



Memorandum

TO: Vail Town Council

FROM: Community Development Department

DATE: December 20, 2016

SUBJECT: First reading of Ordinance No. 35, Series of 2016, an ordinance establishing 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/Lots 9-12, 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

I. SUMMARY

The applicant, Vail Hotel Owner ESHV, LLC, represented by Mauriello Planning Group, is requesting a first reading of Ordinance No. 35, Series of 2016, an ordinance establishing Special Development District No. 41, Marriott Residence Inn, and setting forth details in regard thereto. The purpose of the proposed Special Development District (SDD), is to facilitate the redevelopment of the former Roost Lodge site with a 170 unit Marriott Residence Inn limited service lodge (LSLU), 107 Type III deed-restricted employee housing units (EHUs), six (6) unrestricted rental dwelling units, and a conditional use permit for a commercial parking facility, located at 1783 North Frontage Road West.

On November 28, 2016, the Town of Vail Planning and Environmental Commission (PEC) held a public hearing on the request to establish SDD No. 41, pursuant to the requirement of Section 12-9(A), Vail Town Code. At the conclusion of the public hearing, the PEC voted 5-2 (Pratt and Rediker opposed) to forward a recommendation that the Vail Town Council **approves, with conditions**, Ordinance No. 35, Series of 2016, as presented, upon first reading.

II. DESCRIPTION OF REQUEST

The applicant is proposing the following as part of this SDD:

- 170 limited service lodge units (LSLUs) within the west side of the structure;
- 107 Type III deed-restricted employee housing units (EHUs) within the east side of the structure;
- Six (6) rental dwelling units within the east side of the structure; and
- A two-story, below grade, 360 space parking facility, of which there are 40 surplus parking spaces available for public use.

Per page three (3) of the applicant's project narrative (Attachment E), the six (6) dwelling units will be rental units and not available for sale, nor will they be converted into condominium units.

Attached for review are the following documents:

- A. Rezoning Map
- B. Ordinance No. 35, Series of 2016 (SDD No. 41, Marriott Residence Inn)
- C. PEC Memorandum, with attachments, dated November 28, 2016
- D. Record of approved PEC meeting minutes, dated November 28, 2016
- E. Project Narrative, dated November 2, 2016
- F. Development Plan Set, dated November 28, 2016
- G. Transportation Impact Study, prepared by McDowell Engineering LLC, dated August 5, 2016
- H. Public Comments received as of November 23, 2016

III. ACTION REQUESTED OF THE VAIL TOWN COUNCIL

The Vail Town Council is asked to consider the proposed development plan in relation to the SDD criteria established in Section 12-9A-8, Design Criteria and Necessary Findings, Vail Town Code. The Vail Town Council shall approve, approve with modifications, or deny Ordinance No. 35, Series of 2016, upon first reading. These three (3) options can be viewed as the following discussion items:

- Does the Vail Town Council support the PEC's recommendation of approval, with conditions?
- If not, what modifications, if any, are requested by the Vail Town Council to ensure that the Approved Development Plan for SDD No. 41, Marriott Residence Inn is in compliance with the design criteria established in Section 12-9A-8, Vail Town Code?

- If the Vail Town Council does not support the PEC's recommendation of approval, with conditions, **and** cannot identify modifications to the proposal which ensure compliance with the design criteria, the application shall be denied.

IV. BACKGROUND

The site is the former location of The Roost Lodge, which was built in the early 1970s. The Roost Lodge featured 72 accommodation units, one (1) dwelling unit, and a paved surface parking lot. All structures and improvements associated with The Roost Lodge were demolished in 2015. The site has since been revegetated.

Dating back to 2006, several different redevelopment scenarios have been proposed or approved for this location. The most recent approval in 2013 included a similar development plan with 176 LSLUs and two (2) EHUs, but the approval expired on November 12, 2015.

