

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 Greg Moffet
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Members absent	Jen Mason
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Staff members present:	Greg Clifton, Town Manager Matt Mire, Town Attorney Patty McKenny, Town Clerk
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1. Recognitions

1.1. Recognitions

1. Introduce new Town Manager Greg Clifton

Mayor Chapin introduced Greg Clifton who will serve as Vail's next Town Manager. Clifton's background includes municipal work on the western slope, most recently as manager in Telluride.

2. Thank you to outgoing Economic Development Manager Kelli McDonald for years of service
Mayor Chapin gave special recognition for Kelli McDonald as she finished ten years as the economic development manager with Vail.

2. Citizen Participation

Jonathan Cohen thanked the town for addressing the speeding vehicles in the Booth Creek neighborhood as well as the recent Booth Creek Park improvements.

Alison Wadey, VCBA, representing the Vail business community gave thanks to Kelli McDonald for all her work on behalf of their group. She also invited the community to participate in the upcoming charity golf tournament, the Businesses, Bogeys & Bragging Rights.

3. Consent Agenda

3.1. Resolution No. 26, 2017, A Resolution of the Vail Town Council Submitting to the Registered Electors of the Town A Ballot Question at the November 7, 2017 Regular Town Election to Restore Local Authority to Provide Cable Television Services, Telecommunications Services and High-Speed Internet Services

Moffet moved to approve Resolution No. 26; Langmaid seconded the motion and it passed (6-0). The question would be included on the upcoming November ballot

3.2. Xcel Energy Easement at 111 South Frontage Road

Moffet moved to approve the Xcel Energy easement; Langmaid seconded the motion and it passed (6-0).

4. Town Manager Report

There was not a report at this time.

5. Public Hearings

The applicant was not present for 5.1 at the time of consideration and the next item considered was as follows;

5.3. Second reading of Ordinance No. 11, Series of 2017, an ordinance to rezone a portion of Parcel 1 of the Golden Peak Ski Base And Recreation District Parcel subdivision from Ski Base Recreation District to Ski Base Recreation 2 District, located at 460 Vail Valley Drive/Parcel 1, Golden Peak Ski Base and Recreation District Parcel subdivision, and setting forth details in regard thereto. (PEC17-0036)

Presenter(s): Jonathan Spence, Senior Planner

Action Requested of Council: The Vail Town Council shall approve, approve with modifications, or deny Ordinance No. 11, Series of 2017, upon second reading.

Background: The applicant, Ski and Snowboard Club Vail (SSCV), represented by Braun Associates, Inc., is requesting a first reading of Ordinance No. 11, Series of 2017, an ordinance to rezone a portion of Parcel 1 of the Golden Peak Ski Base And Recreation District Parcel subdivision from Ski Base Recreation District to Ski Base Recreation 2 District, located at 460 Vail Valley Drive/Parcel 1, Golden Peak Ski Base and Recreation District Parcel subdivision, and setting forth details in regard thereto. This request was previously approved via Ordinance No. 17, Series of 2014, but has expired as the related plat was not recorded prior to the expiration clause contained in that ordinance.

Staff Recommendation: On August 14, 2017 the Planning and Environmental Commission voted to recommend approval to the Town Council by a vote of 3-2-0 (Rediker/Perez opposed).

It was noted there were no changes from first reading and Cleveland moved to approve Ordinance No. 11, Series of 2017, an ordinance to rezone a portion of Parcel 1 of the Golden Peak Ski Base And Recreation District Parcel; Foley seconded the motion and it passed (6-0). There was no public comment.

5.2. Town Council Call Up of Planning & Environmental Commission Approval of an amendment to a Conditional Use Permit for La Cantina Restaurant in the Vail Transportation Center

Presenter(s): Chris Neubecker, Planning Manager

Action Requested of Council: The Vail Town Council shall hold a public hearing, and shall uphold, uphold with modifications, or overturn the Planning and Environmental Commission's July 24, 2017 decision.

