



**PLANNING AND ENVIRONMENTAL COMMISSION**  
**November 28, 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: Brian Gillette, Kirk Hansen, Ludwig Kurz, Henry Pratt, John Rediker, John Ryan Lockman and Brian Stockmar

Absent: None

2. Site Visits - 30 min.

1. Marriott Residence Inn - 1783 North Frontage Road West

3. A request for recommendation to the Vail Town Council of an application to establish Special Development District No. 41 (Marriott Residence Inn), pursuant to Section 12-9(A), Special Development Districts, Vail Town Code, to allow for the development of a limited service lodge and deed restricted employee housing units and a conditional use permit for public or commercial parking facilities or structures, located at 1783 North Frontage Road West/Lot 9, Buffehr Creek Resubdivision, and setting forth details in regard thereto. (PEC16-0030).

**Applicant:** Vail Hotel Owner ESHV, LLC, represented by Mauriello Planning Group

**Planner:** Matt Panfil

Chairman Rediker opened the item.

Matt Panfil, Planner, introduced the project. Matt ran through a list of terms that are used both in the staff report and staff's presentation. He discussed the objective of Special Development Districts and how they are reviewed. Matt added emphasis that at times there may be competing public interests.

Panfil summarized the application, including its components and the relationship of these components to the town code. He presented the changes to the plans that have occurred over the three meetings and plan sets.

Commissioner Hansen asked about the color coding shown for parking.

Commissioner Gillette asked about the parking requirement and allowable deductions for multi-use facilities.

Panfil provided answers to these two questions. Matt stated that staff has concerns about the multi-use parking credit but the code does not provide further clarification

regarding the parking reduction.

Commissioner Stockmar asked about parking requirements and the possibility that the demand will be lower.

Panfil discussed the possibility of more spaces being available for public parking if future demand from the residential uses does not meet the spaces provided. He closed out his presentation with a discussion of the proposed deviations from the underlying zone district.

Chairman Rediker requested that staff discuss the proposed conditions of approval.

Panfil provided the Commission with the proposed conditions of approval.

Chairman Rediker opened up for Commissioner's question.

Chairman Rediker asked about the acceptability of the conditions to the applicant and a greater explanation of the LEED condition.

Chairman Rediker asked about the location of the retaining walls and the need to move them 2' from the property line.

Commissioner Hansen asked about the needed easement for Meadow Ridge Road.

Commissioner Hansen asked about the shading of the road and if a plan for this was needed.

Panfil provided greater details on what was being requested and indicated that no mitigation for the shading is proposed.

Commissioner Kurz asked for clarification related to building height and how the building height was able to be reduced by more than 12 feet without removing any floors to the building.

Panfil discussed the changes in the building height.

Chairman Rediker asked about the height allowances over the limit.

Panfil discussed architectural projections and their allowance.

Commissioner Lockman asked about site coverage and how it is calculated.

Commissioner Lockman also asked about the availability of water service.

Panfil discussed these items and how the water service comment was meant as an advisory alert to the applicant.

Commissioner Lockman asked about the applicability of an Environmental Impact Report for this project.

Panfil stated that it had been discussed but had not been requested for previous projects.

Commissioner Hansen expressed concern with the traffic flow on the frontage road.

Commissioner Kurz asked if any of the technical aspects will result in a return to either the PEC or Town Council.

Panfil stated that with the exception of CDOT technical issues, other items have been addressed or are conditioned to do so.

Applicant presentation.

Dominic Mauriello made a PowerPoint presentation on behalf of the applicant.

Chairman Rediker asked the Commission if they have questions for the applicant.

Chairman Rediker asked about the step between the apartment units and the lodging units.

Mauriello responded that it is partially due to a change in grade and also in response to comments received that height is more acceptable along the eastern end.

Panfil and Mauriello reviewed some building sections that help to illustrate the proposed height.

Chairman Rediker asked for clarification regarding the landscape plan at the rear of the building (north side).

Mauriello responded that it was principally evergreen trees with some aspens.

Chairman Rediker asked if there was sufficient sunlight for the landscaping proposed.

Mauriello responded that the plan has been prepared by a landscape architect and reviewed by the Town's landscape architect.

#### Public Comment

Randy Guerriero – Stated that the third plan is an improvement. Expressed concern with the evergreens along the north side. He asked about improvements to the frontage road such as deceleration or turn lanes. He asked a question about the deed restrictions. He expressed concern with snow storage.

