

**ORDINANCE NO. 35
SERIES OF 2016**

**AN ORDINANCE ESTABLISHING SPECIAL DEVELOPMENT DISTRICT NO. 41,
MARRIOTT RESIDENCE INN, PURSUANT TO ARTICLE A, SPECIAL
DEVELOPMENT (SDD) DISTRICT, CHAPTER 9, TITLE 12, ZONING REGULATIONS,
VAIL TOWN CODE, AND SETTING FORTH DETAILS IN REGARD THERETO.**

WHEREAS, Title 12, Zoning Regulations, Chapter 9, Article A, Special Development (SDD) District, Vail Town Code outlines the procedure for establishing special development districts; and

WHEREAS, Vail Hotel Owner ESHV, LLC, represented by Mauriello Planning Group, has submitted an application to the Town of Vail Community Development Department to establish Special Development District No. 41, Marriott Residence Inn, to facilitate the development of a limited service lodge, deed restricted employee housing units, and a conditional use permit for public or commercial parking facilities or structures; and

WHEREAS, the Planning and Environmental Commission of the Town of Vail held a public hearing on November 28, 2016, on the application to establish Special Development District No. 41, Marriott Residence Inn, in accordance with the provisions of the Vail Town Code; and

WHEREAS, upon due consideration, the Planning and Environmental Commission of the Town of Vail found that the request complies with the design criteria prescribed in Chapter 9, Title 12, Zoning Regulations, Vail Town Code, and furthers the development objectives of the Town of Vail; and

WHEREAS, the Planning and Environmental Commission of the Town of Vail has forwarded a recommendation of approval, with conditions, by a vote of 5-2-0 of this request to establish Special Development District No. 41, Marriott Residence Inn, to the Vail Town Council; and

WHEREAS, the Vail Town Council finds that the request to establish Special Development District No. 41, Marriott Residence Inn, complies with the nine design criteria prescribed in Title 12, Zoning Regulations, Chapter 9, Article A, Special Development Districts, Vail Town Code; that the applicant has demonstrated that any adverse effects of the requested deviations from the development standards of the underlying zoning are outweighed by the public benefits provided; and

WHEREAS, the approval of Special Development District No. 41, Marriott Residence Inn, and the development standards in regard thereto shall not establish precedence or entitlements elsewhere within the Town of Vail; and

WHEREAS, all notices required by the Vail Town Code have been sent to the appropriate parties; and

WHEREAS, the Vail Town Council considers it in the interest of the public health, safety, and welfare to adopt Ordinance No. 35, Series of 2016, and establish a new special development district in the Town of Vail.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VAIL, COLORADO, THAT:

Section 1. District Established

Special Development District No. 41, Marriott Residence Inn, is established for development on four (4) parcels of land, legally described as Lots 9, 10, 11, and 12, Buffehr Creek Resubdivision, which comprises a total of 86,597 square feet (1.98 acres) in the Public Accommodation-2 (PA-2) zone district in the Town of Vail. Said parcels may be referred to as “SDD No. 41”. Special Development District No. 41 shall be reflected as such on the Official Zoning Map of the Town of Vail. The underlying zoning for Special Development District No. 41, Marriott Residence Inn, shall be Public Accommodation-2 (PA-2) District.

Section 2. Special Development District No. 41, Marriott Residence Inn, Approved Development Plan

An approved development plan is the principal document in guiding the development, uses and activities of a special development district. The Vail Town Council finds that the Approved Development Plan for Special Development District No. 41, Marriott Residence Inn, complies with each of the requirements set forth in Sections 12-9A-5 and 12-9A-6 of the Vail Town Code. The Approved Development Plan for Special Development District No. 41, Marriott Residence Inn, shall be comprised of materials submitted in accordance with Section 12-9A-5 of the Vail Town Code and those plans prepared by Wright Heerema Architects, entitled “Proposed Residential Development”, dated November 28, 2016, and stamped approved November 28, 2016, and as further described in Section 3 herein.