Background: On July 24, 2017 the Planning and Environmental Commission voted 6-0 to approve the amendment to the conditional use permit for La Cantina Restaurant for construction of the outdoor dining patio, with nine (9) conditions. On August 1, 2017 the Town Council voted 7-0 to call up the decision of the Planning and Environmental Commission, citing the need for further review, concerns about the loss of vegetation at the Vail Transportation Center, and the change in character of Vail Village if the outdoor dining patio is constructed.

Neubecker presented the materials associated with the call up of this matter, see packet materials. A site visit was conducted earlier in the day. It was noted the town was both the applicant and final decision maker and the town council could also determine not to proceed with the application. Council's input included both opposition and support of moving forward the application. Some supported activating the entrance to town, increasing revenues streams, and liked the creative way to enhance the area vs. those who opposed the application because the patio invades the landscaping and environment. Richard Wheelock, owner La Cantina, owner, spoke about his vision of the expansion. Chapin invited public input at this time; no comments were heard.

Langmaid moved to withdraw the consent to proceed through the application process; Cleveland seconded the motion. The motion failed with a split vote, Foley, Bruno and Moffet – nay; Chapin, Langmaid, Cleveland – yea (3-3).

Bruno moved to uphold the PEC decision pending negotiation of a new lease prior to issuance of a building permit. Foley seconded the motion and it failed as well; Foley, Bruno and Moffet – yes; Chapin, Langmaid, Cleveland – nay (3-3).

Langmaid moved to postpone the decision until all members are present; there was no second and the motion failed. Langmaid moved to reverse the decision of the PEC; Cleveland seconded the motion and it failed, Foley, Bruno and Moffet – nay; Chapin, Langmaid, Cleveland – yea (3-3). The PEC decision to approve the application for an amendment to the conditional use permit allowing for the construction of an outdoor dining patio remained the final decision.

5.1. An appeal, pursuant to Section 12-3-3, Appeals, Vail Town Code, of the final decision of the Town of Vail Planning and Environmental Commission on June 26, 2017, denying a request for a variance from Section 12-7B-16, Landscaping and Site Development, Vail Town Code, to allow for a reduction in landscaping area, located at 231 Gore Creek Drive / Lot A, Block 5B, Vail Village Filing 1, and setting forth details in regards thereto. (TC17-0002)

Presenter(s): Matt Panfil, Planner

Action Requested of Council: The Town Council is asked to hold a public hearing on the appeal.

Background: The applicant was required to provide landscaping as part of their 2016 remodel, however the landscaping has not been installed. The applicant requested a variance to the

landscaping requirement, which request was denied by the Planning and Environmental Commission.

Staff Recommendation: The Community Development Department recommends that the Town Council deny the appeal, and require the applicant to install the landscaping as originally planned.

Staff presented the agenda item – see packet memo. The applicant, Sheika Gramshammer, was present to describe the basis for the appeal noting their current landscaping is appropriate and adequate, accommodating both bikes and flowers. Chapin asked for public input at this time; there was no input. Bruno moved to modify the PEC decision allowing for the variance on the planter boxes and as approved by the zoning administrator. Langmaid seconded the motion and it passed (4-2; Cleveland, Moffet – nay).

6. Presentations / Discussion

6.1. Short Term Rental Update

Presenter(s): Kathleen Halloran, Finance Director

Action Requested of Council: Identify potential policy changes in regulating the short term rental market in Vail.

Background: With two public input sessions this summer, and three Council meetings, staff has reported on an estimated inventory of rentals, peer resort regulations, results of a third party survey and proposed solutions to issues identified. This discussion provides another opportunity for public input on potential policy changes.

Staff Recommendation: Direct staff on potential policy changes to include in a draft ordinance for Council's review prior to an ordinance reading.