V. PLANNING AND ENVIRONMENTAL COMMISSION SUMMARY

The Planning and Environmental Commission (PEC) held three (3) public hearings on this application on September 12, October 10, and November 28, 2016. At the November 28, 2016 public hearing the PEC voted 5-2 (Pratt and Rediker opposed) to recommend that the Vail Town Council approve, with conditions, the proposed SDD with the following deviations:

1. Deviations from the minimum required 20 foot front, side, and rear setbacks to allow for zero foot (0') setbacks;
2. Deviation from the 48 foot maximum allowable building height to allow for a 59.7 foot maximum building height;
3. Deviation from the 65% maximum allowable site coverage to allow for 95% site coverage;
4. Deviation from the 14 foot minimum loading berth height to allow for two (2) loading berths ten feet (10') in height; and
5. Deviation from the six foot (6') maximum retaining wall height to allow up to 20'-8" tall retaining walls.

The recommendation of approval, with conditions, was made on the following motion:

“The Planning and Environmental Commission forwards to the Vail Town Council a recommendation of approval for an application to establish Special Development District No. 41, Marriott Residence Inn, pursuant to Section 12-9(A), Vail Town Code, to allow for the development of a limited service lodge and deed restricted employee housing units, located at 1783 North Frontage Road West / Lots 9-12, Buffehr Creek Resubdivision, and setting forth details in regard thereto.”

The PEC’s recommendation of approval includes ten (10) conditions as follow:

- 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.*

The PEC's recommendation of approval includes the following findings:

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."*

VI. ZONING / SDD NO. 41 ANALYSIS

Address:	1783 North Frontage Road West
Legal Description:	Buffehr Creek Resubdivision Lots 9-12
Existing Zoning:	Public Accommodation-2 (PA-2)

Existing Land Use Designation: Medium Density Residential
 Mapped Geological Hazards: Steep Slope > 40% (Man-Made)

Underlying Standard	Allowed / Required	Proposed (Bold Text – Identified Deviation)
Site Area	Min. 10,000 sq. ft.	86,597 sq. ft. (1.98 acres)
Setbacks	Front – 20' Side – 20' Rear – 20'	Front – 0' Side – 0' Rear – 0'
Height	Flat or Mansard Roof – 45' Sloping Roof – 48'	Sloping Roof – 59.7' (Max.)
Density	25 DUs/ per acre of buildable site area	170 LSLUs 107 EHUs 6 DUs (3 DUs / Acre)
GRFA**	Max. 129,896 sq. ft.	89,466 sq. ft.
Site Coverage	Max. 65% of total site area (56,288 sq. ft.)	95%*** (81,834 sq. ft.)
Landscaping	Min. 30% of total site area (25,979 sq. ft.)	31% (26,726 sq. ft.)
Parking & Loading	320 parking spaces required	338 single spaces 14 tandem spaces <u>+ 8 ADA spaces</u> 360 total spaces
Loading Berth Height	Min. 14'	10'
Retaining Wall Height	Max. 6'	20'-8"

* The above grade setbacks are all at least 20 feet; the setbacks for the below grade parking facility are zero feet (0').

** The LSLUs account for 84,466 square feet of GRFA and the six (6) multi-family dwelling units will account for no more than 4,000 square feet of GRFA for a maximum total of 89,466 square feet. The applicant has not yet identified the specific six (6) multi-family dwelling units, but once identified they shall not exceed a combined GRFA of 4,000 square feet. The EHUs account for 94,410 square feet, but they do not count towards GRFA or density per Vail Town Code.

*** The site coverage is 55%; the site coverage including the below grade parking facility is 95%.

VII. DESIGN CRITERIA

Before acting on an SDD application, the Planning and Environmental Commission and Town Council shall consider the following factors with respect to the proposed SDD:

- 1. Compatibility: Design compatibility and sensitivity to the immediate environment, neighborhood and adjacent properties relative to architectural design, scale, bulk, building height, buffer zones, identity, character, visual integrity and orientation.**

Each series of revisions to the development plan have brought the proposal more in line with the character of the neighborhood and Vail in general. The mass, scale, and bulk of the building is larger than that of the surrounding

structures; however, the newly proposed architectural treatments such as a variety of roof forms and increased horizontal and vertical articulation serve to visually break up the mass, bulk, and scale of the building. The proposed building material and color palettes are consistent with the identity and character of Vail as a mountain community. As a result, the structure now appears as an assemblage of buildings, often seen throughout the Town. Staff finds that the changes to the building elevations and materials are a significant improvement from the previous plans.

