



Memorandum

TO: Vail Town Council

FROM: Community Development Department

DATE: January 17, 2017

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)

I. PURPOSE

The purpose of this memorandum is to provide a summary of the concerns shared by the Vail Town Council with the request for approval of Ordinance No. 35, Series of 2016 to establish Special Development District No. 41 (Marriott Residence Inn) and to outline a series of next steps for the Town Council to consider. As the applicant has not submitted revisions to the development application for Special Development District No. 41, there is no change to the staff memorandum, dated January 3, 2017, or any of the associated materials.

II. VAIL TOWN COUNCIL CONCERNS

A public hearing for first reading of Ordinance No. 35, Series of 2016 was held on January 3, 2017. At the conclusion of the public hearing, the Vail Town Council voted to continue the first reading of the ordinance to January 17, 2017. Upon review of a presentation by the town staff and the applicant, and listening to public comment, the Vail Town Council members provided input on the proposed application. A list of concerns of the Town Council is outlined below:

- The proposed building is a large structure. The overall bulk, mass and scale of the building may not be compatible with the surrounding uses or structures. Can the overall size of the building be reduced?

- The proposed height, length and overall size of the proposed retaining walls are of concern. Can the overall size of the retaining walls be further reduced?
- The proposed on site vehicular traffic flow may be confusing. As designed, there is a likelihood of motorists travelling the wrong way on the one way portion of the driveway. Can a second dedicated left turn lane be installed on the North Frontage Road to minimize the likelihood of the wrong way vehicular travel?
- The proposed application may not comply with each of the nine design criteria. What additional changes can be made to the proposed application to ensure compliance with the design criteria?
- 107 of the 113 proposed dwelling units are to be deed restricted for employee housing per the Town of Vail employee housing guidelines. As such, the Town of Vail becomes a beneficiary of the deed restriction. What assurances exist to ensure the 107 deed restricted dwelling units are occupied by residents in compliance with the housing guidelines and terms of the deed restriction?
- 107 dwelling units will be deed restricted. Among other requirements, the terms of the deed restriction require the units to be occupied by person employed 30 hours week, on average, at a business licensed within Eagle County. Can the occupancy of the deed restricted units be limited to employees employed at a business licensed within the Town of Vail only?
- The proposed below grade parking garage has roughly 29 parking spaces in excess of the total number of spaces required by the Vail Town Code. What negative impacts, if any, result from the public use of the 29 surplus spaces?

The applicant has evaluated possible solutions to the concerns shared by the Vail Town Council. Though no formal changes have been submitted, the applicant has suggested that several options exist. In summary, the options include:

- Lower building height.
- Reduced building mass
- Reduction in the total number of deed restricted units
- Change in the total number of surplus parking spaces
- Dedicated left turn lane
- Installation of vehicle entry and directional signage
- Limitation on pet ownership
- Improved landscape planting plan

A copy of a letter from the applicant, dated January 12, 2017, more completely describing the options, has been attached for reference.

III. OPTIONS FOR ACTION OF THE VAIL TOWN COUNCIL

There are a number of options for action of the Vail Town Council. This section of the memorandum outlines the options for action and provides proposed motions and findings. The Town Council may approve, approve with conditions, or deny the proposed ordinance on first reading; or continue the first reading to a later date.

If the Town Council finds the proposed revisions to the application comply with the nine design review criteria and votes to approve the ordinance on first reading and move forward to a second reading, or, if the Town Council votes to approve the ordinance, with conditions, town staff will work with the applicant to address the applicable conditions of approval, prior to second reading. A proposed motion, with findings, is provided below:

Motion to Approve or Approve, with Conditions

If the Town Council finds the proposed revisions to the ordinance to be in compliance with the nine design review criteria, and therefore wishes to **approve or approve, with conditions**, the revised application upon first reading, the Town Council should pass the following **motion**:

“The Vail Town Council approves on first reading the application to establish Special Development District No. 41, Marriott Residence Inn, based on the revised plans presented to the Town Council on January 17, 2017 showing a reduction in the building height by two feet eight inches (2’ 8”), with 96 Employee Housing Units, six (6) non-deed restricted apartments, and 170 Limited Service Lodge Units, 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 February 21, 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.*

11. *Prior to second reading of Ordinance No. 35, Series of 2016, the applicant shall cause the following revisions to be made to the proposed application and submit said revisions to the Town of Vail Community Development Department, by no later than January 31, 2017, in order to remain in the agenda for the February 21, 2017, public hearing of the Vail Town Council:*

- *????*

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 the staff memorandum, dated November 28, 2016, 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 to Deny

If the Town Council finds the proposed revisions to the ordinance to NOT be in compliance with the nine design review criteria, and therefore wishes to **deny**, the revised ordinance upon first reading, the Town Council should pass the following **motion**:

*“The Vail Town Council **denies** Ordinance No. 35, Series of 2016, on first reading.*

Should the Vail Town Council choose to **deny** Ordinance No. 35, Series of 2016, the Vail Town Council shall include the following **findings**:

1. *“The SDD does not comply with the standards listed in Section VII of the staff memorandum, dated November 28, 2016, or the applicant has not demonstrated that one or more of the standards is not applicable;*

2. *The SDD is not 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 not compatible with and suitable to adjacent uses and appropriate for the surrounding areas; or,*
4. *The SDD does not promote the health, safety, morals, and general welfare of the town and does not promote 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.”*

If the Town Council votes to deny the application on first reading, then the ordinance fails, and there will be no second reading on this ordinance. Any future development proposal for the site shall require a new application.