Ted Steers – Supportive of the proposed underground component. Rooftop landscaping will require attention for detail. He expressed concern that Marriott would co-opt all of the employee housing units for its own employee use. He is also concerned with the size of the building and wondered why it is not broken into two or three buildings.

Molly Murphy – Vail Valley Medical Center (VVMC) fully supports the project. No public money subsidy is being requested. In her experience, the rent would be ok. The lodge units help serve a demand that is not being met. VVMC currently send people to Hawthorne Suites in Eagle.

Chris Burns – He believes the revised plan is much better. He is concerned with possible effects on the sanitary sewer system, the removal of existing old growth trees, the proposed zero setback construction and the effects of the zero setback construction on existing buildings. He is also concerned with the rooftop proposal and potential noise affecting nearby properties. He expressed concern with the level of public amenities, and that a bus shelter is not public art. He concluded by stating that the project is just too big for the neighborhood and 150 units per acre is inconsistent with the area.

Steve Lindstrom – Vail Local Housing Authority (VLHA) supports the project. Vail is landlocked and does not have room to sprawl in order to grow. Vail has to look inward at what we have to solve our problems. Density is the solution, not the problem. The 1970's and 80's way of solving problems will not work. Lion's Ridge is a missed opportunity. This project is a project that works towards a solution. There is not a better site or a better project. We need private sector help to solve our housing problems.

Jason Cowles – Eagle River Water and Sanitation District (ERWSD) is working with the applicant and looking at capacity issues. No answers at this time but the existing water and sewer infrastructure will need to be upsized and loop up to Buffehr Creek Road.

Mike Brumbaugh – He is strongly in favor of this. Project addresses three important issues in community: housing, lodging and parking. He is unable to expand business opportunities because of employee housing issues. Vail Valley Partnership is also supportive of the proposal. This project is part of the solution.

Jill Klosterman, Eagle County Housing – Addressed the county needs assessment and how the need is growing. She spoke to the limited supply of land and how this may be part of the solution.

Mary McDougall, VLHA – She supports the project as a board member and as a citizen. The project is a great compromise between staff and developer.

Lori Johnson – Spoke to change in Vail, and Vail will continue to change. People who are opposed are concerned about views. The Town needs to look at the sustainability and growth of the community. Families with children are moving down valley. If we don't figure out these community issues we won't have a community. We need to think about solutions.

Greg Bemis – Stated that it is a massive, very tall building; twice the size of Vail Run. Employee housing may be supportive but what about the effects on the character of West Vail. Zoning is there for a reason. There are a lot of places to put this type of housing that will have fewer effects on the character of the area. As a resident of West Vail, this may not be what we are looking for. Asked where is the West Vail plan? Asked the PEC to consider the massiveness of this building. Questioned the project's sense of scale.

#### Commissioner Comments

Commissioner Stockmar – Stated that this is a challenging decision. This is a proposal that solves a lot of problems, but it is not perfect. He is concerned about the loss of mid-level lodging in town. There are downsides but there are upsides to solving our needs. We need to use the land we have well. Overall, with the conditions and constraints placed, he is supportive.

Commissioner Gillette – Stated his support. This is a massive building but the architectural treatment breaking it into different façades helps. He feels that this project is on the right track. He is concerned the project will run into budget constraints, and there is an expectation that the level of architectural detail will not be compromised. He is concerned that some of the conditions placed may affect the architectural details.

Commissioner Pratt – Supports the overall project, but feels that this proposal is 13 pounds in a 10 pound bag and is just too much for the site.

Commissioner Kurz – Supports the project. Our needs speak to our previous successes and our future success is dependent upon employees. He feels the project meets the criteria for SDD approval, but recognizes that this is 12 pounds in the 10 pound bag. He is not concerned with height. He feels the technical aspects will be taken care of and the building will be a positive mark on the neighborhood. The benefits outweigh the negatives.

Commissioner Hansen – Supports the project. It is time for larger steps. He has never seen a presentation that so well covered all the bases. This is a private sector project with significant public benefits.

Commissioner Lockman – Concurs with the quality of the presentation by staff and the applicant, and thankful for the public comment. In thinking about competing interests he feels the benefits outweigh the possible negatives. He still struggles with the proposed density of use and he still questions why an EIS was not required.

Chairman Rediker – Asked about the impact on groundwater drainage with the proposed lot line to lot line development.

Mauriello – Prior to building permit application, a groundwater study will be necessary.

Chairman Rediker – Asked if the applicant will be required to install drainage.