The subject property is located in the PA-2 zone district, which allows for a maximum 48 foot building height, but it is surrounded by residential zone districts where 33 feet is the maximum building height. Therefore, based upon the zoning of the subject property, there is expected to be a difference in building height between the subject property and surrounding area. Many of the Town's taller buildings are located along the frontage roads as they buffer surrounding areas from the noise and aesthetics of the I-70 corridor. Though the proposed building height is greater than those in the surrounding area, the applicant has demonstrated that the height of the majority of habitable area is consistent with the 48 foot height limitation of the underlying zone district.

During the review process, the building was lowered and the floor to floor dimension was reduced in order to minimize the requested deviation from the maximum building height of 48 feet. Other design considerations regarding the bulk, mass, and scale of the building include:

- The entry to the garage was lowered by ten feet (10') and is now located below grade;
- The height of the tower at the east end of the building was reduced by 13'-9" to a height of 59.7'. Per Section 14-10-4-F, such architectural projections are permitted to extend above the height limit of the underlying zone district by not more than 25% nor more than 15 feet. Based on this formula, 60 feet is the maximum height for architectural features within the PA-2 zone district;
- The height of the tower at the west end of the building was reduced by approximately 13'-6";
- An increase in depth of architectural relief from two feet (2') to between six feet (6') to ten feet (10');
- The use of four (4) building material and color palettes to break up the visual mass, scale, and bulk of the structure and create a rhythm of different building façades; and

- The addition of a shed roof porte-cochere.

The use of building material and color palettes addresses staff concerns with bulk, mass, and scale. Rather than one (1) relatively monolithic façade, the structure has been broken up into multiple façades, all of which are balanced to be unique individually, but complementary as a whole. The rhythm of façade changes is maintained on all sides of the structure. As a result, the proposed building materials and color palettes are characteristic of Vail's mountain resort character.

The rectilinear shape of the existing platted lots is conducive to a predominantly east-west building orientation. The shape of the subject property also leaves little room for a buffer zone between the structure and adjacent properties. Therefore staff encouraged the use of high quality landscape materials suitable to the environment and root space available.

On-site there is minimal existing mature vegetation, no stream course, and no unique natural features such as rock outcroppings or similar natural features that will interfere with the proposed development.

Staff finds the proposal meets this criterion.

2. Relationship: Uses, activity and density which provide a compatible, efficient and workable relationship with surrounding uses and activity.

The PA-2 zone district is specifically intended to provide sites for lodges, LSLUs, and residential accommodations outside of the periphery of the Vail Village and Lionshead commercial core areas. The proposed LSLUs, EHUs, DUs, and commercial parking facility are either permitted by right or conditional uses within the underlying PA-2 zone district. Per Town Code, up to 150 square feet of GRFA may be permitted for each 100 square feet of buildable site area, though final determination of allowable GRFA shall be made by the PEC. The total density (DUs / Acre) allowed by the underlying PA-2 zone district is not to exceed 25 dwelling units per acre of buildable site area, although LSLUs and EHUs do not count toward density within the PA-2 zone district. This is due to the fact that the PA-2 zone district is specifically intended to accommodate higher densities that contribute to a critical mass where a population is able to access transit and services and incent the development of LSLUs, which are a form of public accommodations, and deed restricted EHUs, which are a form of residential dwellings only available for occupancy by persons whom identify Vail as their primary and permanent place of residency.

This site is situated to take advantage of commercial services located in the nearby West Vail Mall commercial area, offering a variety of services from groceries to restaurants and dry cleaning that are typically used by residents.

There is a strong relationship between the establishment of the uses located in the Commercial Core 3 (CC3) zone of the West Vail area and the original intent of the subject site being zoned PA-2 so that the commercial services could be easily accessed. The site also offers immediate access to the North Frontage Road bicycle and pedestrian trail and the nearby transit stop to allow residents and guests the opportunity to move about Vail without the use of a private vehicle, which is a public benefit by alleviating traffic congestion and reducing negative environmental impacts such as noise and air pollution.

