

Summation of Correspondence Received Related to Proposed Mountain View Special Development District

Letters of support

1. Vail Mountain View Residences Phase 1, 10-03-2017
2. Tim Thompson, member of Eagle County Workforce Housing Coalition, Undated
3. Jeff Morgan with Ron Byrne and Associates and member of housing coalition (3 letters, 5-15-2017, 7-26-2017 and 10-17-2017)
4. Derek Schmidt, General Manager of The Wren at Vail, 5-15-2017
5. Chris Romer, President and CEO, Vail Valley Partnership, 5-15-2017
6. Rick Smith, CAO, VVMC, 4-11-2017
7. Dan Godec, Citizen of Edwards, 6-06-2017
8. Michael Connolly, General Manager, Triumph Development, (2 letters, 6-07-2017 and 10-18-2017)
9. Stan Cope, Gemini Resort Management, 5-15-2017
10. David Charles, owner, Mountain View Phase 1, 7-28-2017
11. Adrian Fernandez, owner of Unit #305, Mountain View Phase 1, 7-26-2017
12. Tom Talbot, Vail resident, 7-28-2017
13. Alison Wadey, VCBA, 7-07-2017
14. David Cross, 8-09-2017
15. Michael Rootberg, owner Unit #301, Mountain View Phase 1, 8-11-2017
16. Kim Bell Williams, Housing Director, Eagle County, 10-18-2017

Letter of Opposition

1. Argos Vail, LLC, owner of Unit #6, Tyrolean Condominiums, 6-09-2017 and 10-20-2017
2. Jay Levine and Mary Ann Childers, owners of Unit #403, Mountain View Phase 1, 7-11-2017
3. Foster Graham Milstein & Calisher, LLP, representing the Tyrolean Condominium Association, 7-11-2017
4. Dan and Carol Wolfe, owners of Unit #303, Mountain View Phase 1, 7-19-2017
5. Don Cameron and Marie Harrison, owners of Unit #3, Tyrolean Condominiums, 7-24-2017
6. Wizenburg, Leff, Purvis and Payne, LLP, representing the Tyrolean Condominium Association, 05-17-2017
7. Herbert Tobin, owner and HOA president, Tyrolean Condominiums, 7-26-2017
8. Goodman and Wallace P.C., representing a collation on Mountain View Phase 1 owners, 7-31-2017
9. Foster Graham Milstein & Calisher, LLP, representing the Tyrolean Condominium Association, 7-31-2017, notice regarding inability to attend.
10. Eileen Jolly, Mountain View Phase 1 visitor

11. Eduardo Flores Alonso and Jose Alejandro Ortega Aguayo, owners Unit #304, Mountain View Phase 1, 8-14-2017
12. Paul Nigrelli, owner Unit #104, Mountain View Phase 1, 8-14-2017
13. Mark Caplan, owner Unit #306, Mountain View Phase 1, 8-14-2017
14. Cindy Biondi, owner Unit #404, Mountain View Phase 1, 8-14-2017
15. Todd Randall, Mountain View Phase 1 visitor, 8-13-2017
16. Mike and Alice Widmier, Mountain View Phase 1 visitor, 8-13-2017
17. Lisa Widmier, owner Unit #302, Mountain View Phase 1, 8-12-2017
18. Dan and Carol Wolfe, owners Unit #303, Mountain View Phase 1, 8-09-2017
19. Michael and Jill Dardick, owners Unit #205, Mountain View Phase 1, 8-10-2017
20. Scott Herndon, owner Unit #204, Mountain View Phase 1, 8-10-2017

Letter of No Opposition:

1. David Zessin, President Apollo Park at Vail HOA, 5-15-2017
2. David Zessin, President Apollo Park at Vail HOA, 10-16-2017

Letters from Town Attorney

1. Response to Jay Levine and Mary Ann Childers, owners of Unit #403, Mountain View Phase 1, 7-17-2017
3. Response to Foster Graham Milstein & Calisher, LLP, representing the Tyrolean Condominium Association, 7-21-2017

Letter from Staff

1. Response to Dan and Carol Wolfe, owners of Unit #303, Mountain View Phase 1, 7-21-2017

Letter from Holland & Hart representing the applicant concerning the rights of Phase 1 owners, 5-17-2017, with attachments

Letter from Ron Byrne to Phase 1 owners, 7-26-2017 and responses

Letter from Dominic Mauriello, MPG concerning letter from Foster Graham Milstein & Calisher, LLP, representing the Tyrolean Condominium Association, 7-13-2017, with attachments

October 3, 2017

Planning and Environmental Commission

Town of Vail
75 South Frontage Road
Vail, Colorado 81657

Re: Vail Mountain View Residences Proposed Special Development District

Dear Commissioners::

I am writing to you as President of the Board of Directors for Vail Mountain View Residences on Gore Creek Owners' Association, Inc., the governing body for and the representative of the owners within the first phase of the Vail Mountain View Residences (VMVR), the overwhelming majority of whom have previously expressed concerns about the proposed VMVR Special Development District (SDD).

While VMVR has just been provided the revised plans and has not as yet been able to review them in detail to ascertain agreement with all aspects, VMVR now conditionally supports the revised alternative project based upon the removal of the hotel component and execution of a binding agreement between VMVR and the developer on issues specific to the inter-relationship between Phase 1 and Phase 2.

Over the last several weeks, VMVR expressed concerns about the SDD and the proposed building with specific demands for the hotel component to be removed due to compatibility and other related concerns. The VMVR Board of Directors has met on numerous occasions with the proposed developer of the project, Gore Creek, LLC., whose representative Peter Carlson and his team, have worked with VMVR to address many of VMVR's concerns about the project. The developer has been very responsive to VMVR's requests and demands and will be formally introducing his design plan revision at the October 9, 2017 Planning and Environmental Commission meeting.

As we understand it, the design plan revisions will illustrate a project consisting of 15 free-market condominiums with 20 total lock-off units and 15 employee housing units. We believe this proposed design plan revision will be more compatible with the Phase 1 development and the neighborhood in general. The proposal still maintains significant public benefit with the addition of employee housing units, small condominium units, and lock-off units. The Town will still receive the benefit of short-term rentals given the plan to operate a voluntary rental management program within the facility.

We believe the design plan revisions will result in a project that strikes an appropriate balance of public benefits in exchange for the deviations being sought from the underlying zoning including the building height, bulk, and mass proposed.

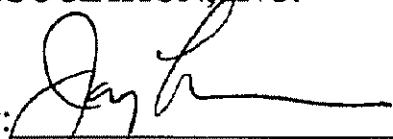
We are also working with the developer on an agreement that will confirm a number of reciprocal easements and restrictive covenants between and among all owners within the SDD which will address construction management activities and reciprocal easements for the project, as well as future operational details, most of which have to do with parking, construction and maintenance access, reciprocal enforcement issues and the operation and management of the garage facility. It also will entail the withdrawal of Phase II from Phase I via an amendment to the Condominium Map. We expect this agreement to be finalized and executed prior to the PEC meeting October 23, 2017.

We believe the project, as modified by the design plan revisions and in conjunction with the anticipated agreement between VMVR and developer, will then comply with the nine review criteria for establishing the SDD. Subject to the Town's approval of the design plan revisions outlined in this letter, and the formal agreement between VMVR and the developer, our Board of Directors has voted unanimously to support the revised project and encourage the Planning and Environmental Commission to approve this revised alternative project without further delay.

Sincerely,

VAIL MOUNTAIN VIEW RESIDENCES ON GORE CREEK OWNERS'
ASSOCIATION, INC.

By:



Jay Levine, President

Vail Planning and Environmental Commission
Vail Town Council
c/o Jonathan Spence, AICP
Senior Planner, Town of Vail
75 South Frontage Road
Vail, Colorado 81657

Dear PEC and Town Council members:


New workforce housing in Vail Village? A resounding YES from members of the newly formed Eagle County Workforce Housing Coalition! We are very pleased to support the Mountain View Residence Phase II project and the developer's application for a Special Development District in Vail.

It is clear that our workforce housing crisis requires a multi-pronged approach. We are very much in favor of the 10 livable workforce housing units proposed with this project, recognizing that the town of Vail will reach its ambitious goal of 1,000 deed restricted housing units by taking small bites out of a very large apple.

Further, locating these units on the east end of Vail Village and on the in-town bus route will help reduce traffic and parking, making them highly desirable and more environmentally sustainable. We believe demand for these units, that also include dedicated parking, will be tremendous.

Finally, a public-private partnership such as this that requires no financial investment from taxpayers is a win for everyone. Seeking creative solutions to the housing problem that plagues every municipality and business owner in Eagle County is the way we will collectively solve it. We must look for ways to increase the number of workforce housing units at every opportunity. We urge you to approve this well-considered plan in a timely fashion so that construction can begin this fall.

Respectfully,

 Tim Thompson, PE
35 Stone CK. Dr., Avon, CO 81620

May 15, 2017

Planning and Environmental Commission
Town Council
c/o Jonathan Spence, AICP
Senior Planner, Town of Vail
75 South Frontage Road
Vail, Colorado 81657

Dear Mr. Spence, PEC and Town Council Members:

As a member of the Workforce Housing Coalition, I am writing you today to ask for your approval on the Mountain View Residences Phase II SDD application. The Workforce Housing Coalition is a very large group of engaged business owners, employees, elected officials and other concerned Eagle County residents who are looking for ways to address our housing crisis.

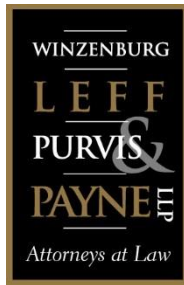
One of our recent topics of discussion was the value of public-private partnerships in addressing this crisis. I believe this project with its 10 workforce housing apartments paid for completely by the developer is a perfect example of a public-private partnership. We must be prepared to make some accommodations for developers to be successful if we want them to build more than the required square footage of EHUs.

I support this project 100% and see it beautifying our view of Vail from the highway.

Sincerely,

A handwritten signature in cursive script, appearing to read 'JM'.

Jeff Morgan
Associate Broker
Ron Byrne & Associates Real Estate
285 Bridge Street
Vail CO 81657



WENDY E. WEIGLER
wweigler@wlpplaw.com
www.cohoalaw.com

May 17, 2017

VIA EMAIL AND U.S. MAIL

Town of Vail
Planning and Environmental Commission
Department of Community Development
75 South Frontage Road
Vail, Colorado 81657

Re: Tyrolean Condominium Association
Special Development District for Vail Mountain View Residences

Dear Members of the Commission:

Winzenburg, Leff, Purvis & Payne, LLP represents the Tyrolean Condominium Association (“Tyrolean”). I had the opportunity to attend the April 24, 2017 Commission meeting, along with Tom Saalfeld of Ptarmigan Management, who briefly addressed the Commission. We appreciated the thoughtful consideration given by the Commission and we share many of the concerns raised by the Commission.

The proposed development of Phase II of Vail Mountain View Residences (“Phase II”), in our opinion, has the greatest impact on the Tyrolean building, as the neighboring property. The Tyrolean and its owners formally object to the application of Gore Creek Group, LLC for a Special Development District (“SDD”), submitted on March 27, 2017 (the “Application”).

Tyrolean is the condominium association for the Tyrolean Condominiums, consisting of nine (9) residential units and four (4) parking space units, which was originally developed in 1981. When Phase I of Vail Mountain View Residences was developed in 2008, Tyrolean was not notified and had no opportunity to be heard or object to the parking structure constructed directly next to the Tyrolean. Although the permitted design requirement for the garage was a “subterranean” parking structure, the parking structure actually looms 25 feet above ground on the west side that borders the Tyrolean, as reflected in Pictures 1 and 2.



Focused on Communities

8020 Shaffer Parkway, Suite 300
Littleton, Colorado 80127
303.863.1870
Fax 303.863.1872

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Picture 1 – 1st Floor Deck

May 17, 2017
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Picture 2 – 2nd Floor Deck

It is our understanding that the parking structure was constructed in such a manner that would support an additional building above it, again, without notice to Tyrolean or any opportunity to be heard. The approval of the parking structure alone, let alone Phase II, substantially impaired the Tyrolean owners' use and enjoyment of their property, constituting a *de facto* taking of property.

