

The regular meeting of the Vail Town Council was called to order at approximately 6:00 P.M. by Mayor Chapin.

Members present:	Dave Chapin, Mayor Jenn Bruno, Mayor Pro Tem Dick Cleveland Kevin Foley Kim Langmaid Jen Mason Greg Moffet
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Staff members present:	Stan Zemler, Town Manager Matt Mire, Town Attorney Patty McKenny, Town Clerk
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Site Visits

There were two site visits during the afternoon meeting, Rededication of the East Vail Fire Station and lunch with the Vail Recreation District members and staff at the Vail Golf & Nordic Clubhouse. A presentation about several VRD related items was given addressing such topics as:

- ✓ Formation & history of the recreation district
- ✓ Financial condition of the district
- ✓ The town's role and VRD's role related to recreational facilities and programming
- ✓ The list of capital projects
- ✓ Impacts of Gallagher Amendment on future revenues creating a shortfall for VRD expenses especially related to funding any capital projects
- ✓ Discussions about a funding ballot proposal

It was agreed that VRD should develop a strategy for future funding of its operations and capital projects.

1. Citizen Participation

Randy Guerriero, resident, commented on naming the lounge in Marriott as the "Roost Lounge".

2. Appointments for Boards and Commissions

2.1. Appointment for Vail Local Housing Authority

Presenter(s): Dave Chapin, Mayor

Action Requested of Council: Action requires a motion to appoint one applicant to the Vail Local Housing Authority to finish a term ending May 31, 2017.

A recent resignation leaves one position vacant on the Vail Local Housing Authority. Interviews will be conducted during the afternoon meeting on Feb 21, 2017. The five members serve as

the Board of Directors for the business of the VLHA which includes strategic and long term planning and management of the town's housing program.

Bruno moved to appoint Francesca Meza to the Vail Local Housing Authority to a term ending May 31, 2017. Foley seconded the motion and it passed (7-0).

3. Consent Agenda

3.1. Contract with R.A. Nelson for Pre-Construction Services

Bruno moved to approve the contract with R.A. Nelson; Foley seconded the motion and it passed (6-0-1; Moffet abstained).

4. Town Manager Report

The Town Manager spoke about the following items:

4.1. Vail's Community Meeting on March 14, 2017 at Donovan Pavilion (5 pm until 7 pm)

4.2 Possible Town of Vail funding, along with Vail Resorts, Inc. (and Strategic Alliance Partners), of a concert during the "Spring Back to Vail" weekend in April. After some discussion about the idea, some council members were not in support of the last minute approach to this kind of proposal and expenditure. It was suggested this topic be a part of the budget cycle.

A motion was made by Bruno, and seconded by Langmaid, to authorize the spending of up to \$100K on this concert. The motion was not supported so Bruno revised the motion to include that the Town Manager be given authority to continue negotiating the idea of funding a concert with Vail Resorts, Inc. with clarification that this did not give any authorization to spend money. Langmaid seconded the amended motion. The motion passed (5-2; Moffet and Cleveland opposed).

5. Public Hearings

5.1. Ordinance No. 35, Series of 2016, Second Reading, 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)

Presenter(s): George Ruther, Director of Community Development and Matt Panfil, Town Planner

Action Requested of Council: The Vail Town Council shall approve, approve with modifications, or deny Ordinance No. 35, Series of 2016, upon second reading.

Background: 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), 96 Type III deed-restricted employee housing units (EHUs), six (6) non deed-restricted rental dwelling units, and a commercial parking facility, located at 1783 North Frontage Road West.

Staff 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 second reading.

Mayor Chapin introduced the agenda item and opened the public hearing at this time. Staff planner Matt Panfil presented two public input letters for the records as well as a summary of the application for the SDD and changes from first reading. His summary noted The public thearing for the first reading of Ordinance No. 35, Series of 2016, was opened by the Town Council on December 20, 2016 and subsequently continued to January 3, 2017 and January 17, 2017. At the January 3, 2017 meeting, the Town Council requested revisions to ensure compliance with the nine (9) review criteria. In response, the applicant responded with preliminary plans at the January 17, 2017 Town Council meeting. Changes to the plans included:

- Reduction in building height by 3'-4";
- Reduction in the total number of employee housing units (EHUs) from 107 to 96 and subsequent reduction in parking requirement from 320 to 299 parking spaces;
- Agreement to reimburse the Town of Vail if the Town builds a left turn lane on North Frontage Road to the east access within five (5) years of project approval;
- Provision of directional signage at the driveway entrances to the site;
- Agreement to limit dogs to ten (10) limited service lodge units (LSLUs) and limit dogs to 50% of the rental apartments with a limit of one (1) dog per unit; and

At the January 17, 2017 meeting, the Town Council voted 5-2 (Mason and Foley opposed) to approve, with conditions, Ordinance No. 35, Series of 2016, on first reading.

Dominic Mauriello representing the applicant did not have additional comments on the application. Public input was invited at this time as follows:

Randy Guerriero, resident, expressed concern about the turning lane into the hotel, too many dogs for the neighborhood with the housing, the use of heated sidewalks on Meadow Ridge Road, no parking on the same road, install the left turning lane now.

Jenny Lewis, resident, asked to concede some of her time to another speaker. She also expressed concern that the development would overrun their neighborhood, too many units, too much traffic, impacts to their view corridor, etc.

Wendy Erb, resident, continued to express concern about the project, too much density, too much height with a request that the town council reject the proposal.

Greg Bemis, resident, expressed continued concerns with the bulk and mass of the project, requested they consider his proposal to swap properties with Timber Ridge for redevelopment on that parcel.

Chris Burns, resident, represented his neighborhood homeowners association and read his letter into the record sharing some conditions that might mitigate the many impacts, some of which include:

- The sidewalk – please keep the trees
- Please include a fence to help keep the dogs on their property
- Has constantly requested another rendering
- This project interfaces practically with their property line
- Include enough parking to ensure the employees have a place to park

- Traffic ; loading & unloading impacts must be mitigated
- Concerned about potentially destabilizing the area with any drilling or boring
- Must manage the excess dog waste as a result of the units
- Concerned about sewage back ups
- Water services implantation would be impactful
- Flooding because of drainage issues
- Must mitigate the light pollution
- Impacts on the sidewalks
- Where will there be enough snow storage in their area

He asked that the council be fair as this level of density seems very unfair to their neighborhood. He also expressed disappointment that the staff on the project have never reached out to their neighborhood and it seemed their focus was on “development and not community”.

Howard Picking, resident, expressed opposition as well to the proposal in light of the excessive density; he would have thought the PEC would have worked to resolve some of the more dramatic and impactful characteristics of the proposal. He suggested two votes addressing,

1) the construction of the hotel as a use by right, 2) the employee housing units which should include more thought and discussion.

Gwen Scalpello, resident, noted a comparison of this proposal to Middle Creek and Lion's Ridge's number of units suggesting there would be new density standards for Timber Ridge West when it is time for redevelopment. This might be the unintended consequence.

Adele Picking, resident, expressed concern that this proposal would destroy what makes Vail so special in its character.

Paul Rondeau, resident, once again asked that they consider rearranging the building on the property. He continues to ask why this project was started as a hotel and hijacked by housing?

Leah O'Brian, resident, noted that change is inevitable, some new building will for be built regardless, it is time to offer this kind of housing in an effort to get back to the community it once was.

Mark Levarn, resident, noted that while he sees there is more support for the business interests the project offers, he requested they continue to work towards more compromise about the bulk, density and mass of the project. He expressed concern that this project will set the standard for future development in Vail.

Stephen Lewis, resident, asked the town to consider the financial implications of the proposal for the housing units, asking “are they really going to be affordable?”

Stephen Connelly, resident, asked for a review of Rondeau's request to review a reconfiguration of the building and uses on the property.

Steve Lindstrom, resident and Chairman of the Vail Local Housing Authority, thanked the developer and his team for embracing the housing component for the project. He appreciated their response to some of the community's housing needs. He reminded them the project

requires only three variances, and the housing component is the real benefit for the town and requested a “yes” to the application.