The new I-70 underpass is less than one (1) mile away from the proposed project and, upon completion in 2017, will facilitate direct bicycle and pedestrian access to Lionshead and Vail Village, which is another benefit of allowing additional density at this location. As the site is immediately adjacent to the I-70 corridor, the site is also ideally located as a place to transition residential density from higher density to lower as you move further from the I-70 corridor. Higher density projects are typically located adjacent to higher-volume roadways to help provide a visual and noise buffer for lower density properties located further from those roadways.

The proposed project is residential in nature, similar to surrounding uses. The residential properties adjacent to the site range from low density single family homes and duplexes in the Grand Traverse SDD north of the subject property to as much as 29 dwelling units per acre in the Buffehr Creek Condos adjacent to the west side of the subject property. As a result of the proposed residential use, there should be less land use conflict from what could otherwise result from more intense uses.

The location of the access points on North Frontage Road West keeps traffic from this project off of Meadow Ridge Road, and thus will ensure that the surrounding residential uses on Meadow Ridge Road will be less impacted by traffic.

Staff finds that the proposal meets this criterion.

3. Parking and Loading: Compliance with parking and loading requirements as outlined in chapter 10 of this title.

The parking dimensions and number of parking spaces proposed comply with Vail Town Code. Parking provides a critical function in Vail and opportunities to increase the number of parking spaces available should be regarded favorably. The 40 parking spaces in excess of Vail Town Code requirements may be made available to the general public for a fee or may be leased in aggregate to a single entity; however a parking club is not listed as a permitted or conditional use in the underlying PA-2 zone district and would therefore not be allowed. As proposed in the applicant's narrative, the parking spaces will be leased on a monthly or annual basis. The excess

parking provides a public benefit by absorbing additional parking demand in the proposed facility that could otherwise impact parking availability in town parking facilities.

While the height of the loading berths within the garage facility does not meet code, there is an opportunity for temporary loading within the area of the drive aisle that is 26 feet wide, thereby meeting the intent of the code.

Staff finds the proposal meets this criterion.

4. Comprehensive Plan: Conformity with applicable elements of the Vail comprehensive plan, town policies and urban design plans.

Staff has reviewed the Vail Comprehensive Plan and found the following documents and associated goals, objectives, statements applicable to this proposal:

Vail Land Use Plan (in part)

- 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.*
- 1.12 Vail should accommodate most of the additional growth in existing developed areas (infill areas).*
- 3.1 The hotel bed base should be preserved and used more efficiently.*
- 3.3 Hotels are important to the continued success of the Town of Vail, therefore conversion to condominiums should be discouraged.*
- 3.4 Commercial growth should be concentrated in existing commercial areas to accommodate both local and visitor needs.*
- 5.1 Additional residential growth should continue to occur primarily in existing, platted areas and as appropriate in new areas where high hazards do not exist.*
- 5.3 Affordable employee housing should be made available through private efforts, assisted by limited incentives, provided by the Town of Vail, with appropriate restrictions.*

- 5.4 *Residential growth should keep pace with the market place demands for a full range of housing types.*
- 5.5 *The existing employee housing base should be preserved and upgraded. Additional employee housing needs should be accommodated at varied sites throughout the community.*

Vail 20/20 Strategic Action Plan (in part)

Land Use and Development:

Goal #4: *Provide for enough deed-restricted housing for at least 30 percent of the workforce through policies, regulations and public initiated development.*

Housing:

Goal: *The Town of Vail recognizes the need for housing as infrastructure that promotes community, reduces transit needs and keeps more employees living in the town, and will provide for enough deed-restricted housing for at least 30 percent of the workforce through policies, regulations and publicly initiated development.*

Actions / Strategies:

- *Research parking requirements for employee housing and consider reducing requirements for employee housing developments.*
- *Expand the number of employee beds in the Town of Vail.*
 - *Consider increasing incentives in performance zoning for property owners who build EHUs.*

Vail Economic Development Strategic Plan (in part)

Policies:

Goal #4: Provide support for a quality workforce delivering world-class service to positively impact Vail's economy.