The Application includes a letter from Vail Mountain View Residences on Gore Creek Owners' Association ("Phase I"), stating that, pursuant to its governing documents, the consent of the Association is not required for the proposed expansion and development. However, the Town of Vail Code (the "Code"), at

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Chapter 9, Article A, Section 12-9A-3, requires that the Application include “written consent of owners of all property to be included in the special development district, or their agents or authorized representatives.” Despite what the governing documents of Phase I say, written consent of the owners within Phase I is a requirement under the Code. The Application fails to meet this requirement.

Because the proposed development is located within the High Density Multiple-Family (HDMF) District, the Application is required to comply with the underlying HDMF zoning, as set forth in Chapter 6, Article H of the Code, in addition to the design criteria for an SDD, as set forth in Chapter 9, Article A. The SDD criteria requires conformity with the Vail Village Master Plan. These three standards – HDMF, SDD and Master Plan – are addressed in turn.

A. UNDERLYING HDMF ZONING

1. **Building Height.** The most significant deviation requested in the Application, and that most affects Tyrolean, is the increase in building height from the Code requirement of 48 feet for a sloping roof, to 71.9 feet. A building almost 24 feet above the maximum height would wall in several units in Tyrolean, block views and create significant shade onto Tyrolean.



Picture 3 – 3rd Floor Deck

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2. Density. The next significant deviation in the Application is the increase from the Code maximum of 32 dwelling units to 45.5 dwelling units for the combined Phase I and Phase II, which does not include the proposed 9 Employee Housing Units (EHU). Although the EHU are not counted in the Code's density calculations, the reality is that they certainly will impact the quality of life for Tyrolean owners. The proposal to have all of the EHU and hotel units on the first and second floors, which are the floors closest to Tyrolean, will have a dramatic impact on Tyrolean, in terms of noise level and foot traffic. Similarly, the deviation in gross residential floor area (GRFA) from the Code's maximum of 42,871 square feet to 79,548 square feet – almost twice the Code maximum – will have an irrevocable impact on Tyrolean for the same reasons.

B. SDD DESIGN CRITERIA

1. Compatibility. The Application does not reflect design compatibility and sensitivity to the Tyrolean, as the adjacent property. The Application fails to comply with this standard, and simply seeks approval based on the argument that there have been similar deviations approved in the Town of Vail.
2. Relationship. The Application fails to establish that the proposed uses, activity and density are compatible with the surrounding uses and activity, namely the Tyrolean. Tyrolean's 9 wholly owned units would not have a workable relationship with Phase II's 12 for-sale units, with 6 lock-offs, 9 EHU and 21 hotel rooms. The proposed density is not at all similar to the Tyrolean, as represented in the Application.

C. CONFORMITY WITH MASTER PLAN

1. Goal #2. The Application cites Objective 2.3 of Goal #2 and states that Phase II will increase the number of residential units available for short term overnight accommodations. However, the Application shows that participation in a short term rental program is voluntary for the 12 dwelling units. There is no way to predict whether the owners of those units would participate in the rental program. Additionally, the Application fails to explain whether the hotel units will be deed-restricted, to guarantee availability for short term rental. The Application, therefore, is not necessarily consistent with Objective 2.3.
2. Goal #5. The Application cites Objective 5.1 of Goal #5, which is to meet parking demands with public and private parking facilities. The existing parking structure has 112 parking spaces, the excess of which have been available for lease to the public. The parking requirements for Phase II will use up all of the excess parking spaces, resulting in no available parking for the public. Therefore, Phase II is not consistent with Objective 5.1 and

May 17, 2017
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may actually create more demand for parking, if the parking spaces being leased are no longer available.

3. Building Height Plan. The Application is inconsistent with the Building Height Plan, which anticipated a limit of 4 stories for this property. Phase II will be 5 stories, with the ground floor already elevated at least 10 feet. If mechanical components are located on the roof, it will be even higher. The result will be an inordinately tall building that is not consistent with the Building Height Plan.



Picture 4 – Ground Level

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In summary, the Application seeks such significant deviations that it all but ignores the standards set forth for HDMF, SDD and in the Master Plan. As pointed out by the Commission, the existing zoning is in place for a reason. The applicant's suggestions that the zoning is inappropriate and should be changed, and that other developments had deviations so this one should as well, do not further the Master Plan or the development objectives of the Town. The negatives of Phase II clearly outweigh the potential public benefits. As such, Tyrolean respectfully requests that the Commission decline to approve the Application.

If you have any questions or require any additional information, please do not hesitate to contact me.

Very truly yours,
WINZENBURG, LEFF, PURVIS & PAYNE, LLP



WENDY E. WEIGLER

*cc: Jonathan Spence, Senior Planner
Tyrolean Condominium Association
c/o Ptarmigan Management*

May 15, 2017

The Vail Town Council
Vail Planning & Environmental Commission
75 South Frontage Road
Vail, Colorado 81657

Dear Mayor Chapin, Council Members and PEC members:

I'm writing to voice my support for the proposed Mountain View Residences Phase II development. I believe the project brings a good balance of hot beds and employee housing units along with the additional new condominiums.

Also, Vail and all of Eagle County continue to desperately need livable workforce housing , especially located close to our largest employment centers. Having the proposed 2-bedroom apartments for rent in Vail Village and on the in-town bus route will be a positive addition to our town and will help to fill a crucial need.

It is my opinion that this project brings numerous public benefits to the east end of Vail Village and I urge you to approve it.

Thank you for your time, and for your dedication to the town of Vail.

Sincerely,

Stan Cope
Gemini Resort Management
Lodge Tower
Vail Mountain Lodge
Residences at Solaris

APOLLO PARK AT VAIL

HOMEOWNERS' ASSOCIATION

**8547 E. Arapahoe Road, #J542
Greenwood Village, CO 80112-1436
303-690-6038 - 303-690-6511 FAX**

May 15, 2017

Jonathan Spence, AICP
Town of Vail
Planning and Environmental Commission
75 South Frontage Road
Vail, CO 81657

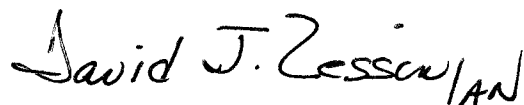
Via e mail: jspence@vailgov.com

Dear Mr. Spence:

As President of the Apollo Park at Vail Homeowners' Association, I write to notify you that our Board of Directors has reviewed the plans for Mountain View Residences Phase II.

We will not oppose the plans as presented.

Sincerely,

A handwritten signature in black ink that reads "David J. Zessin" followed by a stylized "AN" in the right margin.

David J. Zessin, President
Apollo Park at Vail

DJZ:an



East West Destination Hospitality

May 15, 2017

Planning and Environmental Commission
Town Council
c/o Jonathan Spence, AICP
Senior Planner, Town of Vail
75 South Frontage Road
Vail, Colorado 81657

Dear PEC and Town Council Members:

I am in favor of Phase II of the Mountain View Residences currently before the town of Vail Planning and Environmental Commission. As the general manager of a neighboring property, I believe this project will go a long way toward enhancing the Golden Peak area.

In addition to the workforce housing units, I am excited to see new and modern hotel and condominium inventory proposed for this location. It will bring much needed activity and vibrancy to our end of the village.

Please approve this project.

Thank you,

A handwritten signature in blue ink, appearing to read 'D. Schmidt', is written over a light blue horizontal line.

Derek Schmidt
General Manager, The Wren

April 11, 2017

181 West Meadow Drive, Vail, CO 81657
PO Box 40,000, Vail, CO 81658

Planning and Environmental Commission
Town Council
c/o Jonathan Spence, AICP
Senior Planner, Town of Vail
75 South Frontage Road
Vail, Colorado 81657

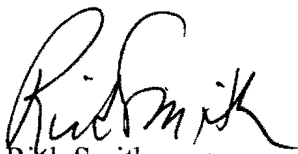
Dear PEC and Town Council Members:

On behalf of Vail Valley Medical Center, I am writing to you to voice our support for the proposed Mountain View Residences Phase 2 project. As you are likely aware, it is a challenge for VVMC and most all employers to find available housing in the Vail Valley, especially in Vail. We were encouraged to see the plans for the second phase of the Mountain View Residences include nine functional and livable EHUs, on the periphery of Vail Village and on the in-town bus route.

A project like this and other projects of its kind are important for employers' staff, particularly mid to upper level managers and professionals so they have the opportunity to both work and live in Vail. More projects like this are seriously needed in Vail and will help assist employers in hiring and retaining quality staff who will continue to provide critical services to residents and guests of Vail.

We view this project as yet another step forward in Vail's plan to acquire 1,000 deed-restricted workforce-housing units, without spending a dime of taxpayer dollars. We hope you'll consider this critical public benefit as the Mountain View project moves through the town's approval process. We urge you to approve this project in as timely a manner as your schedules and processes allows.

Respectfully,



Rick Smith
Chief Administrative Officer
Vail Valley Medical Center



May 15, 2017

Vail Planning & Environmental Commission
Town of Vail
75 South Frontage Road
Vail, Colorado 81657

Dear PEC members:

Vail Valley Partnership (VVP) is the regional chamber of commerce representing Eagle County, Colorado. Our organization has over 840 member organizations, representing over 80% of the local workforce within the valley.

As you are aware, the Mountain View project proposes both a mid-range hotel product and much needed workforce housing, both of which are aligned our list of community priorities. As such, the Vail Valley Partnership encourages your committee to move forward with the proposed Mountain View project and we look forward to continuing discussions to give our full and enthusiastic endorsement.

We feel this project addresses several critical issues facing Vail and Eagle County:

1. The dire need for deed-restricted workforce housing with 10 deed restricted apartments
2. Mid-priced, or entry-level, lodging options with 19 units

Through our lens of economic vitality and business success, this project is exactly what is needed in Eagle County. The project's location within the town of Vail and in close proximity to the Vail Village commercial core is another plus. We believe it is important to provide housing within developed areas and within easy access to transit and close to jobs. This is a good example of appropriate in-fill and is similar to other projects along the Frontage Road.

Additionally, we believe now is the time to take bold steps to address the needs of the Vail community, both business and residential, relative to both workforce housing and addressing entry-level lodging options. This project checks every box and does so with a thoughtful and impressive design, careful consideration of the surrounding neighborhood, and located in the highly desirable town of Vail. This type of project is a win for Vail as far as the Vail Valley Partnership is concerned. .

We strongly and respectfully urge the members of town council to consider the many public benefits of this project as it moves through the approval process.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Romer", written over a horizontal line.

Chris Romer
President & CEO
Vail Valley Partnership

PO Box 1130, Vail, CO 81658

VailValleyPartnership.com / VisitVailValley.com / VailValleyMeansBusiness.com / VailonSale.com

Dan E. Godec
P.O. Box 292
Edwards, CO 81632

June 6, 2017

Mr. Jonathan Spence

Vail Planning Board

Vail, CO

Mr. Spence:

I am writing in support of Mountain View Residences in Vail. The project addresses housing needs as defined by the Town of Vail. There are 10 employee housing units representing over 30% of the project. It is unusual that a project contains this amount of affordable housing. The need for housing is well documented with the project target audience being mid-level professional residents, the group who will be tomorrow's leaders in the community.

The Town supports hot beds; this project includes 19 hotel rooms which helps events at the Amphitheater. I am past Chairman of BravoVail Board of Trustees. Having rooms available close to our venue helps our visitors. We have abundant hotel rooms in the Village and West Vail but fewer units on the east side of Town. EDU's and hotel rooms make up 50% of the project. Mountain View Residences clearly meet the essential project criteria desired by the Town.

The parking garage was built in 2008; it provides all parking onsite and underground. The site was designed for a later project. The garage was appropriately suited for a building over the top; this project is effective use of space.

This is an infill project located on the South Frontage Road. There are several examples of height management and density to the west. Where better to place the units? Impact is minimal on surrounding buildings and overall benefit outweighs negative effect.

This project appears to fill several needs for the Town of Vail. It brings EDU's and hotel rooms to an underserved location. It creates a barrier between the highway and town and the development team seem to understand what it takes to build a project in Vail unlike other proposed additions.

Thank you for your consideration

Respectively



Dan E. Godec

970-390-6630

7 June 2017

Jonathan Spence
 Planning Department
 Town of Vail
 75 South Frontage Road
 Vail, CO 81657

Jonathan:

I am submitting this letter today in advocacy for the approval of the Vail Mountain View Residences Phase 2 development project.

For the better part of the last 18 years I have been engaged in the business of managing residential resort property in the geographic area from East Vail to Cordillera, though always with a high concentration of properties within the Town of Vail.

A good number of those properties (currently including 4 units in Phase 1 of the Vail Mountain View Residences) are part of our vacation rental program.

Additionally, until 2006, Peak Properties, the forerunner of Triumph Mountain Properties, built and remodeled numerous residential properties in the Town of Vail, a few of which incorporated the requirement of EHUs.

Given my background and experience in Vail I am in favor of the proposed project for two main reasons.

First, there can be no doubt that our valley is in need of more housing of a standard that works for professional individuals, including those with families. The Town has already demonstrated a willingness to help address this need through a variety of recent housing initiatives.

This project is dedicating 30% of the square footage it intends to build to employee housing - in my time here I am unaware of another project that has dedicated such a large portion of space for this purpose.

By approving this project the Town can help set a standard for future similar development projects and take credit for another successful addition to the stock of housing that expands the year round population of the Town.

Second, the mix of rentable accommodations (i.e. hot beds) available within the proposed building can also be construed as a public good. The planned hotel rooms will certainly be of a high standard from a finish quality level but can occupy a more moderate price point in the marketplace thus making them an attractive lodging option on a year round basis.

For sale condo units with rooms that can be locked off contribute to both the hotel bed base and the bed base of vacation rental condos.

My experience working with owners of luxury resort property is that the flexibility of being able to generate rent revenues from a lock off unit will be highly attractive.

Many owners of these types of properties are hesitant to commit their entire property to being available for rent, though they would like to have the revenues to offset the costs of ownership (maintenance, property taxes, etc.). They often perceive the wear and tear risk to outweigh the rent rewards.

The opportunity to generate rent revenues without having to commit the entirety of their unit to a rental program should be enticing to those more risk averse owners, thereby increasing the number of available short term beds.

Having represented some of the Phase 1 Mountain View units for short term rental since they came out of construction at the very end of 2008 I can personally attest to their popularity. The location allows guests to quickly access Vail Mountain in the winter either via Gondola 1 or Chair 6. Similarly, within a 5-6 minute walk one can be at the center of Vail Village to access shopping and dining.

Understanding that available inventory in these units is governed by the usage patterns of owners, over the past 8 + years the units we have managed for vacation rentals have generated approximately \$2.5 million in taxable rents, contributing nearly \$100K in sales tax revenues to the Town and another \$35K in revenues to the Vail Marketing District.

Given the planned mix of hotel rooms, lock offs, and potentially rentable condos that are included in the current plan it is not unreasonable in my view that the new building could generate at least \$2 million per year in taxable rents which would be a nice addition to the Town's sales tax collections.

I welcome the opportunity to discuss my perspective on this project with the Commission.

Regards,

A handwritten signature in dark ink, appearing to read 'Michael J. Connolly', written in a cursive style.

Michael J. Connolly
General Manager

June 9, 2017

Planning and Environmental Commission
Town of Vail
Department of Community Development
75 South Frontage Road
Vail, Colorado 81657

Attn: Johnathan Spence, AICP

Re: Vail Mountain View Residences Phase II

Dear Members of the Planning and Environmental Commission:

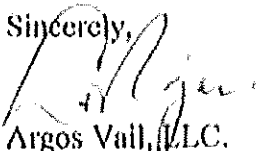
We are writing to inform you and the Town of Vail that as owner of the upper residential unit in the Tyrolean Condominiums, Unit 6, we oppose the plans submitted for the development of Vail Mountain View Residences Phase II and encourage you to recommend denial of the proposed Special Development District. Our Unit #6 is by far the most affected unit in the Tyrolean building by Phase II of the Vail Mountain View Residences.

We are concerned about increased density, building height, setbacks, site coverage, and product mix. We are concerned about the impact on sun, light and views for our unit. We are also very concerned about the impact on the value of our unit if the District is approved.

We do not believe the approval of this project by the Town of Vail would comply with the overall goals of the Vail Master plan to provide more employee housing, additional lock-offs, and mid-priced hotel rooms to provide additional revenues to the Town of Vail.

Please accept this letter as our disapproval of the Vail Mountain View Residences Phase II.

Sincerely,


Argos Vail, LLC.

Jay Levine and Mary Ann Childers
434 South Frontage Road East, Unit 403
Vail, CO 81657

July 11, 2017

Town Council
Town of Vail
75 South Frontage Road
Vail, Colorado 81657

Subject: Ordinance No. 9, Series of 2017, Special Development District No. 42

Dear Council Members:

My wife and I are owners of Vail Mountain View Residences #403. It has just come to our attention that Lunar Vail LLC has filed an application for establishment of a special development district that includes our property, and, much to our surprise, that a first reading of the ordinance was scheduled for today, July 11, 2017, before being postponed until next week. Given that we were not informed of the application and timetable for this significant project just a few steps from our residence, we write to voice our strong objection to the Town Council's approval of the proposed SDD at this time.

Our first concern is with the application itself.

It wasn't until March 10th of this year that we first learned in an email from Ron Byrne, that the project, on hold for many years, would be going forward. An email asking for more details, was met with "We are still working on the entitlement process for phase II." In his email, Mr. Byrne promised: "We will continue to keep you informed as Phase II progresses." After that, not a word from Mr. Byrne.

Therefore, we were shocked and dismayed to recently read in the July 3rd Vail Daily about its current status and apparent fast track toward approval. Prompted by this surprising news, we did some research and

discovered an application for approval of a special development district requires the written consent of owners of all property to be included in the special development district.

According to Section 12-9A-3 of the Town Code:

“An application for approval of a special development district...shall include: a legal description of the property, a list of names and mailing addresses of all adjacent property owners and **written consent of owners of all property to be included in the special development district**, or their agents or authorized representatives.”

We **have not consented** to the application for approval of Special Development District No. 42. **And have not given our Homeowners Association or any individual the authority to indicate otherwise.** Indeed, the developer did not even inform us that the application had been made, much less seek our consent. We can only conclude that the secretive nature with which the developers have proceeded suggests that they are attempting an end-run around the rights of property owners while simultaneously flouting the Town Code.

Our second concern is with the potential impact of granting the application for a Special Development District which includes our home. We have serious concerns about this unprecedented development of “low frills hotel rooms and employee housing” shoe-horned into a complex where owners have made significant investments in Vail and its future.

We recognize Vail’s need for hotel tax revenue and EHUs. The question is where they are placed, and how they will affect existing homeowners.

Our choice of where to invest; where we’d want to be as we move toward spending more and more time in the Vail Valley was predicated on what kind of neighborhood and neighbors we wanted to have. We find as disingenuous the claims made by developers that they could and would insulate them new residents from the old with separate garages, the lack of balconies and/or sliding doors. To us, this appears to be their recognition of the problems they'd create; itself an argument against approval of the SDD. We are also concerned about the “slippery slope” such an SDD would have

on neighboring properties, like Apollo Park. Is our entire neighborhood destined to become a hotel and EHU heaven?

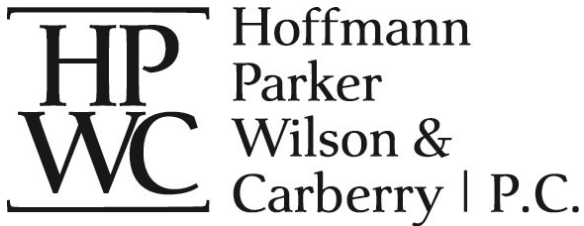
In conclusion, we are appalled by the apparent attempt to rush through the approval of a Special Development District without our consent. We suspect that other owners would share these concerns if they too were aware of the facts.

Therefore, please regard this letter as our objection to the Town Council's approval of Special Development District No. 42. Given the short notice, we are unfortunately unable to attend the Town Council meeting. However, we are reachable by email at airlevine1@gmail.com or cellphone ([312-501-4000](tel:312-501-4000)).

Respectfully,

Jay Levine
Mary Ann Childers

cc: George Ruther, Community Development
Jonathan Spence, Community Development
Matt Mire, Town Attorney



Corey Y. Hoffmann
Kendra L. Carberry
Jefferson H. Parker
M. Patrick Wilson

Of Counsel
J. Matthew Mire
Hilary M. Graham

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Vail, CO 81658
(970) 390-4941

Kathryn M. Sellars
M. Keith Martin
Andrew J. Gomez
Daniel P. Harvey

July 18, 2017

Jay Levine and Mary Ann Childers
434 South Frontage Road East, Unit 403
Vail, CO 81657
via email to: jjlevine@cbs.com

Re: Letter dated July 11, 2017 to Vail Town Council

Dear Mr. Levine and Ms. Childers:

I write on behalf of the Town of Vail in response to the above-referenced letter. In that letter, you state your personal objection to Ordinance No. 9, Series 2017, which concerns an application for Special Development District No. 42, Mountain View Residences.

The Town appreciates your interest in this ordinance, but your consent to the application was already given, pursuant to the attached Written Approval Letter executed by your homeowners' association. In addition, the applicant's counsel provided an explanation of the written approval, a copy of which is also attached for your convenience. The consent given by your homeowners' association cannot be revoked by one property owner, so the Town must proceed to consider the application under the consent already provided.

If you wish to dispute the authorization provided by your homeowners' association on your behalf, please take this matter up directly with your homeowners' association. The Town is not in a position to arbitrate these issues.

If you have any questions, please let me know.

Very truly yours,

Kendra L. Carberry
klc@hpwclaw.com

c: Jonathan Spence, Town Planner, *via email*



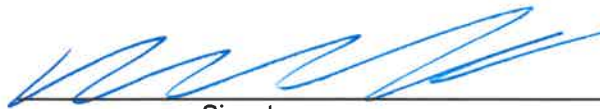
JOINT PROPERTY OWNER WRITTEN APPROVAL LETTER

The applicant must submit written joint property owner approval for applications affecting shared ownership properties such as duplex, condominium, and multi-tenant buildings. This form, or similar written correspondence, must be completed by the adjoining duplex unit owner or the authorized agent of the home owner's association in the case of a condominium or multi-tenant building. All completed forms must be submitted with the applicants completed application.

I, (print name) Mary Anne Redmond, a joint owner, or authority of the association, of property located at 434 S. Frontage Road Mountainview Residences on Gore Creek, provide this letter as written approval of the plans dated March 27, 2017 which have been submitted to the Town of Vail Community Development Department for the proposed improvements to be completed at the address noted above. I understand that the proposed improvements include:

Application of an SDD overlay zone district which allows the construction of new dwelling units, accommodation units,
and employee housing units generally above the current parking structure and related applications and improvements.

I understand that modifications may be made to the plans over the course of the review process to ensure compliance with the Town's applicable codes and regulations; and that it is the sole responsibility of the applicant to keep the joint property owner apprised of any changes and ensure that the changes are acceptable and appropriate. Submittal of an application results in the applicant agreeing to this statement.


Signature

3/27/17
Date

Mary Anne Redmond
Print Name

President VMVR HOA
Title/Position

(Initials) I/We authorize any and all changes submitted to the Town in reference to the above mentioned project.
I/We waive all rights to notification and review of submitted changes.

(Initials) I/We do not authorize any changes submitted to the Town in reference to the above mentioned project
I/We wish to receive notifications and reviews of submitted changes



FOSTER GRAHAM MILSTEIN & CALISHER, LLP
ATTORNEYS AT LAW

360 South Garfield Street
6th Floor Denver, CO 80209
T 303-333-9810 F 303-333-9786

DENVER – BOULDER
fostergraham.com

July 11, 2017

Matthew Mire, Esq.
Town of Vail
75 South Frontage Road
Vail, Colorado 81657
mmire@vailgov.com
jmm@hpclaw.com

Via E-Mail and U.S. Mail

Re: Ordinance No. 9, Series of 2017; Proposed Ordinance Establishing Special Development District No. 42 (Vail Mountain View Residences).