Halloran presented the materials – see council packet materials. There was council discussion with support of some of the following requirements:

- ✓ Q1: Support for proposal to select software tracking system for internal process improvements
- ✓ Q2: Support for regulations to include the requirement of the property to provide for a local contact number
- ✓ Q2: Support for requirement that there are no impacts to the neighborhood, re: noise, trash, parking, life-safety issues, etc.
- ✓ Q3: Support for requiring an affidavit statement that property is outfitted with life-safety equipment:
 - Fire Extinguishers
 - Carbon Monoxide Detectors
 - Smoke Alarms
 - Maximum Occupancy
 - Compliance with definition of a “bedroom”

Chapin asked for public input at this time. Public comments were heard as follows:

Sheila and Dennis Linn, residents, expressed the need for a requirement that neighbor consent for STR in duplexes is a must since there are so many negative issues arise with this kind of renting.

Joseph Staufer, resident, opposed any STR in Vail neighborhoods as licensing businesses in residential neighborhoods should not be allowed.

Beth Plazec, resident, opposes the licensing of STR in residential neighborhoods, sees this as incentivizing homeowners to commercialize their homes, and this type of use should be a conditional use, per the zoning code. She would prefer a town-wide vote on the matter.

Penny Wilson, resident, supports the homeowners association must sign off on any STR that a property wants to operate, this type of use should be addressed in the zoning code and coordinated with all government for the proper revenue collections.

Jonathan Staufer, resident, supported regulations that required property managers be licensed and a record of a local contact be maintained by the town.

Herman Staufer, resident, concerned about approving STR in residential areas and preferred this kind of use remain in the commercial areas since there are many associated impacts, i.e. traffic, noise, violations, enforcement, etc.

It was clarified that STR are allowed uses in all zone districts within the town of Vail. The discussion pertained to drafting regulations addressing the STR. There was no further input at this time and staff summarized comments from the discussion noting the topic would be reviewed once again incorporating the comments.

6.2. Commercial Ski Storage Update

Presenter(s): Chris Neubecker, Planning Manager

Action Requested of Council: The Community Development Department and Commercial Ski Storage Task Force members will provide an update to the Town Council on issues relating to commercial ski storage, ski concierge and ski valet. The Council is asked to provide direction on possible text amendments to the Town Code.

Background: The purpose of this memo is to update the Town Council on issues and progress relating to the Town's commercial ski storage regulations, and the results of the recent Commercial Ski Storage Task Force meetings.

Neubecker presented the topic and the work of the 14 member task force - see materials in the packet. Summary of the Task Force recommendations included the following :

- Keep the existing horizontal zoning in place, which only allows Commercial Ski Storage as a permitted use on the basement or garden level of a structure
 - Add graphics to improve the definitions for the following:
 - First floor of street level
 - Basement or garden level
 - Separate the definitions for Commercial Ski Storage and Ski Club
 - Create a separate definition for Ski Storage Lockers
 - Set time of day limits on the placement of ski racks outside of a business
 - Do not set limits on the number of racks placed on private property
 - Ensure that public pedestrian easements are not blocked by ski racks
 - Consider removing code language on outdoor displays stating that an outdoor display "shall not visually detract from or block storefront or shop window"

- Clarify that a building used for delivery of skis to guests of a hotel, which is separated from the hotel property, is considered Commercial Ski Storage (i.e. Four Seasons at Gorsuch on Wall Street)