Objective 4.1: Work with the business community, Eagle County and other municipalities to address future workforce housing needs.

Objective 4.3: Work with the business community and Eagle County to address parking and transportation issues for workers and guests.

Chapter VII. Evaluation and Analysis, Weaknesses:

Inefficient Facilities: Older lodging accommodations

Vail Housing 2027 (in part)

Mission:

We create, provide, and retain high quality, affordable, and diverse housing opportunities for Vail residents to support a sustainable year round economy and build a vibrant, inclusive and resilient community. We do this through acquiring deed restrictions on homes so that our residents have a place to live in Vail.

Policy Statement:

We acknowledge that the acquisition of deed restrictions on homes for Vail residents is critical to maintaining community. Therefore, we ensure an adequate supply and availability of homes for residents and recognize housing as infrastructure in the Town of Vail; a community support system not unlike roads, bridges, water and sewer systems, fire, police, and other services of the municipal government.

Ten Year Goal:

The Town of Vail will acquire 1,000 additional resident housing unit deed restrictions by the year 2027. These new deed restrictions will be acquired for both existing homes as well as for homes that are newly constructed by both the Town of Vail and private sector developers.

LSLUs provide an important product in Vail's lodging industry by offering short term accommodations in the mid-price range that is more attainable to the middle class demographic. There are limited locations within Vail where this accommodation type may be located and the subject site was specifically zoned PA-2 to accommodate this type of use. Close proximity to the services available in West Vail was a key consideration of the zoning of this site since it allows easy access to those businesses by residents and guests.

Per the Vail Town Code, Limited Service Lodge Units (LSLUs) are defined as:

Any room or group of rooms with "kitchen facilities", as defined herein, in a limited service lodge which are designed for temporary occupancy by

visitors, guests, individuals, or families on a short term rental basis, and accessible from common corridors, walks, or balconies without passing through another accommodation unit, limited service lodge unit, fractional fee club unit or dwelling unit. A limited service lodge unit is not intended for permanent residency and shall not be subdivided into an individual condominium unit, pursuant to title 13, "Subdivision Regulations", of this code.

As such, LSLUs differ from other accommodation units (AUs) in that they provide kitchen facilities within individual units for the use of guests. LSLUs are an important component to the overall mix of lodging options within the Town of Vail and assist in positioning Vail competitively with other resort communities. The construction of LSLUs, due to their existing scarcity but vital importance, is a community benefit.

The proposed development of EHUs realizes several community goals, especially the Vail Housing 2027 Ten Year Goal of acquiring 1,000 additional deed restrictions. It is important to note that the requirements of inclusionary zoning and commercial linkage alone are not sufficient to close the gap in the employee housing deficit in Vail. Inclusionary zoning and commercial linkage are regulatory tools that can only be used to help keep up with the current deficit. Opportunities to catch up with the deficit must be pursued if the Town is to make progress towards addressing the availability of housing for Vail residents.

The proposal to add 107 Type III deed-restricted EHUs will make a significant contribution toward the goal of providing housing for residents in the town. This project directly addresses Goal 5.3 in the Vail Land Use Plan, "affordable employee housing should be made available through private efforts, assisted by limited incentives, provided by the Town of Vail, with appropriate restrictions."

The significance of providing resident housing is critical to reduce the number of employees driving to and parking in town as well as adding to the fabric of the resort community and adding to the critical mass that helps support the business community. By doing so, numerous policies of the Vail Economic Development Strategic Plan are realized, such as Goal Number 4, "Provide support for a quality workforce delivering world-class service to positively impact Vail's economy."

The proposal specifically advances Goals 1.1, 1.3, 1.12, 3.3, 5.4, and 5.5 in the Vail Land Use Plan in that they speak to the importance of maintaining a balance between residential, commercial, and recreational uses, upgrading of the quality of development within the Town, the importance of infill redevelopment, and meeting the variety of visitor and employee lodging and housing demands. The applicant has mitigated potential negative impacts of

additional residential growth by locating the proposal in an existing, platted area as encouraged by Goal 5.1 in the Vail Land Use Plan. Not only is the proposed residential growth located in an existing platted area, but the additional residential growth is in close proximity to commercial services and pedestrian and public transportation.

The proposal also speaks to the Vail 20/20 Strategic Action Plan, which recognizes the need for resident housing as infrastructure that promotes community, reduces transit needs, and keeps more people living year-round in the town.

The proposal is representative of a rare infill development opportunity in Vail that will accommodate two critical uses, LSLUs and EHUs, which are in high demand and would otherwise be relegated to a location outside the town boundary. The infill site provides a public benefit by allowing these high demand uses in a location within Vail that would minimize car-dependency and contribute economically to businesses in the West Vail commercial area.

Staff finds that the proposal meets this criterion.

5. Natural and/or Geologic Hazard: Identification and mitigation of natural and/or geologic hazards that affect the property on which the special development district is proposed.

The northeast portion of the site is located in a steep slope zone. The applicant has provided a subsurface conditions report, geotechnical report, and bedrock evaluation letter for review by the Public Works Department. The steep slope area of the site is not naturally occurring and is not considered undisturbed land surface as referenced in Section 12-21-12, Vail Town Code. According to the geotechnical report, the slope is approximately 54% in grade from the north end of the site ending abruptly where The Roost Lodge was located. It is likely that this area was previously disturbed by activities including construction of I-70 and The Roost Lodge site. The remainder of the site is generally flat and devoid of impediments to development.

Staff finds that the proposal meets this criterion.

6. Design Features: Site plan, building design and location and open space provisions designed to produce a functional development responsive and sensitive to natural features, vegetation and overall aesthetic quality of the community.

The revisions to the architectural design contribute positively to the overall aesthetic quality of the community. While open space is minimal, the applicant is proposing creative solutions such as the green roof amenity to

address this issue. The applicant has provided a high quality design in regards to the site plan and building appearance, via the appearance of an assemblage of high-quality buildings similar to other development in the Town Villages, and has attempted to balance elements such as open space and landscaping with other important community goals that would help improve the overall quality of the community.

The LEED certification of the structure is a public benefit in that it raises the bar for future construction in the Town and is generally more water and energy efficient, which is better for the environment. LEED certification also encourages density and presents methods to mitigate impacts through walkability, location, access to public transit, shopping, and schools as well as construction practices to reduce urban heat island effects and stress on public infrastructure and resources. These tools improve efficiency and allow for development to manage resource consumption, thus allowing a community to best leverage available resources for development while adding less, or reducing, strain on existing public infrastructure.

Staff finds the proposal meets this criterion.

7. Traffic: A circulation system designed for both vehicles and pedestrians addressing on and off site traffic circulation.

A circulation system has been designed to address the on-site and off-site needs of both pedestrians and vehicles. Staff finds that the addition of a second access point separates vehicles using the garage from those vehicles associated with hotel check-in, EHU pick-up/drop-off, and other assorted deliveries. The expansion of the drive aisle to 26 feet in width near the hotel entrance ensures vehicles can circulate along the drive aisle without being blocked by guests checking into the hotel. The sidewalk connections and crosswalks mitigate vehicle-pedestrian conflicts.

For improved vehicular circulation, the applicant could provide EHU garage access via Meadow Ridge Road, but is providing access via the North Frontage Road to minimize the negative impact to the existing residents living in the homes on Meadow Ridge Road.

The Traffic Impact Study anticipates a maximum of 238 Saturday peak hour trips, 178 morning peak hour trips, and 207 evening peak hour trips, including all modes of travel. The Traffic Impact Study also anticipates an even 50/50 split between trips traveling from the east and west on the North Frontage Road under short-term conditions. The proposed traffic circulation design accommodates the multi-modal needs identified in the Traffic Impact Study.