Section 3. Special Development District No. 41, Marriott Residence Inn, Approved Development Plan Set

The following plan sheets prepared by Wright Heerema Architects, entitled “Proposed Residential Development”, dated November 28, 2016 and stamped approved November 28, 2016, shall constitute the Approved Development Plan set:

Sheet #:	Title:
Map	Rezoning Map of Special Development District Boundary
Untitled	Cover Sheet
A010	Proposed Site Plan
A011	Proposed Site Plan W/ Contours
A100	Floor Plan – Lower Level 2
A101	Floor Plan – Lower Level 1
A102	Floor Plan – Hotel 1 st Floor / Apartments LL-1 Parking
A103	Floor Plan – Hotel 2 nd Floor / Apartments 1 st Floor
A104	Floor Plan – Hotel 3 rd Floor / Apartments 2 nd Floor
A105	Floor Plan – Hotel 4 th Floor / Apartments 3 rd Floor
A106	Floor Plan – Hotel 5 th Floor / Apartments 4 th Floor
A107	Floor Plan – Hotel Roof Deck / Apartments 5 th Floor
A108	Floor Plan – Hotel Roof Deck / Apartments 6 th Floor
A109	Floor Plan – Roof Plan
A110	Enlarged Unit Plans – Hotel
A111	Enlarged Unit Plans – Apartments
A200	Elevations – Partial North and East
A201	Elevations – Partial North and East
A202	Elevations – Partial North, Partial South, and West
A301	Sections – Building Section North-South
A302	Sections – Building Section North-South
A303	Sections – Building Section East-West
A304	Sections – Building Section East-West
A305	Sections – Building Section North-South
A401	Sections Along Frontage Road (00')
A402	Sections Along Frontage Road (25')
A403	Sections Along Frontage Road (50')
A404	Sections Along Frontage Road (100')
A405	Sections Along Frontage Road (150')
A406	Sections Along Frontage Road (200')
A407	Sections Along Frontage Road (250')
A408	Sections Along Frontage Road (300')
A409	Sections Along Frontage Road (400')
AR-0c	Rendering – Proposed Design
AR-1	Rendering – Proposed Design
AR-2	Rendering – Proposed Design
AR-2s	Rendering – Proposed Design – Section
AR-3	Rendering – Proposed Design
AR-3s	Rendering – Proposed Design – Section
AR-4	Rendering – Proposed Design
AR-4s	Rendering – Proposed Design – Section
AR-5	Rendering – Proposed Design
AR-5s	Rendering – Proposed Design – Section
AR-6	Rendering – Proposed Design
AR-6s	Rendering – Proposed Design – Section

Sheet #:	Title:
AR-7	Rendering – Proposed Design
AR-7s	Rendering – Proposed Design – Section
AR-8	Rendering – Proposed Design – Exterior Wall Profile
C01.1	Cover Sheet
C01.2	Cover Sheet
C03.1	Grading Plan – West
C03.2	Grading Plan
C03.3	Grading Plan – East
C04.1	Driveway Profiles
C05.1	Storm Sewer Plan
C06.1	Utility Plan
C07.1	Overall Frontage Road Improvements
C07.2	Turning Movements
C08.1	Construction Details
C08.2	Construction Details
C08.3	Utility Details
C08.4	Shallow Details
L1.1	Landscape Plan
L1.2	Plant Legend Notes/Details
M1	Exterior Materials
M2	Exterior Materials
M3	Exterior Materials – South Elevation
M4	Exterior Materials – South Elevation – A/B
M5	Exterior Materials – South Elevation – C/D
M6	Exterior Materials – South Elevation – A
M7	Exterior Materials – South Elevation – C
M8	Exterior Materials – Perspective – A/B/C/D/A
M9	Exterior Materials – Perspective – A/B
M9	Exterior Materials – Perspective – A/B/C
M10	Exterior Materials – Perspective – A/B/C/D/A
M11	Exterior Materials – Perspective – A/B/C/D/A
R1a	Historic Grade Diagram – 48'
R1b	Historic Grade Diagram – 48'
R2a	Historic Grade Diagram – 50'
R2b	Historic Grade Diagram – 50'
R3a	Historic Grade Diagram – 52'
R3b	Historic Grade Diagram – 52'
R4a	Historic Grade Diagram – 54'
R4b	Historic Grade Diagram – 54'
R5a	Historic Grade Diagram – 56'
R5b	Historic Grade Diagram – 56'
R6a	Historic Grade Diagram – Previous Concept / New Concept
R6b	Historic Grade Diagram – Previous Concept / New Concept
R7a	Condo View Looking East
R8a	Condo View Looking Southeast

Sheet #:	Title:
R9	Grade Elevation Plan
R11	Area Plan – Lower Level 2
R12	Area Plan – Lower Level 1
R13	Area Plan – Site Plan
R14	Area Plan – Roof Plan
R15	Detailed Area Plans
R16	Lighting Plan

Topographic Survey Sheets 1-4, prepared by Peak Land Consultants, Inc., dated 6/1/2016

In the event of a conflict between the sheets listed above and the zoning analysis table in Section 4 below, the zoning analysis table shall prevail. The subsequent Design Review Board (DRB) review and approval of this project may alter the final development plan; however, such review shall not alter the development standards in Section 4 of this ordinance.