Tom Kassmel, Town Engineer – A drainage study will be required and an analysis will be needed. Water flows to the southwest corner of site. A de-watering system will be needed.

Chairman Rediker – Echoed Commissioner Pratt's comments. This was a well prepared application and presentation. He is thankful for the public comment. This is a very difficult decision if not the hardest decision with his time on the PEC. He is supportive of the hot beds and the affordable housing, which are big pluses for the project. He stated that unfortunately he does not feel the criteria are met, specifically concerning compatibility, relationship and design features. The lack of a master plan needs to be looked at.

Commissioner Gillette – This project meets one-tenth of the Town's housing goal. If the frontage road location does not work, the housing plan will not work.

Closed commissioner comments.

Special Development District Motion

**Action:** Approve with Conditions on page 23-24 of packet, and Findings on page 24

**Conditions:**

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 lodge's service and facilities 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 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 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; and***

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.***

**Findings:**

***Based upon the review of the criteria outlined in Section VIII of the Staff memorandum to the Planning and Environmental Commission dated November 28, 2016, and the evidence and testimony presented, the Planning and Environmental Commission finds:***

1. ***The SDD complies with the standards listed in Section VIII of this memorandum, or the applicant has demonstrated that one or more of the standards is not applicable;***
2. ***The SDD is consistent with the adopted goals, objectives and policies outlined in the Vail comprehensive plan and compatible with the development objectives of the town;***
3. ***The SDD is compatible with and suitable to adjacent uses and appropriate for the surrounding areas; and***
4. ***The SDD 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.***

**Motion: Stockmar  
and Rediker opposed)**

**Second: Hansen**

**Vote: 5-2-0 (Pratt**

**Conditional Use Permit Motion**

**Action: Approve with Condition as listed on page 25 of packet**

**Motion: Stockmar  
(Rediker opposed)**

**Second: Kurz**

**Vote: 6-1-0**

**Condition**

1. ***The conditional use permit for a commercial parking facility shall lapse and become void if a building permit is not obtained and diligently pursued toward completion or the approved use has not commenced within two (2) years from the date of approval. Any conditional use which is discontinued for a period of two (2) years, regardless of any intent to resume operation, shall not be resumed thereafter; any future use of the site or structures thereon shall conform to the provisions of Title 12, Vail Town Code.***

## Findings

**Based upon the review of the criteria outlined in Section IX of the Staff memorandum to the Planning and Environmental Commission dated November 28, 2016, and the evidence and testimony presented, the Planning and Environmental Commission finds:**

- 1. The proposed location of the use is in accordance with the purposes of this title and the purposes of the Public Accommodation-2 (PA-2) zone district;**
  - 2. The proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, and welfare, or materially injurious to the properties or improvements in the vicinity; and**
  - 3. The proposed use complies with each of the applicable provisions of this title.**
4. A report to the Planning and Environmental Commission of an administrative action approving a request for a minor amendment to Special Development District No. 6 (Vail Village Inn), pursuant to section 12-9A-10, Amendment Procedures, Vail Town Code, to allow for the construction of an approximately sixty (60) square foot addition (glass display case) located at 100 East Meadow Drive, Units 7A, 8, 21 and 22 (Vail Village Plaza Condos)/Lot O, Block 5D, Vail Village Filing 1, and setting forth details in regard thereto. (PEC16-0035)  
**Applicant:** AJW Properties II, LLC, represented by Current Architects  
**Planner:** Matt Panfil
- Matt Panfil stated that the applicant is proposing to build a glass display case underneath a building overhang at the southeast corner of the structure that will help bring attention to the structure from pedestrians on Meadow Drive. The glass display case counts as commercial floor area and therefore requires a minor amendment to the Special Development District (SDD).
- Commissioner Gillette asked about the purpose of the display case.
- Michael Current of Current Architects, representing the applicant, stated that the display case is part of other improvements that will help connect the structure to the plaza area and bring attention to an unidentified future business.
- There were no other questions or comments from the Commissioners.
- Action: None**
5. A request for a variance from Section 14-6-7, Vail Town Code, pursuant to Section 14-1-5, Variances, Vail Town Code, and in accordance with Section 12-17, Variances, Vail Town Code, to allow for retaining walls with an exposed face height greater than three feet (3') in the front setback, located at 1255 Westhaven Circle/Lot 45, Glen Lyon Subdivision and setting forth details in regard thereto. (PEC16-0036)