Dear Mr. Mire:

This firm represents the Tyrolean Condominium Association (“Tyrolean”) in the above-referenced matter (the “Proposal”). Vail Town Council (“Town Council”) has set this matter for a continued “first reading” on July 11, 2017 at 6:00 p.m. Town Council’s agenda has listed the matter as a “public hearing.” Due to the lack of sufficient notice, we will not be able to attend the meeting. As I have conveyed to the town’s counsel, due to the lack of proper notice to our client, and the procedural errors that have occurred in presenting the Proposal, I strongly urge Town Council to re-start the review process for the Proposal by providing the proper notice required to protect our client’s due process rights and as required by the Vail Town Charter and Code.

It is my understanding that the relevant sequence of events leading up to the continued first reading are as follows:

- Planning and Environmental Commission (“PEC”) began hearing the proposal in March 2017, culminating in a formal hearing. Tyrolean’s HOA’s Counsel, Ms. Weigler attended two meetings at PEC and submitted a letter of opposition to the PEC, dated May 17, 2017. The matter was continued to June 12, 2017, “...in order to respond to questions raised by staff and for the applicant to provide detailed responses to anticipated questions from Commissioners and the general public.” *Community Development Department Memorandum to the PEC, May 22, 2017*, p. 14.
- No prior notice was provided to Tyrolean or Ms. Weigler regarding the June 12th meeting. At that meeting, the PEC recommended approval of the Proposal to the Town Council.

- On June 20, 2017, eight days after the PEC's recommendation, Town Council took the matter up for a "first reading" of the Proposal. No notice of this consideration of the Proposal by Town Council was provided to Ms. Weigler or Tyrolean. The applicant and the town's counsel requested that the first reading be continued to July 11, 2017. However, at the same time, the June 20th session "is the public hearing" for the Proposal and the floor was opened up to the public for comment; one individual spoke about the Proposal.
- At some point in time prior to the June 20th session, council members participated in an on-site visit along with the applicant. Although Ms. Weigler had appeared in this matter on behalf of Tyrolean, Ms. Weigler was not provided notice of the on-site visit; nor was the public invited.
- Tyrolean and its counsel only recently learned of the Town Council's hearing on June 20, 2017, and the continued first reading set for July 11, 2017.

My client has serious concerns about how the Proposal has been handled. First and foremost, the PEC and Town Council have ignored my client's fundamental due process rights. As property owners who reside adjacent to the Proposal, our client's members have the requisite standing to oppose the Proposal. *See, Condiotti v. Board of County Com'rs of County of La Plata*, 983 P.2d 184, 187 (Colo. App. 1999). With respect to zoning changes, "...notice should unambiguously set forth the information which would give adequate warning to all persons whose rights could be adversely affected by any action of the zoning entity, so they may appear and have an opportunity to be heard." *Jafay v. Board of County Comm'rs of Boulder County*, 848 P.2d 892, 889 (Colo. 1993) (quoting *Sundance Hills Homeowners Ass'n v. Board of County Comm'rs*, 534 P.2d 1212, 1214 (1975)). In spite of the fact that Tyrolean, through its counsel, had objected to the Proposal, no notice was given to prior to the June 12th meeting or the June 20th meeting. This is especially concerning in light of the fact that the June 20th hearing was apparently intended to be the "public hearing" for the Proposal, and in fact, was opened to the public to comment.

Compounding the lack of notice with respect to the June 12th and June 20th hearings, an on-site visit with Town Council members and the applicant occurred prior to the June 20th hearing. Again, no notice was provided to Tyrolean or its counsel so that it could participate in the on-site visit. This *ex parte* meeting with council members was not only professionally discourteous, it undermines the fundamental fairness of the process, and raises questions as to whether undue influence was brought to bear upon Town Council.

Finally, the sequence of events in presenting the Proposal does not conform with the Vail Town Code (the "Code") or the Vail Town Charter (the "Charter"). Pursuant to Section 12-3-6 of the Code: "[u]pon the filing of an application, petition or appeal, the disposition of which requires a hearing before either the planning and environmental commission or the town council or both....a date for the hearing shall be set which shall not be more than thirty (30) days from the date of filing of the application or receipt of the document." The PEC recommended approval

Matthew Mire, Esq.

July 11, 2017

Page 3

of the Proposal on June 12, 2017, thereby triggering a hearing requirement by Town Council. The procedures set forth in the Charter relating to the enactment of ordinances state, in pertinent part:

If the ordinance is approved on first reading, it shall be published once in full unless otherwise provided herein. **The council shall set a day, hour, and place at which council shall hold a public hearing on the ordinance** and notice of said day, hour, and place shall be included in the first publication.

Charter, ¶4.10 (d)(emphasis added). Therefore, the Charter also clearly contemplates a public hearing, and that the public hearing shall occur *after* the first reading.

It appears that Town Council and the PEC have tried to meet the thirty-day hearing requirement set forth in Section 12-3-6 of the Code by categorizing the June 20th meeting as the “public hearing.” At the same time, however, the first reading did not actually occur, as it was continued to July 11th. All of this has been done without sufficient notice to all interested parties.

My client desires to work with Town Council, the PEC, and the applicant to allow all interested parties an opportunity to be heard regarding the Proposal, and to participate in the process (including any site visits with the applicant). Based upon the procedural and due process concerns I have expressed in this letter, I respectfully request that the Town Council re-start the review process by providing the proper and sufficient notice to all interested parties as required to protect our client’s due process rights and to comply with the Vail Town Charter and Code.

Thank you in advance for your consideration.

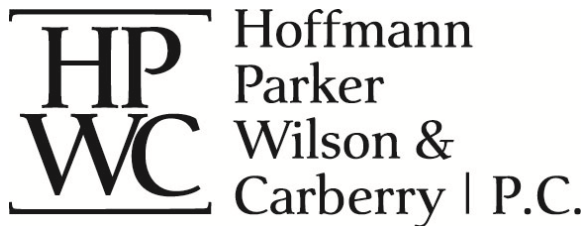
Sincerely,

FOSTER GRAHAM MILSTEIN &
CALISHER, LLP



David Wm. Foster

cc: Ms. Wendy Weigler
Mr. Herb Tobin
Mr. Tom Saalfeld
Mayor and Town Council



Corey Y. Hoffmann
Kendra L. Carberry
Jefferson H. Parker
M. Patrick Wilson

Of Counsel
J. Matthew Mire
Hilary M. Graham

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Kathryn M. Sellars
M. Keith Martin
Andrew J. Gomez
Daniel P. Harvey

July 21, 2017

David Foster, Esq.
Foster Graham Milstein & Calisher, LLP
360 South Garfield Street, 6th Floor
Denver, CO 80209
via email to: david@fostergraham.com

Re: Vail Mountain View Residences

Dear David:

I write on behalf of the Town of Vail (the "Town") in response to your letter dated July 11, 2017 concerning Ordinance No. 9, Series 2017. First and foremost, I disagree with your assertion that the Town has ignored your client's fundamental due process rights. While I am not convinced that your client, a homeowners' association, even has such rights, your client received notice of the April 2017 Planning and Environmental Commission hearing, in full compliance with the Vail Town Code. In addition, Ordinance No. 9 was properly listed as an agenda item for the Town Council meetings on both June 12, 2017 and June 20, 2017, and the agenda was properly posted according to the Colorado Open Meetings Law, C.R.S. § 24-6-401, *et seq.* Moreover, no action was taken on Ordinance No. 9 at either meeting – instead, the matter was continued to July 11, 2017. And you and I first spoke about this matter on Friday, July 7, 2017, so you had actual notice of the July 11th hearing, but you and your client chose not to appear at that hearing.

Second, your argument that the Town Council may only have one public hearing under the Vail Town Code and Charter is without merit. It also completely undermines your argument that your client's due process rights are being ignored. Having two public hearings provides more due process, not less, because the public has additional opportunities to be heard.

Finally, as you may have heard, the public hearing and consideration of Ordinance No. 9 was continued again, this time to August 1, 2017. Though not legally required, the Town provided your client with a courtesy notice of the August 1st hearing, a copy of which is attached hereto. The Town looks forward to hearing from your client at the August 1st hearing.

July 21, 2017
Page 2

Should you have any questions or need additional information, please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kendra L. Carberry". The signature is fluid and cursive, with the first name "Kendra" being more prominent.

Kendra L. Carberry
klc@hpwclaw.com

c: Jonathan Spence, Senior Planner

From: Dan Wolfe [<mailto:wolfdog@saunders-therapy.com>]

Sent: Wednesday, July 19, 2017 9:59 PM

To: Info

Subject: Vail Mountain View Residences Proposed Phase II/Special Development District

To Whom it may concern -

We are the owners of the Phase I Vail Mountain View Residences, condo - #303. We are the second owners of the condo, although we are the first ones to actually have inhabited it. We knew from the onset that a Phase II was a possibility in the future; however, we have just for the first time seen the plans that will be now be discussed at the August 1st, Town Council meeting.

We have some comments/questions:

1. In the information we received regarding Phase II development at Vail Mountain View Residences, there are references to comments made early on in the planning process from residents of the Tyrolean, who are our next door neighbors to the west. As owners in Phase I of Vail Mountain Residences, we were never included in the comment process in the early planning phase. While I'm sure the next door neighbors are interested in what may be developed next door, I would argue that those of us who purchased in Phase I of the project would have more interest and input from the start than anyone else. This is the first time we have been informed of the plans for Phase II and we are upset at the timing and lack of involvement of those of us in Phase I.
2. We were given no indication that Phase II would actually be larger than Phase I. The foot print of the existing garage, on which Phase II is to be built, is smaller than what is now being proposed. The claim is that EHU's do not count. Is that actually the case at this point in time? We are shocked to find out, at this late stage in the planning process, that the size of the proposed Phase II is so large. We were not made aware of this at the time we purchased in Phase I.
3. The graphic representation of the view looking north (page 7 of the application) is misleading. It shows the pool oriented perpendicular to the actual orientation. Also, they show a fairly large green space in front (south side) of Phase II, as if looking from Phase I). This is a false representation. There is a sidewalk and small planting area between Phase I and the wall of the garage, which would be the start of Phase II.
4. Our understanding when we purchased our unit in Phase I, was that Phase II would not be taller than Phase I. Because Phase II starts at an elevation above Phase I, and has 4 above ground levels, Phase II is taller than the peak height of Phase I. The proposal states that the maximum height exceeds the height limitation. They offer that the Tyrolean does not reach the height maximum, but if it did, the height difference would not appear as great. This argument is ridiculous. The report also states that the setback requirements are not within specifications. Why would you approve a building that does not meet height and setback requirements. They offer other exceptions as a reason that this should be accepted now. This

includes the statement that, " EHU's do not count towards GRFA. Exceeding GRFA is not uncommon with most SDDs approved by the Town, especially where the underlying zoning has not been updated to reflect current town goals for in-fill development." We disagree. Multiple exceptions to a rule or policy do not make it a viable policy, and because a policy has not been updated is not an excuse for ignoring it. It appears that the planning commission has made too many exceptions to existing policies and therefore is not fulfilling their obligation to uphold those policies. While the proposed project appears to meet some of the stated goals related to Vail development, it does so by ignoring several regulations set forth to responsibly manage that development.

5. It is our understanding that the resident units, employee units and hotel units will not have access to the Phase I pool/hot tub. Is that the understanding of the Planning Commission?

The owners of Phase I should have been involved earlier. I am wondering what rights we have in this process and how we can be more involved going forward? What is the timeline for approval of the proposed plan? Please let us know how this will proceed and if there is an opportunity to be involved from a remote sight, in the Town Council meeting on Aug 1st? I'd also be interested in the Council's feelings about governance and their responsibility to uphold current policies/regulations vs. making multiple exceptions to those current policy/regulations the norm.

Thank you

Dan & Carol Wolfe
Vail Mountain View Residences - #303

A handwritten signature in black ink, appearing to read "Dan", with a stylized flourish at the end.

From: [Jonathan Spence](#)
To: ["wolfdog@saunders-therapy.com"](mailto:wolfdog@saunders-therapy.com)
Cc: [George Ruther](#); [Matt Panfil](#); [Patty McKenny](#)
Subject: Re: Vail Mountain View Residences Proposed Phase II/Special Development District
Date: Friday, July 21, 2017 10:07:16 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[Joint Property Owner MV.pdf](#)

Good Morning

My name is Jonathan Spence and I am the Town of Vail planner working on the Vail Mountain View Residences application. Please accept my responses below to some of the questions you have raised in your email received July 19, 2017. I am also available by phone to discuss the application in greater detail.

1. In the information we received regarding Phase II development at Vail Mountain View Residences, there are references to comments made early on in the planning process from residents of the Tyrolean, who are our next door neighbors to the west. As owners in Phase I of Vail Mountain Residences, we were never included in the comment process in the early planning phase. While I'm sure the next door neighbors are interested in what may be developed next door, I would argue that those of us who purchased in Phase I of the project would have more interest and input from the start than anyone else. This is the first time we have been informed of the plans for Phase II and we are upset at the timing and lack of involvement of those of us in Phase I.

Phase 1 of Mountain View Residences are considered by the Town of Vail to be an applicant for the new Special Development District (SDD) that will include Phase 2. The Vail Town Code requires all owners or their authorized representatives to consent to an application for new SDD. The homeowners association for Phase 1 has consented to this application speaking on your behalf. I have attached the letter provided to the town. If you wish to dispute the authorization provided by your homeowner's association, please take up this matter directly with the association as unfortunately the town is not in a position to arbitrate these issues.

That being said, the Town of Vail welcomes comments from all affected parties and citizens of the community in regard to planning applications. I apologize that we were unable to receive your comments earlier in the process.

2. We were given no indication that Phase II would actually be larger than Phase I. The foot print of the existing garage, on which Phase II is to be built, is smaller than what is now being proposed. The claim is that EHU's do not count. Is that actually the case at this point in time? We are shocked to find out, at this late stage in the planning process, that the size of the proposed Phase II is so large. We were not made aware of this at the time we purchased in Phase I

The Town of Vail has a number of different standards used to evaluate proposed projects. Two of these standards related to density are Gross Residential Floor Area (GRFA) and number of dwelling units per acre. Per the Vail Town Code, EHUs are not considered for either of these standards as to not dis-incentivize their use. All of the dimensional standards relative to this application are reviewed in the staff report. Please find a link below to the staff report and its attachments. It is the second to the last item on the agenda.

<https://vail.novusagenda.com/agendapublic/DisplayAgendaPDF.ashx?MeetingID=663>

3. The graphic representation of the view looking north (page 7 of the application) is misleading. It shows the pool oriented perpendicular to the actual orientation. Also, they show a fairly large green space in front (south side of Phase II, as if looking from Phase I). This is a false representation. There is a sidewalk and small planting area between Phase I and the wall of the garage, which would be the start of Phase II.

I would agree that the artist rendering included in the application referenced above took a certain amount of artistic liberty and is not an accurate representation.

4. Our understanding when we purchased our unit in Phase I, was that Phase II would not be taller than Phase I. Because Phase II starts at an elevation above Phase I, and has 4 above ground levels, Phase II is taller than the peak height of Phase I. The proposal states that the maximum height exceeds the height limitation. They offer that the Tyrolean does not reach the height maximum, but if it did, the height difference would not appear as great. This argument is ridiculous. The report also states that the setback requirements are not within specifications. Why would you approve a building that does not meet height and setback requirements. They offer other exceptions as a reason that this should be accepted now. This includes the statement that, "EHU's do not count towards GRFA. Exceeding GRFA is not uncommon with most SDDs approved by the Town, especially where the underlying zoning has not been updated to reflect current town goals for in-fill development." We disagree. Multiple exceptions to a rule or policy do not make it a viable policy, and because a policy has not been updated is not an excuse for ignoring it. It appears that the planning commission has made too many exceptions to existing policies and therefore is not fulfilling their obligation to uphold those policies. While the proposed project appears to meet some of the stated goals related to Vail development, it does so by ignoring several regulations set forth to responsibly manage that development.

The SDD process allows an application to request deviations from required standards, including height, setbacks, GRFA etc. The decision makers (The Planning and Environmental Commission and the Town Council) are tasked with determining if such deviations provide benefits to the town that outweigh the adverse effects of such deviations. In addition, the Town Council must also determine that the SDD meets the required standards and findings for approval. These standards and findings are included in the staff report. A link to the SDD portion of the Vail Town Code can be found below:

http://www.sterlingcodifiers.com/codebook/index.php?book_id=560&chapter_id=34607

5. It is our understanding that the resident units, employee units and hotel units will not have access to the Phase I pool/hot tub. Is that the understanding of the Planning Commission?

The Town of Vail is unaware of what the internal relationship between Phase 1 and Phase 2 is proposed to be regarding access to amenities.

The owners of Phase I should have been involved earlier. I am wondering what rights we have in this process and how we can be more involved going forward? What is the timeline for approval of the proposed plan? Please let us know how this will proceed and if there is an opportunity to be involved from a remote sight, in the Town Council meeting on Aug 1st? I'd also be interested in the Council's feelings about governance and their responsibility to uphold

current policies/regulations vs. making multiple exceptions to those current policy/regulations the norm.

The application received a recommendation from the Planning and Environmental Commission for approval by a vote of 4-3 on June 12th of this year. The proposal requires two readings of an ordinance before the Vail Town Council. First reading is scheduled for August 1st with a second reading tentatively scheduled for August 15th. Unfortunately, the Town Council meetings are not set up for remote participation but can be viewed online through the town's website, www.vailgov.com. All correspondence received, both in support and opposition to the project, is forwarded to the Town Council members. Your email of the 19th will be forwarded prior to the August 1st meeting. If you would like to provide any additional information/correspondence, please forward directly to me prior to Wednesday, July 26 so I can include it in the packet.

As I mentioned previously, I am available to discuss this application further.

Sincerely,

Jonathan Spence, AICP

Senior Planner

Community Development Department

TOV-email-logo



970.479-2321

vailgov.com

twitter.com/vailgov

Love-Vail-email



Don Cameron
Marie Harrison
Tyrolean #3
Mailing Address;-
3000 E 5th Ave
Denver, CO 80206
camy3000@msn.com
303 564 4491

July 24, 17

Ron Byrne:
Ron Byrne Associates Real Estate
285 Bridge St,
Vail, CO.
ron@ronbyrne.com

Dear Ron:

It has been brought to my attention that in a city planning and environmental meeting you, inaccurately, said you had an agreement with me concerning the approval of your Mountain View project (this is not correct).

I do not approve of the project and was lead to believe that the Town Planner was not going to support it prior to the hearing.

We are absentee owners, therefore, I may not have seen if the property was properly posted. However, we did not receive an official notice of the hearing as required in most other communities.

I was surprised that it was approved by vote by the planning and environmental commission.

If it was approved based on the perception that Herb Tobin, the Julius Roja's family, and I, the owners that were totally impacted, were in support, based on the presentation, this perception was totally false and misleading.

Although you mentioned the potential of phase 2, Mountain View, when I purchased the property, my due diligence revealed that you had exceeded a number of the zoning criteria to get your initial approval, and I didn't think the Town would allow any greater deviation from the Town Plan than they already had.

I can't speak for the Mr. Rojas or Mr. Tobin, but we are being damaged by a diminution of value by our loss of view and privacy, with potential adjacent owners/occupants having a view into our units, along with a loss of natural light.

It's unrealistic to ask us to accept a footprint based on an existing parking structure that was built at an elevation contrary to normally accepted zoning principles without any consideration for elevation and property line setbacks.

It is my understanding that our HOA has hired counsel to object to this project, and to pursue any other remedies available to us.

Sincerely,

Donald Cameron
Marie Harrison

cc:-

Town Clerk City of Vail; Patty McKenny	pmckenny@vailgov.com,
Town Manager of Vail: Patty McKenny	pmckenny@vailgov.com,
Town Attorney Vail; Matt Mire	mmire@vailgov.com,
Mayor Town of Vail; Dave Chapin	dchapin@vailgov.com,
City Planner Vail; Chris Neubecker	cneubecker@vailgov.com,
Town Council Vail;	
David Foster	david@fostergraham.com,
Tyrolean HOA – Tom Saalfeld	ptarmmgt@vail.net,
Herbert A. Tobin	HTobin@tobinprop.com,
Luis Rojas c/o Wendal Porterfield	wporterfield@opa-law.com,

From: [Patty McKenny](#)
To: [Jonathan Spence](#)
Subject: FW: Support of Mountain View Residences
Date: Thursday, July 27, 2017 9:43:31 AM

[here is another public record!](#)

Patty McKenny
Acting Town Manager
Town of Vail
pmckenny@vailgov.com
970-479-2136

From: Jeff Morgan [<mailto:jeff@ronbyrne.com>]
Sent: Wednesday, July 26, 2017 5:45 PM
To: Council Dist List
Subject: Support of Mountain View Residences

Town Council,

I am a member for VVP Workforce Housing Coalition, and I fully support the Mountain View Residences Project. Vail Valley Partnership's board has supported this project as I do, and we believe it is appropriate density along the frontage road and adds much needed rental housing in the village core. I believe it is incumbent that the town council hear from business owners/managers, residents, and citizens in support of appropriate developments that add deed-restricted rentals.

Thank you for the support of a worthy project



Jeff Morgan

Associate Broker

Ron Byrne & Associates Real Estate

285 Bridge Street | Vail CO 81657

O: [970-476-1987](tel:970-476-1987)

C: 720-314-0023

E: jeff@ronbyrne.com

www.ronbyrne.com

[Ron Byrne & Associates 2016 Luxury Property Collection](#)

From: [Dominic Mauriello](#)
To: [Patty McKenny](#); [Jonathan Spence](#); [Matt Mire](#)
Subject: Fwd: Vail Mountain View Phase 2
Date: Monday, July 31, 2017 7:39:33 AM

Hi Patty and Jonathan:

David Charles, an owner in Phase 1, asked that this email he sent to the owners in phase 1 be shared with the Vail Town Council.

Thank you.

Dominic F. Mauriello, AICP
Mauriello Planning Group, LLC

PO Box 4777
2205 Eagle Ranch Road
Eagle, Colorado 81631
970-376-3318 cell
www.mpgvail.com

From: David Charles <daviddcharles@mac.com>
Subject: Phase 2
Date: July 28, 2017 5:09:31 PM MDT
To: rbyrne@ronbyrne.com

Greeting neighbors;

I understand the concerns of our fellow residences regarding the construction of phase two. It does come as no surprise, however, that the developer is doing exactly what he said he would do, albeit maybe a little different from each of our own preconceived ideas of what the end project would look like.

We knew when we bought our unit that the HOA Board were cronies of the developer and we knew that they had the largest financial interest and we knew that they intended to build a phase 2. We also knew that we would not be a part of the design team, and that we would not have a seat on the HOA Board because of how the bylaws were written. It is, as a rule, and common practice for a developer to keep control of the HOA until the project is complete.

So, it should be no surprise that the builder/developer has kept control of the HOA so that he could proceed with his original plans. It was right there in our closing documents. The developer does have the best interest in the quality and care of our project. It does him no good to undermanage or damage his own interests in the property. The building is

maintained well, and so far, any requests we have made of management have been promptly handled. Our property is managed very well financially. It is our experience that HOA's managed by home owners themselves are frustrating and often inefficient. So we are glad to have Mary Ann handle this for us and believe the HOA has acted in our interest as well as the developer.

In the end, the new phase should appreciate our property values not hurt them. Lawsuits and litigation over unwinnable issues will however, damage the marketability of our units.

An issue I really believe we should stand firm on is the pool and common area usage. In a letter to homeowners on March 10th of this year, Ron said that there would be no joint use of the pool and common areas. It would be an overwhelming temptation for hotel guests and permanent residents to use these facilities and we would hate to see a future compromise on the use of common areas and the pool.

Please note that my new email is dave@look4dave.com

-dave and joyce charles unit 204



July 26, 2017

To the Honorable Mayor Dave Chapin:

My wife Francine and I have owned our unit in the Tyrolean since the early 1990's. We love the Town of Vail and have enjoyed many wonderful times here with our family over the years and have made many friends.