Sheets of the Approved Development Plan pertaining to the location of the proposed retaining walls may also be altered per Section 5, Condition 4, of this ordinance.

Section 4. Development Standards

In conjunction with the Approved Development Plan described in Section 2 herein, the following development standards are hereby approved by the Vail Town Council. These standards are incorporated in the Approved Development Plan to protect the integrity of the development of Special Development District No. 41, Marriott Residence Inn. The development standards for Special Development District No. 41, Marriott Residence Inn, are described below:

Underlying Standard	Approved Development Plan
Lot Area & Site Dimensions	Per Section 12-7J-5, Vail Town Code, as may be amended from time to time.
Setbacks	Front – 0' Side – 0' Rear – 0'
Height	Sloping Roof – 59.7' (Max.)
Density Control	Per Section 12-7J-8, Vail Town Code, as may be amended from time to time.
Site Coverage	95% (81,834 sq. ft.)
Landscaping & Site Development	Per Section 12-7J-10, Vail Town Code, as may be amended from time to time.

Parking & Loading	Per Section 12-7J-11, Vail Town Code, as may be amended from time to time.
Loading Berth Height	10'
Retaining Wall Height	20' 8"

- A. Permitted, Conditional, and Accessory Uses: The permitted, conditional, and accessory uses allowed in Special Development District No. 41, Marriott Residence Inn, shall be those uses listed in Title 12, Chapter 7, Article J, Public Accommodation-2 (PA-2) zone district, Vail Town Code, as may be amended from time to time.
- B. Lot Area: The total lot area for Special Development District No. 41, Marriott Residence Inn, shall be 86,597 square feet (1.98 acres).
- C. Setbacks: The setbacks for Special Development District No. 41, Marriott Residence Inn, shall be as indicated on the Marriott Residence Inn Approved Development Plan, described in Section 2 herein.
- D. Height: The maximum allowable building height for Special Development District No. 41, Marriott Residence Inn, shall be 59.7 feet, as indicated on Sheet R9 of the Marriott Residence Inn Approved Development Plan, described in Section 2 herein.
- E. Density Control: The maximum allowable gross residential floor area (GRFA) for Special Development District No. 41, Marriott Residence Inn, shall be 89,466 square feet as indicated on the Marriott Residence Inn Approved Development Plan and the maximum allowable unit count shall be 170 limited service lodge units (LSLUs), 107 Type-III rental deed-restricted employee housing units (EHUs), and six (6) rental dwelling units, as indicated on the Marriott Residence Inn Approved Development Plan, described in Section 2 herein.
- F. Site Coverage: The maximum allowable site coverage shall be ninety-five percent (95%) or 81,834 square feet of the total lot area, and as indicated on the Marriott Residence Inn Approved Development Plan, described in Section 2 herein.
- G. Landscaping and Site Development: At least 31% of the total lot area shall be landscaped. The landscaping plan and site development shall be as indicated on the Marriott Residence Inn Approved Development Plan, described in Section 2 herein.
- H. Parking and Loading: Off-street parking and loading shall be provided as indicated on the Marriott Residence Inn Approved Development

Plan, described in Section 2 herein. There is allowed temporary parking and loading in the front setback as indicated on the Approved Development Plan.