Action	Positive Impact	Negative Impact
TIME		
Time of day limits on the placement of ski racks outside of a business	Achieves policy objective. Clearly indicates when racks of skis can be placed outside. Ensures ski racks are not outside all the time. May improve safety and aesthetics.	Some business may operate outside the set time limits.
PLACE		
Keep existing zoning that only allows ski storage in basements	Maintains vibrancy of retail shops and restaurants on street level	Guests must walk up stairs in ski boots carrying skis. Reduced number of locations for ski storage.
Prohibit placing racks on pedestrian easements	Ensures safe passage for pedestrians and emergency vehicles	Some properties are surrounded by easements, and would have no place to place ski racks – Arrabelle; Concert Hall Plaza
Clarify that a ski storage building separated from the hotel property is considered Commercial Ski Storage, and is not exempt from Commercial Ski Storage regulations	Easier to understand if regulations are more specific	Change may not be needed; applies only to one property (at this time)
MANNER		
No limit on number of racks	Allows business owner to determine what is best for the business	Potential negative impact on aesthetics.
OTHER CODE CLARIFICATIONS		
Add graphics to improve understanding of definitions	Easier to understand	Additional staff time to develop graphics and update code through ordinance process. There may be impacts to other sections of Town Code by amending definitions.
Separate the definitions for Commercial Ski Storage and Ski Club	Easier to understand	Additional staff time to develop graphics and update code through ordinance process.
Create a separate definition for Ski Storage Lockers	Easier to understand	Additional staff time to develop graphics and update code through ordinance process.
Remove language on visually detracting or blocking storefront or shop window	This language in the Outdoor Display section of the code is already vague, and may be difficult to enforce	May result in more clutter, and less visibility of display windows. Conflicts with the policy objective of maintaining vibrancy and economic vitality in the commercial cores.

Chapin thanked the task force for their recommendations and invited public input, as follows:

Stephen Connelly, resident, supported the guest experience as the priority to uphold when making the final decisions about the policies.

Brent Martin, Four Seasons, noted the topic was mostly gray and not always easy to address; he appreciated that there is understanding that the guest service has changed and the hotel's mission is to service the guests and get them "out of skis and back into town".

Drew Riley requested a review be made of the definitions, specifically that of a "ski club".

Adam Hart, Double Diamond, noted they are unclear about placement and timing of racks and this should be consistent across shops.

Tom Higgins, American Ski Exchange, expressed support for the current rules and did not support “ski club” to be above the first floor of a building.

Staff noted the next steps in this process identified below:

- Week of September 11, 2017 – Present draft text amendments to Task Force
- September 19, 2017 – Present draft text amendments to Town Council
- October 9, 2017 – Planning and Environmental Commission public hearing and recommendation on text amendments
- October 17, 2017 – Town Council – 1st Reading of Ordinance on text amendments
- November 7, 2017 – 2nd Reading of Ordinance on text amendments
- November 17, 2017 – Vail Mountain Opening Day

6.3. Update to the Town Council regarding the Nature Center Study including consultant selection, process and schedule.

Presenter(s): Todd Oppenheimer, Capital Project Manager/Landscape Architect

Action Requested of Council: The Town Council is asked to consider the information provided and offer feedback or questions regarding the process.

Background: The Vail Nature Center Interpretive Master Plan was finalized in December 2015. The Master Plan is an internal planning document which describes the current context of the VNC operation and provides an overall vision, strategy, and thematic focus for the VNC for the next several years. The desired outcome of the Vail Nature Center Study is to add clarity, understanding and direction to the strategies outlined in the Vail Nature Center Interpretive Master Plan. Staff has issued a Request for Proposals and is prepared to procure the services of a professional design consultant to move forward with the initial phases of the Vail Nature Center Study.

Staff Recommendation: Staff recommends the Town Council consider the information provided and offer feedback or questions regarding the process for the initial phases of the Vail Nature Center Study.

Oppenheimer presented the status of the Vail Nature Center Study and their moving forward with the selection of the professional design consultant, Pam Hopkins and Sherry Dorward. Details found in the packet memo. Funding for this project, \$45K, was already budgeted and they are ready to launch the work immediately and return in December with an update and some recommendations. Langmaid requested Walking Mountain Science Center representatives be included.

There being no further business to come before the council, Foley moved to adjourn the meeting and Bruno seconded the motion which passed (6-0) and the meeting adjourned at 9:15 p.m.

Respectfully Submitted,

Attest:

Dave Chapin, Mayor

Patty McKenny, Town Clerk