Closing comments were made by the applicant representative Mauriello who summarized the public benefits and the numerous concessions that have been made. Chapin thanked the public for their input and asked for council comments, some of which included:

- ✓ Confirmation the employee housing rental units couldn't be converted to weekend housing
- ✓ Confirmation there is language addressing foreclosure
- ✓ Confirmation there is a “use by right” for this property which includes a hotel this size
- ✓ Request to complete a West Vail Master Plan in the near future
- ✓ The application doesn't meet the design criteria component as the project is still too big
- ✓ The deviations of the project are offset by the housing benefits

Moffet moved to approve, on second reading, 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 170 unit limited service lodge, 96 Type III deed-restricted employee housing units, and six (6) non-deed restricted dwelling units, located at 1783 North Frontage Road West/Lots 9-12, Buffehr Creek Resubdivision, and setting forth details in regard thereto with the following conditions:

1. The Developer shall obtain approval of the Design Review Board of an associated design review application;
2. The Developer shall obtain Leadership in Energy and Environmental Design (LEED) certification for the building within one (1) year of issuance of the first Certificate of Occupancy. Failure to obtain LEED certification will necessitate a return to the Planning and Environmental Commission and the Town Council for an evaluation of a suitable, replacement public benefit to offset the loss of the public benefit from the failure to obtain the LEED certification;
3. The occupants of the six (6) non-deed restricted dwelling units shall have the right to use the services and facilities of the lodge under the same rules and regulations as the lodge guests;
4. Should the Colorado Department of Transportation (CDOT) not approve the proposed landscaping in the North Frontage Road right-of-way, the Developer shall submit a revised landscape plan, for review and approval, prior to submitting any building permit application;
5. Prior to submitting any building permit application, the Developer shall submit a revised plan that clearly illustrates signage and striping of the fire staging area;
6. Prior to submitting any building permit application, the Developer shall submit revised plans that illustrate the continuation of the sidewalk to the intersection with Buffehr Creek Road in accordance with the recommendations of the 2009 Vail Transportation Master Plan;
7. Prior to submitting any building permit application, the Developer shall obtain approval from CDOT related to all proposed work within the CDOT right-of way;
8. Prior to submitting any building permit application, the Developer shall provide roadway and snow storage easements for the portion of Meadow Ridge Road that encroaches onto SDD No. 41 in a format acceptable to the Town's Attorney;
9. The Developer shall record deed restrictions against at least fourteen (14) of the dwelling units prior to obtaining any Certificate of Occupancy for the lodge;
10. Prior to the submitting any building application, the Town of Vail and the Developer shall enter into a Development Agreement to document provisions related to off-site public improvements, easements, employee housing deed restrictions, timing and payment of fees, property tax abatement for deed-restricted units, and similar provisions;

11. The Developer shall provide for dog-walk areas on the green roof as more particularly described in the Development Agreement;
12. The Developer shall provide private shuttle van service for use by lodge guests and tenants of the property to retail core areas of the Town, as more particularly described in the Development Agreement;
13. The Developer shall provide for access to the hotel fitness and pool areas within the building, subject to a membership fee, for those owning property located on Meadow Ridge Road or within the Grand Traverse subdivision subject to rules and regulations adopted by the operator, as more particularly described in the Development Agreement;
14. The lodge shall limit the total number of limited service lodge units allowing dogs to 10 units. A maximum of 50% of the total 102 dwellings (96 deed restricted employee housing units and 6 non deed restricted dwelling units) may allow dogs, and only one dog shall be allowed in those units allowing a dog;
15. A second left turn lane shall be funded by the applicant as a reimbursement to the Town, if CDOT access code requires the improvement and the Town of Vail installs the left turn lane within eight (8) years of the approval of this ordinance. The funding by the applicant shall occur within one (1) year of the second turn lane being installed;
16. The Developer shall record deed restrictions against ninety-six (96) dwelling units in SDD No. 41, prior to the issuance of any certificate of occupancy; and
17. Prior to the issuance of a certificate of occupancy, the Developer shall coordinate all Art in Public Places (AIPP) contributions with the Town of Vail Public Works Department AIPP Coordinator

Moffet noted the following findings as part of the motion:

1. "The SDD complies with the standards listed in Section IV 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."

Bruno seconded the motion and it passed (4-3; Foley, Langmaid, Mason opposed).

There being no further business to come before the council, Moffet moved to adjourn the meeting and Foley seconded the motion which passed (7-0) and the meeting adjourned at 8:15 p.m.

Respectfully Submitted,

Attest:

Dave Chapin, Mayor

Patty McKenny, Town Clerk