

**ORDINANCE NO. 13
SERIES OF 2017**

AN ORDINANCE APPROVING THE REZONING OF LOT 1, EAST VAIL WORKFORCE HOUSING SUBDIVISION, FROM TWO-FAMILY RESIDENTIAL (R) DISTRICT TO HOUSING (H) DISTRICT, AND THE REZONING OF TRACT A, EAST VAIL WORKFORCE HOUSING SUBDIVISION, FROM TWO-FAMILY RESIDENTIAL TO NATURAL AREA PRESERVATION (NAP) DISTRICT

WHEREAS, Section 12-3-7 of the Vail Town Code sets forth the procedures for amending a zone district boundary, which is the same as a rezoning of real property;

WHEREAS, the Vail Corporation ("Applicant") submitted an application (PEC17-0039) to rezone the real property more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference, (the "Property");

WHEREAS, the purpose of the rezoning is to establish a development site for the future development of employee housing and to establish a site for nature preserves;

WHEREAS, on September 11, 2017, the Planning and Environmental Commission held a properly-noticed public hearing on the Application and forwarded a unanimous recommendation of approval to the Vail Town Council;

WHEREAS, contemporaneously with the Application, Applicant submitted an application (PEC17-0041) for a Final Plat to create the East Vail Workforce Housing subdivision and to subdivide the Property into Lot 1 and Tract A;

WHEREAS, the Final Plat will be approved by the Planning and Environmental Commission prior to consideration of this ordinance on second reading, so that Lot 1 and Tract A will have been lawfully created and will be eligible for rezoning; and

WHEREAS, on September 19, 2017, the Vail Town Council held a properly-noticed public hearing on the Application, at which Applicant and the public were given an opportunity to be heard on the Application.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VAIL, COLORADO THAT:

Section 1. Having considered the factors set forth in Section 12-3-7.C.1 of the Vail Town Code, the recommendation of the Planning and Environmental Commission, information provided by Town staff, and the comments of the public, the Vail Town Council hereby finds and determines as follows:

- a. The Application is consistent with the adopted goals, objectives and policies outlined in the Vail Comprehensive Plan and compatible with the development objectives of the Town;

b. The Application is compatible with and suitable to adjacent uses and appropriate for the surrounding areas; and

c. The Application 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.

Section 2. Based on the foregoing findings and pursuant to Section 12-3-7 of the Vail Town Code, Lot 1 of the East Vail Workforce Housing Subdivision is hereby rezoned from Two-Family Residential (R) District to the Housing (H) District, and Tract A of the East Vail Workforce Housing Subdivision is hereby rezoned from Two-Family Residential (R) District to Natural Area Preservation (NAP) District. The rezoning approved herein shall constitute a zone district boundary amendment under Section 12-3-7 of the Vail Town Code, and the Town's official zoning map shall be updated accordingly.

Section 3. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. The Town Council hereby finds, determines and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town and the inhabitants thereof.

Section 5. The amendment of any provision of the Vail Town Code, as provided in this ordinance, shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

Section 6. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

Section 7. This ordinance shall take effect upon the filing of the Final Plat with the Eagle County Clerk and Recorder.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this 19th day of September, 2017 and a public hearing for second reading of this Ordinance is set for the 3rd day of October, 2017, in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED this 3rd day of October, 2017.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk

EXHIBIT A

**Legal Description of Vail Resorts Rezoning
3700 N. Frontage Road East
Vail, Colorado 81657**

A PART OF TRACT II OF BOOK 166, PAGE 61 NOW BEING ALL THAT PART OF THE SOUTH 1/2 SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 80 WEST, 6TH P.M. LYING NORTH OF I-70 AND PITKIN CREEK TOWNHOUSES RECEPTION NO. 190521. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 2, FROM WHENCE THE EAST 1/16 OF SECTION 2 AND SECTION 11 BEARS N89°41'53"W, 1325.07' SAID LINE FORMING THE BASIS OF BEARINGS FOR THIS DESCRIPTION.

THENCE N01°51'14"E ALONG THE EAST LINE OF SAID SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 2 A DISTANCE OF 398.97' TO THE TRUE POINT OF BEGINNING;

THENCE ALONG THE NORTHERLY LINE OF SAID PITKIN CREEK TOWN HOUSES THE FOLLOWING TWO (2) COURSES;

- 1) N 60°00'00" W A DISTANCE OF 420.00';
- 2) N 90°00'00" W A DISTANCE OF 339.75';

THENCE ALONG THE NORTHERLY RIGHT OF WAY OF SAID INTERSTATE HIGHWAY 70 THE FOLLOWING FIVE (5) COURSES;

- 1) N 02°32'29" W A DISTANCE OF 2.90';
- 2) N 59°59'34" W A DISTANCE OF 478.70';
- 3) N 65°42'12" W A DISTANCE OF 301.50';
- 4) N 72°13'06" W A DISTANCE OF 613.90';

- 5) N 55°43'36" W A DISTANCE OF 297.66' TO A POINT INTERSECTING THE

NORTH LINE OF S1/2 SOUTHEAST 1/4 OF SECTION 2;

THENCE S 88°09'34" E ALONG SAID NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 2 A DISTANCE OF 2253.37' TO A B.L.M. MONUMENT FOUND IN PLACE AT THE SOUTH 1/16 CORNER OF SECTIONS 1 AND 2;

THENCE S 01°56'08" E ALONG THE EAST LINE OF SAID SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 2 A DISTANCE OF 637.05' TO A B.L.M. MONUMENT FOUND IN PLACE AT THE ANGLE POINT OF SECTIONS 1 AND 2;

THENCE S 01°51'14" W CONTINUING ALONG SAID EAST LINE OF SAID SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 2 A DISTANCE OF 222.52' TO THE TRUE POINT OF BEGINNING.

BEING 23.3 ACRES MORE OR LESS.

EXHIBIT A-1

FINAL PLAT EAST VAIL WORKFORCE HOUSING SUBDIVISION A PORTION OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 80 WEST, OF THE 6TH P.M. TOWN OF VAIL, COUNTY OF EAGLE, STATE OF COLORADO