By way of background, I am the President of the Tyrolean Condo Association which is located immediately to the West of the proposed Phase 2, Vail Mountain View Residence. Since 1926, my company, Tobin Properties, based in a suburb of Miami, have been active owners and developers of real estate with holdings in the Southeast, Mountain and the Pacific Northwest. I also served for 10 years as Mayor of the Town of Golden Beach in Miami Dade County, where I have resided with my family since 1978. I have been on both sides of the table and understand each side with great clarity.

Today, I am writing to you representing our association and as an individual unit owner to encourage you to deny the application before you. As I see it, the case to deny is clear.

In 2007, the original Mountain View development was approved without any notice to us as a neighbor. There was no consulting or discussion on the part of the developer and we all know that notice is a fundamental part of our laws in this country. The Town also permitted a "subterranean" garage to be constructed using the crown of Frontage Road as the standard. The Mountain View property is substantially below that road, resulting in a garage that is at least two stories above the ground and that is what we look at and again, no consideration for the Tyrolean. In addition, the Town knowingly permitted the developer to beef up this so called subterranean garage's foundations to support a future development, which they were not entitled to build at that time. Frankly, if this had not been allowed by the Town, we would not be here today!

In all zoning cases, the rules are set and must be followed. The Town should be more thoughtful about its approach to solving its biggest problem..... workforce housing. All of this should take into account the developers' rights, but also, the rights and quiet enjoyment of the neighbors. This is not what the developer has done in this proposal.

What we have here is a building site that is 100% built out according to your ordinances. Yet, the Town has created special development district zoning that allows a developer to have a "second bite" at the apple. In the matter before you, the fundamental incentive to the Town, is to end up with workforce housing. The deep question to you is why you would permit that at the expense of the Tyrolean, or anyone else who has relied on the existing zoning regulations. In all of the critical categories, they dramatically exceed your codes all in the name of 10 workforce housing units. You not only set a dangerous precedent for future developers to feel they can get just about anything in the name of workforce housing. The main issue is that we are irreparably damaged and it will only be worse if you approve. I remember when the Town of Vail's "hot button" was parking (coincidentally around 2006).

Tobin Properties recently completed a lengthy entitlement process on 5 acres that we own on the ocean in Grassy Key near Marathon in the Florida Keys. Workforce housing is a critical issue there as development has replaced all of the places where people who work in the stores, restaurants, hotels and homes would live in and now have to

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phone

fax

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954.985.1116

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TOBIN PROPERTIES

travel from a far place to work and public transportation is nonexistent there. The City of Marathon stuck to their rules and came forth with a balanced outcome good for all. There were no special zone districts as there is here. In my opinion, there is no way that any approving authority should give their blessings to an entitlement process that would affect a neighbor gravely. Neighbors should have to sign off or at least be notified in every category. The Town should know that they lay themselves open to serious legal repercussions; some of which are not pleasant. The SDD zoning is not balanced and not a solid defensible concept.

This proposed development is just not going to work. Reducing the size makes this development unfeasible and the developers know that so that is why they asked for so much. You must stop this here and now.

The Tyrolean appeals to your common sense and hope that you will deny this unnecessary development.

Sincerely,

Herbert Tobin
Tyrolean HOA, Board President

cc:

Town Clerk City of Vail - Patty McKenny	pmckenny@vailgov.com
Town Manager of Vail - Patty McKenny	pmckenny@vailgov.com
Town Attorney Vail - Matt Mire	mmire@vailgov.com
City Planner Vail - Chris Neubecker	cneubecker@vailgov.com
Tyrolean HOA Attorney - David Foster	david@fostergraham.com
Tyrolean HOA – Manager Tom Saalfeld	ptarmmgt@vail.net
Tyrolean HOA – President Herbert A. Tobin	htobin@tobinprop.com
Tyrolean HOA – Member Don Cameron	marieh3000@yahoo.com
Tyrolean HOA – Member Marjorie Davidoff	margie.davidoff@gmail.com
Tyrolean HOA – Member Peter Clarke	peter@brattles.com
Luis Rojas c/o Wendal Porterfield	wporterfield@opa-law.com
Town of Vail City Council – Mayor Pro Tem Jenn Bruno	jbruno@vailgov.com
Town of Vail City Council – Member Dick Cleveland	dcleveland@vailgov.com
Town of Vail City Council – Member Kevin Foley	kfoley@vailgov.com
Town of Vail City Council – Member Kim Langmaid	klangmaid@vailgov.com
Town of Vail City Council – Member Jen Mason	jmason@vailgov.com
Town of Vail City Council – Member Greg Moffet	gmoffet@vailgov.com

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From: Dominic Mauriello dominic@mpgvail.com
Subject: Fwd: Vail Mountain View Phase II Information
Date: July 28, 2017 at 2:13 PM
To:



From: Ron Byrne
Sent: Wednesday, July 26, 2017 6:52 PM
[REDACTED]
Subject: Vail Mountain View Phase II Information

Dear Michael & Linda,

We would like to provide some additional information on the future development of what we are calling "Phase II" of the Vail Mountain View Residences ("VMVR"). When we developed the existing units at VMVR, we envisioned and designed the project to accommodate an additional building on top of the parking garage, anticipated to be even larger than the currently proposed Phase II building. The upper garage, with its own entrance, was designed with potential commercial uses such as hotel, employee housing, fractional time shares, and a host of other commercial uses in mind. The lower garage, with its separate entrance, was dedicated for current and future owner residential use, and will continue to be used, maintained and kept in the same clean service condition as in the past.

It was important to us, in the original HOA documents, to make all purchasers of units in the initial VMVR building ("Phase I") and future Phase I buyers aware of the Phase II development potential. The recorded title documents, provided to all buyers of interests in VMVR, clearly disclose the existence of reserved development rights and, consequently, future development potential. A copy of the "Notice Regarding Disclosures", recorded on May 17, 2009, at Reception No. 200906994 of the Eagle County real property records, which states, among other things, that reserved rights include "the right to build a new building on the Unbounded Condominium Unit" is enclosed for your reference. The Condominium Declaration for the Vail Mountain View Residences on Gore Creek, recorded on December 5, 2008, at Reception No. 200825629, and provided to all buyers at VMVR, likewise describes in Article 15 the reservation of development rights.

Phase I is one of our proudest developments and was done with care and thought with the future planning of Phase II. Phase II will have a separate HOA and will not affect the existing operation of Phase I. The pool will continue to be for Phase I only and will not be shared with the Phase II development.

The first two floors of Phase II are dedicated to 19 hotel units and 10 Employee Housing Units (EHU). The high quality, boutique hotel units are designed to have minimal impact on the Phase I owners. The entrance to the hotel is located on the north (Frontage Road) side of the building. The lobby has a front desk with full time management and security. The hotel units are modeled

after the successful Limelight Hotel concept in Aspen and Ketchum, Idaho, which incorporate modern, high-end finishes. In addition, they do not have balconies on the south side (courtyard area), which was specifically designed to minimize noise impact on Phase I.

The entrances to the 10 Employee Housing Units are from the north side (Frontage Road) of the Building and all units are designed without balconies to minimize traffic and noise impact. The interior of each unit is designed with high-end finishes and amenities to serve the needs of professional, medical, business owner, and successful full-time workers of Vail. These are not low-end housing units, but instead, ideal for the professional work-force housing market. The space plan for majority of the units incorporates 2 master bedrooms and 2 bathrooms.

The 12 For-Sale residential units will be developed with the same eye towards quality as the Phase I building and units, which we are extremely proud of. In addition, we believe the development of the Phase II Building will be a noise barrier to the traffic on Interstate 70 and the Frontage Road since it is located to the north of the Phase I building (between Phase I and the interstate).

The developer, Peter Carlson, is a very experienced residential, multi-family, and commercial developer. The project will be on a shortened construction schedule of approximately 14 months, due to the existing garage and foundation, which was completed in 2008.

I would be happy to meet with you to answer any of your questions and invite you to go to the Town of Vail Website (<http://www.vailgov.com/planning>), which has the entire development progress and drawings. Additionally, there are two upcoming hearings with the Town Council on the proposed Phase II project currently scheduled for August 1 and August 15. We look forward to a quality, high-end project that will be a benefit to all.

Warmest regards,
Ron Byrne
Lunar Vail, LLC



vmvr condo
declara...08.pdf



VMVR
Packag...017.pdf



Notice of
Disclos...cs.pdf



July 13, 2017

Vail Town Council
% Jonathan Spence, AICP
75 South Frontage Road
Vail, Colorado 81657

Re: Response to Letter from David Wm. Foster on behalf of the Tyrolean Condominium Association

Dear Town Council:

A copy of the letter from Mr. Foster was provided to the applicant for the Vail Mountain View SDD. We were surprised to hear that the Tyrolean representatives were unaware of the meeting schedule for the project. Below is a list of events and related notice and information provided to Tyrolean representatives. Where applicable, I have attached copies of meeting minutes, portions of staff reports, and copies of deck slides from presentations made at the meetings on the project.

Events:

- On or about March 6, I sent a letter to the Tyrolean's manager Tom Saalfeld, informing the Tyrolean that a potential development project was being designed on the Mountain View property and the plan would be shared with the Tyrolean. This letter was acknowledged by Wendy Weigler on March 21 in an email to me.
- On March 23, I sent an email to Wendy Weigler and Tom Saalfeld alerting them that the applicant plans to file an application with the Town of Vail on March 27, 2017. I also indicated that the first hearing with the Planning and Environmental Commission was anticipated on April 24, 2017.
- On March 27, I sent an email with a Dropbox link to Wendy Weigler and Tom Saalfeld indicating that the applicant had submitted an application to the Town of Vail. The Dropbox link included our entire submittal to the Town. I also indicated that the first Planning and Environmental Commission was scheduled for April 24 at approximately 1:00 pm.
- On April 7, I sent an email to Wendy Weigler and Tom Saalfeld inviting them to an open house on the Mountain View project scheduled for April 12, 2017.
- On April 12, an open house was held from 5:15 - 6:15 pm at the Grand View conference room at the Lionshead Welcome Center. Tom Saalfeld attended the open house and participated in an overview of the project.
- On April 24, the Planning and Environmental Commission held a public hearing on the Vail Mountain View proposed SDD. Wendy Weigler and Tom Saalfeld were both in attendance at the hearing and Tom Saalfeld spoke on the record at the hearing (meeting minutes attached). The staff memorandum (first two pages attached) on the proposal dated April 24, 2017 includes a projected comprehensive review schedule for the project, which includes Planning Commission hearings on May 22 and June 12 and a Town Council hearing on June 20, 2017. The hearing was formally continued to May 22.

- On May 17, Wendy Weigler submitted an objection letter to the Town acknowledging she attended the hearing on April 24.
- On May 22, the Planning and Environmental Commission held a public hearing on the Vail Mountain View proposed SDD. Wendy Weigler and Tom Saalfeld were both in attendance at the hearing and Wendy Weigler spoke on the record at the hearing (meeting minutes attached). The staff memorandum (first two pages attached) on the proposal dated May 22, 2017 includes a projected comprehensive review schedule for the project, which includes a final Planning Commission hearing on June 12 and a Town Council hearing on June 20, 2017. Also, during the presentation to the Planning and Environmental Commission, discussion of the proposed review schedule occurred (slide from presentation attached), wherein it was noted that a final Planning Commission hearing would be held on June 12 and a Town Council hearing on June 20, 2017. The hearing was formally continued to June 12.
- On June 12, the Planning and Environmental Commission held a public hearing on the Vail Mountain View proposed SDD. Tom Saalfeld was in attendance at the hearing and spoke on the record at the hearing (meeting minutes attached). During the presentation to the Planning and Environmental Commission, discussion of the proposed review schedule occurred (slide from presentation attached), wherein it was noted that a Town Council hearing would be held on June 20. The Planning and Environmental Commission took its final action on June 12.
- On June 20, the Town Council held a public hearing and site visit on the proposal. The Town Council formally continued that hearing to its July 11, 2017 meeting.
- On July 10, I sent an email to Wendy Weigler and Tom Saalfeld letting them know that the applicant was requesting the application be continued to the July 18, 2017 Town Council meeting and that the second reading was anticipated for August 1, 2017.
- On July 11, the Town Council opened the public hearing on the proposal and continued the hearing to August 1, 2017.
- On July 14, I sent an email to Wendy Weigler and Tom Saalfeld indicating that the Vail Mountain View SDD had been continued to the August 1, 2017 meeting of the Town Council and with an anticipated August 15 hearing for second reading of the ordinance as well.

It should be noted that all of the agendas for the Planning and Environmental Commission and the Town Council are posted online by the Town of Vail and at Town Hall for every hearing that was held. Notice of the Planning and Environmental Commission hearing on April 24 was mailed to the Tyrolean and published in the Vail Daily newspaper.

Sincerely,



Dominic F. Mauriello, AICP
Principal

c: George Ruther, Community Development Director
Matt Mire, Town Attorney

Attachments Follow



PLANNING AND ENVIRONMENTAL COMMISSION
April 24, 2017, 1:00 PM
Vail Town Council Chambers
75 S. Frontage Road - Vail, Colorado, 81657

1. Call to Order

Members Present: Brian Gillette, Pam Hopkins, John-Ryan Lockman, Karen Perez, John Rediker, and Brian Stockmar

Members Absent: Ludwig Kurz

Legal Update and Training - Matt Mire, Town Attorney – Matt Mire provided general legal training on the topics of liability, legislative and quasi-judicial reviews, conflicts of interest, and ex-parte contact. He indicated that for conflicts of interest, PEC members should consider if they, their spouse, family or company would receive any financial benefit from any decision that they make as a voting member of the PEC. If so, then there is a conflict of interest. Mire discussed the roles and responsibilities of the Planning and Environmental Commission, the requirements to take minutes, voting procedures, and conduct during site visits.

Election of Chair - Commissioner Gillette, seconded by Brian Stockmar, made a motion to nominate John Rediker as Chairman of the Planning and Environmental Commission. The motion was approved 5-0-1 (Rediker Recused).

Election of Vice-Chair - Commissioner Gillette, seconded by Brian Stockmar, made a motion to nominate Ludwig Kurz as Vice-Chairman of the Planning and Environmental Commission. The motion was approved 6-0-0.

Site Visit – Mountain View Residences on Gore Creek – 434 South Frontage Road

2. A request for a recommendation to the Vail Town Council of an application to establish Special Development District No. 42 (Vail Mountain View Residences), pursuant to Section 12-9(A), Special Development Districts, Vail Town Code, to allow for the development of a mixed use building consisting of 12 dwelling units with 6 attached accommodation units (lock-offs), 21 accommodation units and 9 employee housing units, located at 430 and 434 South Frontage Road/Lot 1, Vail Village Filing 5 and setting forth details in regard thereto. (PEC17-0006) – 60 min.

Applicant: Lunar Vail, represented by Mauriello Planning Group
Planner: Jonathan Spence

MOTION: Continue to May 22, 2017

FIRST: Perez

SECOND: Lockman

VOTE: 6-0-0

Spence introduced the project to the PEC. Spence outlined the process for the review of a

request for a new Special Development District (SDD). The PEC will be asked to make a recommendation to the Town Council. Spence then summarized the project details, including the number and type of the proposed units. The structure will be constructed atop the existing parking facility. Deviations associated with the request include: the east side setback, building height, density, gross residential floor area (GRFA), site coverage, and loading dock width. Spence identified an error in the staff memo regarding attached accommodation units (AUs) and how they apply to density. Spence then discussed the history of the subject property as well as adjacent parcels. In 2006 the property was subdivided, creating nonconformities in regards to site coverage and limited the future available GRFA.

Gillette asked about the purpose of the 2006 subdivision. Spence deferred to the applicant to answer during their presentation.

Rediker asked Spence for clarification of the existing zoning of the subject property and adjacent parcels. Rediker then asked about the criteria for establishing an SDD. Spence summarized the nine (9) standards that are to be considered during the review of an SDD. Spence added that consideration is to be given to the public benefit versus the amount of relief requested.

Gillette asked about the process involved in the previous subdivision. Spence responded that it was reviewed and approved by the PEC.

Stockmar stated a concern about the relationship between the previous subdivision and the relief being requested.

Gillette and Rediker asked that the minutes of the PEC meeting that approved the subdivision be provided before the next meeting.

Gillette asked about the amount of relief that would be required if the subdivision did not occur. Spence replied density, height, and possibly GRFA.

Hopkins asked if parking would be compliant to which Spence replied in the affirmative.

Perez asked about the status of the Apollo Park lease and if there were any plans for its redevelopment. Spence replied that there are no requests at this time.

Hopkins asked for clarification of the property lines.

Dominic Mauriello, representative of the applicant, provided a PowerPoint presentation. Mauriello introduced the development team and then discussed the characteristics of the area surrounding the subject property. Mauriello discussed the proposed site plan including circulation and the building footprint. Phase One of the development included 112 parking spaces that also accommodated parking needs for Phase Two. Mauriello summarized the number and type of units proposed. He emphasized that the proposed employee housing units (EHUs) are a public benefit.

Mauriello introduced Will Hentschel of 359 Design to discuss the elevations and architectural design of the proposal. Referencing the elevations, Hentschel stated that the north elevation design took into account the surrounding context and other architecture along the I-70 corridor. The south elevation maintains a base-middle-top design approach.

Materials include stone veneer base, wood siding where allowed, metal panels, and glass. Hentschel then reviewed the floor plans for each level.

Mauriello continued his presentation by outlining the approval process. He then discussed the public benefits of the project including the provision of EHUs, short term AUs, and public art.

Gillette suggested that the applicant consider placing the public art near the creek.

Mauriello discussed the history of the subject property and its relation to Apollo Park to the east.

Gillette asked for clarification on the existing building and if it encroaches into the side yard setback.

Mauriello summarized the requested deviations from the underlying High Density Multi-Family (HDMF) Residential zone district and compared them to other previously established SDDs.

Mauriello stated that an Environmental Impact Report (EIR) has been provided. The report did not find any significant impacts to the environment. A traffic study has also been provided. CDOT (Colorado Department of Transportation) will not require any new improvements. Mauriello then identified the pedestrian connections.

A video of a sun/shade analysis was provided.

Mauriello provided more details regarding the layout, size, and location of the EHUs. He then did the same for the AUs and for sale dwelling units (DUs).

Gillette asked if anyone knew how many hotel rooms were in the Vail Mountain Lodge. Brian Johnson, property manager of the Vail Mountain Lodge, was in attendance and responded that there are twenty (20) AUs within Vail Mountain Lodge.

Hopkins asked about the separation distance between Phase One and Phase Two. Hentschel stated that at its closest point it is approximately 22' between structures.

Mauriello discussed the project in relation to the goals, objectives, and action plan located within the Vail Village Master Plan.

Mauriello concluded his presentation by discussing the public outreach the applicant has conducted to date.

Spence asked Mauriello to discuss why the application to amend the Vail Village Master Plan was withdrawn.

Rediker asked for commissioner comment.

Stockmar stated his concern about the previous subdivision and what might be anticipated for the subject and adjacent properties.

Rediker asked what the sun/shade impact will be to the frontage road. Mauriello explained

that there will be some impact and has already discussed with Public Works the necessity for heated sidewalks. Rediker asked about impacts on the road itself. Mauriello stated that measures similar to those taken by Solaris may be required. Rediker asked about the impact on the parking lot to the east. Mauriello replied that the impact tends to occur during summer afternoons but will provide more information at the next meeting.

Rediker asked for clarification in regards to the setbacks. He stated that the Vail Village Master Plan references extensive landscape buffering if the subject property were to be redeveloped and asked about any proposed landscaping.

Hopkins asked if CDOT regulated the size of the vegetation in the right-of-way. Mauriello responded that there is no proposed vegetation within the right-of-way.

Perez asked if there are any noise impact studies in consideration of the proximity of the units. Hentschel replied that no studies have been conducted, but they will meet the Vail Town Code noise requirements.

Gillette asked staff if there were design guidelines by which the proposal should be evaluated. Spence stated that there are basic guidelines located within the Vail Village Master Plan, but the property is not located within the Vail Village Urban Design Guideline document.

Rediker asked staff if there are other items located within the Vail Village Master Plan that are of concern due to a lack of compliance.

Lockman asked about specific details of different zone districts.

Perez asked if there is concern about creating SDDs instead of maintaining consistent zone districts. Spence outlined concerns that have been mentioned about SDDs, including a lack of predictability.

Lockman asked about the proposed setback deviation. Mauriello stated that the applicant is looking at adjusting the zero foot (0') setback.

Gillette stated that in order to address the setback issue, the lot could be re-subdivided. Mauriello stated that this would not be likely.

Hopkins commented about the lack of visual interest on the north side of the property and suggested additional pockets of landscape.

Rediker opened the meeting for public comment.

Chris Romer, President, Vail Valley Partnership (VVP), stated the VVP supports the proposal. The VVP finds the bulk and mass is appropriate and meets a need for mid-range hotel rooms and EHUs.

Tom Saalfeld., manager of the Tyrolean building, requested sun/shade analysis on the Tyrolean. He stated that there are owners within the Tyrolean concerned about the height and density of the proposed structure.

Brian Johnson, manager of Vail Mountain Lodge, stated his support for the project and that

he did not feel the proposed hotel units would compete with Vail Mountain Lodge. He does not object to the height of the proposed structure. He does agree that the sidewalk should be heated.

Commissioner Comment:

Stockmar: Expressed his concern about the proposed height of the structure, especially in relation to the existing building and the Tyrolean building. He is also concerned that the proposed setback is too small. He also suggested the lengthy EHU hallway should be broken up. Hentschel clarified that it was the hallway for the AUs. Stockmar clarified that said hallway should be broken up.

Gillette: Expressed concern about the bulk and mass of the structure, including the uniform roofline and façades. Expressed support for SDDs and adding GRFA and bulk if there is sufficient public benefit. He suggested the structure meet code height toward the west in proximity of the Tyrolean. In regards to public benefit, he would like to see more EHU and less AU floor space. He also believes the setback requirements should be met.

Lockman: Concerned about the setback encroachment. Also concerned about the amount of GRFA proposed, which is connected to concerns about the building height and mass. Acknowledges the benefits of adding GRFA in proximity to the commercial core, but believes the Vail Village Master Plan specifically addresses a limit to mass and height.

Hopkins: The project creates a tunnel effect on the south side of the structure. Is concerned about the sidewalk and believes it should be heated. Concern about building height as the existing garage is already above grade. She asked for locations of mechanical equipment. Hentschel replied that there will be spaces created within the parapet areas, but they will provide more information at the next meeting. She is also concerned with the lack of animation on the north façade.

Perez: Concerned about the proposed building height.

Rediker: The Vail Village Master plan recommends four stories, which is an issue especially in consideration of the sloping nature of the property. He is concerned about the height and believes people driving along the frontage roads and I-70 should be able to see Vail Village and Vail Mountain. He commented on zoning in general and the use of SDDs. Though he is not necessarily against the use of an SDD, he stated the property was designated as HDMF for a reason. Agreed that the north façade needs additional architectural character and buffering from the frontage road. Also has concerns regarding installation of heated sidewalks due to their environmental impact. In regards to neighboring properties, he finds it helpful to have written comment either in favor of or in opposition to the project. Stated that there are some benefits to the proposal, including the addition of hot beds. Concluded with his belief that the project might be helped by the elimination of some of the EHUs as the project as proposed is too large.

3. A request for a recommendation to the Vail Town Council for a zoning text amendment pursuant to Section 12-3-7 Amendment, Vail Town Code, to amend Title 12 of the Vail Town Code to add a new Chapter 26, Traffic Impact Fee, and setting forth details in regard thereto. (PEC17-0008) – 45 min.

