



Memorandum

TO: Vail Town Council

FROM: Community Development Department

DATE: October 3, 2017

SUBJECT: Second reading of Ordinance No. 13, Series of 2017, an ordinance for a zone district boundary amendment for an unplatted parcel of land in the South ½, Southeast ¼, of Section 2, Township 5, Range 80 West 6th Principal Meridian from Two-Family Residential (R) District to the Housing (H) District on the western portion of the site, and Natural Area Preservation (NAP) District on the eastern portion of the site, and setting forth details in regard thereto.

The parcel is located at 3700 N. Frontage Road East, immediately north of Interstate 70 at the East Vail interchange (Exit 180), to the north and west of Pitkin Creek Townhomes/The Falls at Vail (3850 Fall Line Dr.). (PEC17-0039)

Applicant: The Vail Corporation (aka Vail Resorts) represented by Mauriello
Planning Group
Planner: Chris Neubecker

I. SUMMARY

The applicant, The Vail Corporation (aka Vail Resorts), represented by Mauriello Planning Group, is requesting a zone district boundary amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to allow for a rezoning of an unplatted parcel of land from Two-Family Residential (R) District to the Housing (H) District on the western portion of the site, and Natural Area Preservation (NAP) District on the eastern portion of the site, and setting forth details in regard thereto. The proposed new zone districts are as follows:

- Housing (H) District 5.4 acres
- Natural Area Preservation (NAP) 17.9 acres

II. ACTION REQUESTED OF THE TOWN COUNCIL

The Vail Town Council shall approve, approve with modifications, or deny Ordinance No. 13, Series of 2017, upon second reading.

III. BACKGROUND

- On November 5, 1974 the subject property was annexed into the Town of Vail, via Ordinance No. 20, Series of 1974. This annexation included most of east Vail, and the Katsos Ranch area.
- On December 2, 1974, the western and southern portion of subject property was zoned as Two-Family Residential (R) District, and the northeastern portion of the property was zoned Agricultural and Open Space (A) District via Ordinance No. 26, Series of 1974.
- In 1976, the Town of Vail created a map called “Current Conditions – A Component of the Comprehensive Plan / An Inventory of Comprehensive Planning Decisions from 1968-1976”, which indicated that the entire property was zoned Two-Family Residential (R).
- The 1981 Official Zoning Map shows the property zoned Two-Family Residential (R) District.
- On March 1, 1994, the Town of Vail adopted the 1994 Comprehensive Open Lands Plan, via Resolution No. 6, Series of 1994. The Open Lands Plan identified this site as Parcel 36, and indicated that the parcel was owned by the Colorado Department of Transportation (CDOT). The Plan recommended that the Town of Vail acquire Parcel 35 (an adjacent parcel owned by the U.S. Forest Service) in order to trade Parcel 35 to CDOT in exchange for Parcel 36. It is unclear why the Open Lands Plan indicated CDOT as the owner of Parcel 36 (this subject lot.)
- On February 26, 2001, the Town Council adopted the Official Land Use Map, a component of the Town of Vail Land Use Plan, via Resolution 1, Series of 2001. The Land Use Map identified this parcel of land for open space use. The applicant has indicated in the attached narrative that this designation was likely assigned because the parcel of land was believed at the time to be owned by CDOT, and was not known to be privately owned.
- In 2016, as part of the update to the Comprehensive Open Lands Plan, the Town of Vail identified this subject parcel as likely being owned by Vail Resorts, but needing ownership confirmation. A title report has confirmed that the property is owned by Vail Resorts.
- On September 11, 2017 the Planning and Environmental Commission held a public hearing on this application, and voted 6-0 to recommend approval to the Vail Town Council for this zone district boundary amendment. The results of the public hearing are attached as Exhibit C.
- On September 19, 2017 the Vail Town Council held a public hearing on first reading of this application, and voted 5-2 to approve this zone district boundary amendment.

- On September 25, 2017 the Planning and Environmental Commission held a public hearing on an application to subdivide this property into two parcels, Lot 1 and Tract A. Lot 1 will become the Housing (H) district, and Tract A will become Natural Area Preservation (NAP) under the proposed rezoning. The PEC approved the subdivision application by a vote of 6-1. Approval of the subdivision is contingent upon the applicant receiving approval of this rezoning application.

IV. PLANNING AND ENVIRONMENTAL COMMISSION RECOMMENDATION

The Planning and Environmental Commission recommends that the Council approve Ordinance No. 13, Series of 2017 with the following **motion**:

“The Vail Town Council approves, on second reading, Ordinance No. 13, Series of 2017, an ordinance for a zone district boundary amendment for an unplatted parcel of land in the South ½, Southeast ¼, of Section 2, Township 5, Range 80 West 6th Principal Meridian from Two-Family Residential (R) District to the Housing (H) District on the western portion of the site, and Natural Area Preservation (NAP) District on the eastern portion of the site, and setting forth details in regard thereto.”

Should the Vail Town Council choose to approve Ordinance No. 13, Series of 2017, the Planning and Environmental Commission recommends the Council make the following **findings**:

“Based upon the review of the criteria outlined in Sections VII of the Staff memorandum to the Planning and Environmental Commission dated September 11, 2017, and the evidence and testimony presented, the Vail Town Council finds:

- 1. That the amendments are consistent with the adopted goals, objectives and policies outlined in the Vail comprehensive plan and compatible with the development objectives of the town;*
- 2. That the amendments are compatible with and suitable to adjacent uses and appropriate for the surrounding areas; and,*
- 3. That the amendments promote the health, safety, morals, and general welfare of the town and 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.”*

V. Attachments

- Ordinance No. 13, Series of 2017
- Staff Memo to Planning and Environmental Commission, September 11, 2017
- Results of the Planning and Environmental Commission, September 11, 2017
- Vicinity Map
- Public Comments received by 12:00 PM on September 27, 2107

- F. Wildlife Assessment, August 10, 2017
- G. Rockfall Hazard Study, June 19, 2017
- H. Letter from Colorado Geological Survey
- I. Staff Presentation
- J. Applicant Narrative
- K. Applicant Presentation
- L. Subdivision Plat