The number of parking spaces between limited service lodge guests, employee housing units, dwelling units, and the general public is as follows:

	LSLU	EHU / DU	Public
<i>Lower Level</i>			
<i>Single</i>	0	154	18
<i>Tandem</i>	0	14	0
<i>Upper Level</i>			
<i>Single</i>	110	42	0
<i>Tandem</i>	0	0	0
<i>Ramp</i>			
<i>Single</i>	0	0	22
<i>Tandem</i>	0	0	0
Totals	110	210	40

Section 5. Conditions of Approval

The following conditions of approval shall become part of the Town’s approval of the establishment of Special Development District No. 41, Marriott Residence Inn:

1. Approval of Special Development District No. 41, Marriott Residence Inn, is contingent upon the applicant obtaining Town of Vail approval of an associated design review application;
2. The applicant shall obtain Leadership in Energy and Environmental Design (LEED) certification for the structure within one (1) year of issuance of the first Certificate of Occupancy. Failure to obtain the certification within the identified time-frame will necessitate a return to the Planning and Environmental Commission and/or Town Council for an evaluation of a suitable, replacement public benefit;
3. Prior to submitting any building permit application, the applicant shall identify the six (6) unrestricted, rental dwelling units and provide documentation that the units shall have the right-of-use to the services and facilities of the lodge under the same rules and regulations as the lodge guests;
4. Prior to submitting any building permit application, the applicant shall submit revised plans relocating the proposed retaining walls at least two feet (2’) from adjacent property lines;

5. Should the Colorado Department of Transportation (CDOT) not approve the proposed landscaping in the North Frontage Road right-of-way, the applicant shall submit a Design Review application for a revised landscape plan, for review and approval, prior to submitting any building permit application, subject to Design Review;
6. Prior to submitting any building permit application, the applicant shall submit revised plans that clearly illustrate signage and striping of the fire staging area;
7. Prior to submitting any building permit application, the applicant shall submit revised plans that illustrate the continuation of the proposed sidewalk to the intersection with Buffehr Creek Road;
8. Prior to submitting any building permit application, the applicant shall submit an application for approval from CDOT related to all proposed work within the CDOT right-of way;
9. The applicant shall mitigate system wide pedestrian and traffic impacts through the payment of a Transportation Impact Fee that shall not be offset by the project level improvements. This payment shall be made prior to requesting any Certificate of Occupancy for the project. The fee shall be determined through the ongoing update and codification to the Impact Fee as approved by the Town Council. In the event that the updated fee is not adopted by the Town Council prior to July 1, 2017, the applicant shall provide a payment, prior to requesting any Certificate of Occupancy, based upon net new PM Peak Hour vehicle trips generated by the development. The amount per trip shall be assessed at the established rate as of July 1, 2017;
10. Prior to submitting any building permit application, the applicant shall provide roadway and snow storage easements for the portion of Meadow Ridge Road that encroaches onto the subject property in a format acceptable to the Town's Attorney;
11. Prior to the issuance of any Certificate of Occupancy for the limited service lodge, the owner shall submit to the Town of Vail fourteen (14) deed restriction agreements for the occupancy and rental of Type III Employee Housing Units, as defined on the effective date of this ordinance, and said agreements shall be reviewed, approved, and recorded with the Eagle County Clerk and Recorder. The fourteen (14) deed restricted units are intended to meet the limited service lodge's minimum commercial linkage requirements established in Title 12, Chapter 23, Vail Town Code; and

12. Prior to issuance of a building permit, the Developer shall enter into a Development Agreement with the Town of Vail to document provisions related to off-site public improvements, easements, employee housing deed restrictions, timing and payment of fees, and similar provisions related to the development project.

Section 6.

The Developer shall commence initial construction of the Marriott Residence Inn improvements within three (3) years from the time of its final approval at second reading of the ordinance establishing Special Development District No. 41, Marriott Residence Inn, and continue diligently toward the completion of the project. If the developer does not begin and diligently work toward the completion of the special development district or any stage of the special development district within the time limits imposed, the approval of said special development district shall be void. The Planning and Environmental Commission and Town Council shall review the special development district upon submittal of an application to reestablish the special development district following the procedures outlined in Section 12-9A-4, Vail Town Code.

Section 7.

If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Vail Town Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases by declared invalid.

Section 8.

The Vail Town Council hereby finds, determines and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town of Vail and the inhabitants thereof. The Council's finding, determination, and declaration are based upon the review of the criteria prescribed by the Vail Town Code and the evidence and testimony presented in consideration of this ordinance.

Section 9.

The amendment of any provision of the Vail Town Code as provided in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

Section 10.

All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this 20th day of December, 2016 and a public hearing for second reading of this Ordinance set for the 3rd day of January, 2017, at 6:00 PM in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk