



December 31, 2016

Vail Town Council  
75 South Frontage Road  
Vail, Colorado 81657

c/o Matt Panfil, AICP  
Town Planner

Re: Marriott Residence Inn and Employee Apartments – Clarifications

Dear Town Council:

During the hearing on December 20, there were many statements and questions that we heard that we would like to clarify and answer for the record. We are happy to address any of these further at a future hearing with the Town Council.

Below is a list of responses:

1. **Neighborhood outreach and notification.** There was testimony from one member of the public that no outreach of any kind was made by the applicant. This statement is not accurate. Attached is a letter that was mailed on August 10, 2016 to every adjoining property owner and homeowner's association in the vicinity. The letter invited owners to call or email me with any questions or concerns and included an offer to meet. Several neighbors called me directly to discuss the project. An email list was quickly assembled from those expressing interest in the project. Numerous emails were sent to neighbors who provided their email addresses. Emails notifying neighbors of PEC and Town Council hearings and with updated plans were sent on October 10, November 2, November 4, November 21, and November 22. Additionally, the applicant held an open house on October 17, from 5:00 pm to 7:00 pm, which was widely attended after an email notice and a story ran in the Vail Daily inviting the public to attend. On December 29, the applicant met with the Grand Traverse HOA, the neighborhood well above the subject property to provide an overview of the project and answer questions.

There is an ongoing discussion with the Buffehr Creek Condominium Association with regard to the potential purchase of the entire condo project. This conversation was initiated by the Association.

2. **West Setback to Buffehr Creek Condominiums.** It was expressed by one of the owners with this condominium that he is concerned with the below grade setback for the parking structure being located at the property line. The applicant is able to shift the below grade parking structure to maintain a setback of 20' consistent with the above grade building. The result of this change is a reduction in parking of 29 parking spaces and the relocation of several mechanical and storage areas.
3. **Previous Project Approvals.** There have been three prior development approvals for the Roost Property. These approvals occurred in 2006, 2012, and 2013. The approval in 2013 was for a 176 room Marriott Residence Inn. This approval included a building of 48' in height and of the same length as currently proposed. That 2013 approval was appealed to the Town Council with similar objections from neighbors that are being heard now. On August 6, 2013 the Town Council heard the appeal of the of the PEC approval of the project. The result of that hearing by the Town Council was a unanimous vote of approval (Daly, Kurz, Donovan, Tjossem, Foley, and Moffet) to uphold the PEC approval of the project.
4. **Representation of Buffehr Creek Condominiums on Graphics.** A request was made that we show the relationship of the Buffehr Creek Condominiums to the proposed Marriott Residence Inn project. We have provided these graphics to staff.
5. **Fees.** The applicant had planned to discuss fees related to this project outside of the land use discussion and as part of a Development Agreement approval. The "waiver" of any fees that we are requesting are limited to three areas as described below.

Construction Use Tax:

The Town Code allows for the refund of employee housing from the construction use tax. We plan to take advantage of this refund for the employee housing portion of the project and related parking facilities. What is being proposed is consistent with the code and is therefore not a waiver of fees but rather following the provisions of the code. The Lions Ridge project took advantage of this same refund and so this is not a new concept. We estimate the total use tax applicable to be \$665,000 after being reduced to reflect only the employee housing portion of the project.

Traffic Impact Fee:

Since the Town does not yet have a formal codified and legal traffic impact fee ordinance and because the last three projects approved on this property were allowed to offset the impact fee with the road, transit, and sidewalk improvements being made, we ask that no traffic impact fee be applied to this project either. Other examples of this same application of traffic impact fees include Four Seasons, Arrabelle, Solaris, Marriott, Antlers, and the Ritz to name just a few. We are only asking to be treated consistent with these previous approvals especially in light of the fact that there is currently no traffic impact fee regulation adopted by the Town. We estimate the traffic impact fee using the current uncoded methodology at \$741,000.

Building and related permit fees:

Consistent with the Construction Use Tax, we are requesting that the Town lower or waive the building permit fees related to the deed restricted employee housing and related parking facilities for the employee housing portion of the project.

It should be noted that once this project is operating, the Town will immediately begin to see revenues flowing to the Town's coffers from sales and lodging tax. Any reduction of fees will be balanced by the lodging and sales tax revenues directly generated by this property in a very short period of time. We estimate the building permit and related fees applicable to the employee housing portion of the project to be \$277,000.

We are happy to discuss these issues or any other questions you may have.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. Mauriello".

Dominic F. Mauriello, AICP  
Principal