due to the pool. Normally an applicant would have to bring more detailed development plans to remove a specific element of the original plan.

Ruther – Any future changes that did not comply with zoning would need to return to the PEC.

Gillette – By the SDD standards, how much GRFA remains? How much GRFA remains by underlying zoning?

Panfil – Provided data.

Rediker – Is the EHU currently occupied?

Deborah Webster, owner of 1825 Sunburst Drive – No, the EHU is not currently occupied. It was until two months ago, but the property was under contract so the lease was not renewed.

Stockmar – Does a PEC approval today affect the requirements of the EHU?

Panfil – No.

4. A request for a recommendation to the Vail Town Council for a Prescribed Regulations Amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to amend Section 12-15-3, Definition, Calculations, and Exclusions, Vail Town Code concerning the definition of Gross Residential Floor Area (GRFA) and setting forth details in regard thereto (PEC16-0024). - 60 min.

**Applicant:** Town of Vail

**Planner:** Chris Neubecker

**Action: Continue to August 22, 2016**

**Motion:** Gillette      **Second:** Kurz

**Vote:** 4-1-0 (Rediker opposed)

Neubecker – Summarized the request and options contained in the application.

Rediker – Opened for questions from board to the staff.

Pratt – Asked to clarify why a six foot (6') difference in floor levels was chosen.

Neubecker – Explained process whereby staff arrived at six foot (6') floor height. That number has been used by staff and development community, now being codified.

Rediker – Option 1 is really a change of code, not just policy. From Option 2, how is six foot (6') floor height not a code change and what is the justification?

Neubecker – It is a change in code, used to implement current policy. Option 2 would change an interpretation used by staff for some time. The six foot (6') step change would provide flexibility.

Gillette – Described floor level separation from construction perspective. Believes it leads to better architecture. Would Mike Suman's plans have passed if this were implemented? Was there a step greater than six feet (6') in those plans?

Neubecker – The Suman house does have steps greater than six feet (6').

Gillette – The number is arbitrary and should not dictate design. The lowest level should be any level throughout the house with no other GRFA below it. Most people don't want subterranean space.

Rediker – Opened public comment.

Ron Byrne – Does not understand intent of six foot (6') floor level restriction proposed. End goal should be equality between homeowners. Does not agree with any of the options presented by staff.

Adam Gilmer, Berglund Architects – Agrees with Ron Byrne; the rules should be equal for both homeowners. Six foot (6') step proposed is arbitrary. Differentiate "unit" from "structure" and measuring from party wall is already being done from existing grade. Planning department at one time considered each unit of a duplex a structure.

Rediker – Closed public comment. Opened commissioner comments.

Kurz – Does not feel the options presented are adequate to address the issues at this time.

Pratt – Option 1 is more equitable but is a much more significant change. Option 2 is closer and more equitable, but six foot (6') step restriction is too arbitrary. Should be the lowest level on each side. Option 3 (no action) is not an option.

Gillette – Does not understand equitable argument. Does not think a buyer of a duplex is entitled to equity. Questions the purpose of basement deduction and thinks if it is underground and doesn't affect bulk and mass then it should not count as GRFA.

Stockmar – Difference between equity and fairness. GRFA rules have become too complex. Agrees with Commissioner Kurz, the options presented do not fix the problem. Inclined to defer action on the application.

Rediker – Option 1 is not right; Option 2 provides more equity and certainty but concerned that six foot (6') step restriction is arbitrary. Inclined to modify Option 2 to move the application forward.

Gillette – Was happy to see the other zone districts added in to application.

Ruther – Asked PEC to provide better direction and reiterated that we are moving away from a clarification and more toward a wholesale code amendment.

Spence – Clarified six foot step (6') was chosen to allow for different floor levels on the lowest level of the structure, such as a sunken media room.

Neubecker – Clarified how a structure is measured in response to comments by Pratt.

Gillette – How are the levels actually calculated?

Neubecker – Percentage below grade is calculated as one structure, not as two units and then split between the units.

Ruther – Staff needs to test going beyond the six foot (6') restriction and see if it works.

Pratt – Not comfortable with six foot (6') step restriction.

Gillette – What number is the right sized step then? Six foot (6') is not enough because an uphill unit (of a duplex) would not get the deduction if it is higher than six feet (6') from other floor. If it is subterranean they should get the credit as the lowest level. Come back to PEC with options specific to the levels.

Ron Byrne asked Chairman Rediker to speak – Permission granted.

Pratt – Asked whether to go to Council for more direction?

Ruther – Best to keep the issue with PEC at this time. Recommend testing a couple of new ideas presented today and return to PEC with findings. Will also better justify the rationale and justification of the proposed step.

Rediker – If the PEC is comfortable with Option 2, then consider a motion to approve. Options are Option 2, or continue the application to a later date.

5. A request for a recommendation to the Vail Town Council for a Prescribed Regulations Amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to amend Section 12-13-5, Employee Housing; Employee Housing Unit Deed Restriction Exchange Program, Section 12-23-6, Commercial Linkage; Methods of Mitigation, and Section 12-24-6, Inclusionary Zoning; Methods of Mitigation, Vail Town Code, concerning the payment of Fees in Lieu of providing Employee Housing and setting forth details in regard thereto (PEC16-0025). - 60 min.

**Applicant:** Town of Vail

**Planner:** Alan Nazzaro

**Action:** Approve

**Motion:** Kurz

**Second:** Stockmar

**Vote:** 5-0-0

Nazzaro – Summarized the request.

Rediker – What is the main purpose behind this proposed amendment?

Nazzaro – Keep deed restrictions we have for Town inventory of units.

Rediker – So it will mostly impact new development?

Nazzaro – Correct.

Gillette – Not limiting an applicant's ability to acquire another property to deed restrict?

Nazzaro – Correct.

Pratt – Strictly for off-site units?

Nazzaro – Would have to find another property or deed restriction.

Gillette – The purpose is to have someone fulfill the EHU obligation rather than just pay.

Rediker – Clarify unit size?

Nazzaro – Clarified the proposed requirements.

Pratt – Clarify the number of employees vs number of units as contained in the requirements.

Ruther – Clarified.

Rediker – Has an analysis of relative costs been performed? Economic analysis on redevelopment?

Nazzaro – The proposed Housing Strategic Plan recommends that the Town also purchase deed restrictions if funding ok by Council.

Rediker – Opened to public comment. No public comment. Closed public comment.

Kurz – In favor of the application and agrees with the intent not to produce revenue but produce actual units.

Pratt – The Town's goal is to house 30% of the workforce and the Town is falling short and with this an applicant cannot write a check out of it.

Gillette – Thinks the application is great.

Stockmar – Feels it is important that the Town have adequate housing opportunities. Very much in favor of the application.

Rediker – Sees the changes to be beneficial to the Town's goals. Cuts down on applicants punting the job of finding housing by writing a check.

6. Approval of Minutes  
July 25, 2016 PEC Meeting Results

**Action: Approve**

**Motion:** Kurz

**Second:** Stockmar

**Vote:** 5-0-0

7. Informational Update - View Corridors – Brian Garner
8. Adjournment