The Vail Transportation Master Plan Update (2009) recommends connecting the existing north recreation trail with a grade separated path, which the

applicant is proposing. The applicant is also proposing to maintain the existing shared bike lane / road shoulders along the North Frontage Road that were recommended by the Vail Transportation Master Plan Update. The addition of a left turn lane at the intersection of North Frontage Road West and Buffehr Creek Road is also recommended by the Vail Transportation Master Plan Update, but the applicant is not required to complete this feature as part of their proposal.

Staff finds the proposal meets this criterion.

8. Landscaping: Functional and aesthetic landscaping and open space in order to optimize and preserve natural features, recreation, views and function.

The proposed landscape plan for SDD No. 41, Marriott Residence Inn, complies with the minimum 30% landscape area requirement for the underlying PA-2 zone district. The final landscape design requires Design Review Board approval for the location, sizes, quantities, and type of plan materials to be provided. The applicant has provided creative landscaping solutions by landscaping the retaining wall terraces and planting trees along the North Frontage Road. As indicated in Item 6 above, the applicant has proposed a creative solution to the limited amount of on-site open space area by providing a green roof area with amenities available to both hotel guests and EHU residents. The Design Review Board is encouraged to consider the size, scale, and massing of the building when determining the appropriateness of the proposed landscape plan. For instance, minimum coniferous tree sizes of six feet (6') may not be appropriate for the proposed building or its location. Larger, more established landscape materials may be necessary to ensure compliance with the above described criteria.

Staff finds the proposal meets this criterion.

9. Workable Plan: Phasing plan or subdivision plan that will maintain a workable, functional and efficient relationship throughout the development of the special development district.

The proposal is intended to be constructed in one phase. Staging for any construction related activity will be reviewed by staff to ensure impacts to public rights-of-way and adjacent properties are minimized. It is anticipated that the use of the North Frontage Road West right-of-way will be necessary. This right-of-way is controlled by the Colorado Department of Transportation (CDOT) and will require all appropriate review and permits from CDOT prior to the start of construction.

Staff finds the proposal meets this criterion.

VIII. PLANNING AND ENVIRONMENTAL COMMISSION RECOMMENDATION

The Town of Vail Planning and Environmental Commission recommends that the Vail Town Council **approves, with conditions**, Ordinance No. 35, Series of 2016 on first reading, to allow for the establishment of Special Development District No. 41, Marriott Residence Inn, and set the date of the second reading of this ordinance for January 3, 2017.

Should the Vail Town Council choose to **approve, with conditions**, Ordinance No. 35, Series of 2016, to allow for the establishment of SDD No. 41, Marriott Residence Inn, the Town of Vail Planning and Environmental Commission recommends the Vail Town Council passes the following **motion**:

“The Vail Town Council approves on first reading the application to establish Special Development District No. 41, Marriott Residence Inn, pursuant to Section 12-9(A), Vail Town Code, to allow for the development of a limited service lodge and deed restricted employee housing units, located at 1783 North Frontage Road West / Lots 9-12, Buffehr Creek Resubdivision, and setting forth details in regard thereto, and sets the date of the second reading of this ordinance for January 3, 2017”

Should the Vail Town Council choose to **approve, with conditions**, Ordinance No. 35, Series of 2016, to allow for the establishment of SDD No. 41, Marriott Residence Inn, the Planning and Environmental Commission recommends the following **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."*

Should the Vail Town Council choose to **approve, with conditions**, Ordinance No. 35, Series of 2016, to allow for the establishment of SDD No. 41, Marriott Residence Inn, the Planning and Environmental Commission recommends the Vail Town Council makes the following **findings**:

1. *"The SDD complies with the standards listed in Section VII 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.”*

IX. ATTACHMENTS

- A. Rezoning Map
- B. Ordinance No. 35, Series of 2016 (SDD No. 41, Marriott Residence Inn)
- C. PEC Memorandum, with attachments, dated November 28, 2016
- D. Record of approved PEC meeting minutes, dated November 28, 2016
- E. Project Narrative, dated November 2, 2016
- F. Development Plan Set, dated November 28, 2016
- G. Transportation Impact Study, prepared by McDowell Engineering LLC, dated August 5, 2016
- H. Public Comments received as of November 23, 2016