Applicant: Town of Vail, represented by Tom Kassmel

Planner: Chris Neubecker



Memorandum

TO: Planning and Environmental Commission

FROM: Community Development Department

DATE: April 24, 2017

SUBJECT: A request for a recommendation to the Vail Town Council of an application to establish Special Development District No. 42 (Vail Mountain View Residences), pursuant to Section 12-9(A), Special Development Districts, Vail Town Code, to allow for the development of a mixed use building consisting of 12 dwelling units with 6 attached accommodation units (lock-offs), 21 accommodation units and 9 employee housing units, located at 430 and 434 South Frontage Road/Lot 1, Vail Village Filing 5 and setting forth details in regard thereto. (PEC17-0006)

Applicant: Lunar Vail LLC, represented by Mauriello Planning Group
Planner: Jonathan Spence

I. SUMMARY

The applicant, Lunar Vail LLC, represented by Mauriello Planning Group, is requesting a recommendation to the Vail Town Council to establish Special Development District No. 42, pursuant to Section 12-9(A), Special Development Districts, Vail Town Code, to allow for the development of a mixed use building consisting of 12 dwelling units with 6 attached accommodation units (lock-offs), 21 accommodation units and 9 employee housing units (EHUs), located at 430 and 434 South Frontage Road/Lot 1, Vail Village Filing 5.

Process

The process to establish a new special development district (SDD) begins with a pre-application meeting with staff to discuss the goals of the proposed SDD and the relationship of the proposal to the Town's Comprehensive Plan. Next, the Planning and Environmental Commission (PEC) conducts an initial review of the proposed development in which they can recommend approval of the proposal as requested, recommend approval with modifications, or may recommend denial of the proposal. Finally, the Town Council (TC) reviews the PEC's findings and recommendation. The Town Council shall consider the PEC's recommendation, but is not bound by the recommendation in reaching their decision to approve, approve with modification, or deny the proposal.

Timeline

The applicant has submitted a project review timeline indicating their preference that this meeting functions as an introduction to the project for the PEC. The applicant's projected timeline* is as follows:

- 4/24 PEC Worksession
- 5/3 Design Review Board (DRB) Conceptual Review
- 5/22 PEC Public Hearing (recommendation to TC)
- 6/7 DRB Conceptual Review
- 6/12 PEC (Back-up final public hearing if necessary)
- 6/20 TC First Reading/Worksession
- 7/18 TC First Reading or Second Reading
- 7/19 DRB conceptual
- 8/1 TC Final Hearing/Second Reading
- 8/16 DRB Final Approval

* *The above timeline is only an estimate by the applicant and is subject to change.*

Based upon the applicant's submitted timeline and the preliminary nature of this meeting, the Community Development Department recommends the PEC **continues PEC17-0006 to the May 22, 2017 Planning and Environmental Commission meeting** in order to address concerns raised by staff and for the applicant to provide detailed responses to anticipated questions from Commissioners and the general public.

II. DESCRIPTION OF REQUEST

The applicant, Lunar Vail, represented by Mauriello Planning Group, is requesting a recommendation to the Vail Town Council to establish Special Development District No. 42, pursuant to Section 12-9(A), Special Development Districts, Vail Town Code, to allow for the development of a mixed use building consisting of 12 dwelling units with 6 attached accommodation units (lock-offs), 21 accommodation units and 9 employee housing units, located at 430 and 434 South Frontage Road/Lot 1, Vail Village Filing 5. A vicinity map (Attachment A), a project narrative (Attachment B) and plan set (Attachment C) are attached for review.

The project is composed of the following components:

Employee Housing Units (EHUs)

The proposed nine (9) EHUs will be deed-restricted rental units, limited to residents working at least thirty (30) hours per week in Eagle County. The proposed EHUs range in size from approximately 1,015 square feet to 1,309 square feet and all are two-bedroom units. The EHUs are located on the first and second floors above the parking garage in the proposed structure. The total square footage of the nine (9) units totals 11,153 square feet. EHUs, per the Vail Town Code, are not considered Gross Residential Floor Area (GRFA) and are thus not deducted from a development's



PLANNING AND ENVIRONMENTAL COMMISSION
May 22, 2017, 1:00 PM
Vail Town Council Chambers
75 S. Frontage Road - Vail, Colorado, 81657

1. Call to Order

Members Present: Brian Gillette, Pam Hopkins, Ludwig Kurz, John-Ryan Lockman, John Rediker, and Brian Stockmar

Members Absent: Karen Perez

Site Visits:

1. Gasthof Gramshammer - 231 Gore Creek Drive
2. Hill Building - 254 & 311 Bridge Street
3. Vail Mountain View Residences - 430 & 434 South Frontage Road
4. Sharon M Bernardo Trust Residence, 4718 Meadow Drive

2. A request for review of an Exterior Alteration, pursuant to Section 12-7B-7, Exterior Alterations or Modifications, Vail Town Code, to allow for a renovation, and a request for recommendation to the Vail Town Council on an application for encroachments into an existing view corridor, pursuant to section 12-22-6, Encroachments Into Existing View Corridors, Vail Town Code, to allow for encroachments into View Point #1 for modifications to the Hill Building, located at 254 and 311 Bridge Street (Hill Building)/Lots C & L, Block 5C, Vail Village Filing 1, and setting forth details in regard thereto. (PEC17-0010/PEC17-0012)

Applicant: Mt. Belvedere 45 LLC and 43-45 Riva Ridge LLC, represented by Braun Associates

Planner: George Ruther

Motion: Approve, with condition

First: Kurz

Second:

Gillette

Vote: 6-0-0

1. Approval of this exterior alteration request (PEC17-0010) is contingent upon the applicant obtaining Town of Vail approval of an associated design review application and view corridor encroachment application.
2. The applicant shall be required to meet the Commercial Linkage obligations at time of building permit issuance. The applicant shall remit a fee in lieu payment of \$6,483.70 to the Town of Vail.
3. The applicant and the Town of Vail shall review all existing pedestrian easements to verify compliance with existing and proposed uses. Any changes to the easements required shall be mutually agreed upon and recorded with the Eagle County Clerk and Recorder's Office, prior to the issue of a building permit for the proposed renovation.

- 4. The applicant shall submit a stamped Improvement Location Certificate (ILC) to the Town of Vail, prior to issuance of the building permit indicating the existing conditions of the Hill Building relative to View Corridor #'s 1, 2, and 4. Then, prior to requesting any certificate of occupancy for the building, the applicant shall submit a second ILC to the Town verifying that the building has been constructed in compliance with the approved building permit set of plans.**
- 5. The applicant shall cause a covenant or similar form of restriction to be recorded with the Eagle County Clerk and Recorder's Office against the Hill Building property (Lots C & L, Block 5C, Vail Village Filing 1) prohibiting vehicle parking from occurring on town-owned land or otherwise outside the enclosed parking space within the Hill Building. Further, the garage door to the enclosed parking space shall remain closed when not in use for immediate ingress or egress. The restriction shall be in a form reviewed and approved by the Town Attorney. Said restriction shall be recorded by the applicant prior to any request for a certificate of occupancy for the Hill Building.**
- 6. Prior to issuance of a building permit, the applicant shall submit a report from a qualified roofing consultant that verifies which verifies that the appropriate mitigation measures are proposed for implementation during construction to ensure protection of the pedestrians and the public right-of-way from snow shedding onto any immediate or adjacent pedestrian area.**

George Ruther, Director of Community Development, provided a summary of the requested encroachments into existing View Corridor No. 1 and reviewed the proposed exterior alterations to the structure. The increases in gross residential floor area and ground floor commercial are minimal. The building slightly increases in height. There is also a slight increase in on-site landscaping. Ruther reviewed the approval criteria. Commercial linkage will be required for the additional 76 square feet of ground floor commercial space. The maintained use of the existing garage space was discussed.

Rediker: Asked Ruther for clarification of non-conforming encroachments into view corridors, particularly in regard to View Corridor No. 4. Ruther stated that encroachments are allowed to remain, provided the level of encroachment is not increased.

Tom Braun, the applicant's representative, provided a PowerPoint presentation. The presentation highlighted changes that have occurred since the previous PEC meeting on May 8, 2017. Braun provided detailed view corridor exhibits and discussed the reduction of the existing view encroachment into View Corridor No. 4. There are elements of the proposal, particularly the chimneys, which will encroach into View Corridor No. 1. Braun stated his belief that the proposed encroachments do not diminish the view corridor and that they comply with the approval criteria.

Braun reviewed the proposed versus existing landscaping, identifying the trees to be removed and replaced as well as the areas where new landscaping is proposed.

Referencing multiple images, Braun discussed the sun/shade analysis and the changes between the existing and proposed structure.

Braun introduced Louis Bieker of 4240 Architecture to discuss the architectural details of the proposal.

Gillette: Asked Bieker to provide more information regarding the sun/shade analysis.

Bieker then addressed previous commissioner comments regarding the use of stucco as a hand railing at the second floor. The changes that have been made include a shortened railing and the introduction of a planter area at the southwest corner and a wooden rail cap on the west elevation. The stucco over the proposed storefront on the north side of the structure has also been removed and replaced with a parapet cap that is consistent with the storefront design.

Changes to the color palette were also made based on previous commissioner comments. Bay windows were added to the ground floor commercial space in response to previous commissioner comments. Coursing and belting have been added to the new northwest storefront to provide more architectural detail at the ground level. Additional architectural relief is also provided to create a stone base to the building and window setbacks.

The roof material will be flat seam copper. The roof will have a shingled appearance rather than a flat seam roof appearance. In response to previous commissioner comments, snow fences and other measures have been provided to avoid snow falling into pedestrian paths.

Bieker stated that the proposed stone will have a natural color and varying relief. The stucco will be a "parchment" white, similar to the Sonnenalp and Gorsuch buildings, with a textured finish.

Rediker: Asked about the changes at the southeast portion of the structure. Bieker identified an area of the east side, just north of the garage door, of the ground floor commercial that has been altered to provide additional storefront windows.

Asked Bieker for more information about snow shedding. Bieker reviewed the snow management plan.

Hopkins: Asked how far the doors were recessed into the building. Bieker stated approximately six to eight inches.

Stockmar: Asked if heat tape will be used on the roof. Bieker affirmed. The heat tape will be clad in copper and will not be noticeable to the public.

Public Comment - Ron Byrne stated his support for the proposed design. He is not concerned about the view corridor encroachments.

Lockman: Stated that he felt the applicant has addressed commissioner comments from the previous meeting. He feels that the decrease in encroachment of View Corridor No. 4 helps offset the proposed increased encroachment in View Corridor No. 1.

Hopkins: Agreed with Commissioner Lockman that the changes are beneficial to the project. Expressed her continued concern with snow shedding.

Kurz: Agreed that the applicant has addressed previously stated concerns and feels that the changes are positive. Expressed his concern about the encroachment into View

Corridor No. 1. Emphasized that addressing all the criteria for a view corridor encroachment is necessary.

Rediker: Asked for clarification as to the nature and degree of the encroachments into View Corridor No. 1. Ruther stated that the increase in roof height is due to added insulation required by building code and also the flues and spark arrestors are required by code. The proposed chimney caps are an aesthetic solution to exposed flues. Ruther also discussed the purpose and three-dimensional nature of view corridors.

Kurz: He feels more comfortable with the encroachment into View Corridor No. 1. Supports the proposal to remove the on-street parking.

Gillette: Suggested the applicant could replace the wood burning fireplaces with gas fireplaces and thus not have to increase chimney height. Expressed concern about the sun/shade analysis and the proposal's impact on the vertical walls of adjacent properties.

Stockmar: Agreed that the previous commissioner comments have been sufficiently addressed. Expressed his concern about the view corridor encroachments. While view corridors are sacred, there are changes that occur that no one has control over such as the growth of trees.

Rediker: Agreed that previous commissioner comments have been addressed. Reviewed the criteria for approval of a view corridor encroachment and stated his belief that the proposal complies with all criteria. Expressed his concern about snow shedding and suggested a condition regarding changes to the snow management plan.

Ruther: Suggested a condition that the snow management plan be further reviewed by a professional to ensure protection of the public right-of-way in the areas of concern noted by commissioners.

3. A request for a recommendation to the Vail Town Council of an application to establish Special Development District No. 42 (Vail Mountain View Residences), pursuant to Section 12-9(A), Special Development Districts, Vail Town Code, to allow for the development of a mixed use building consisting of 12 dwelling units with 6 attached accommodation units (lock-offs), 21 accommodation units and 9 employee housing units, located at 430 and 434 South Frontage Road/Lot 1, Vail Village Filing 5 and setting forth details in regard thereto. (PEC17-0006)

Applicant: Lunar Vail LLC, represented by Mauriello Planning Group

Planner: Jonathan Spence

Motion: Table to June 12, 2017

First: Kurz

Second:

Stockmar

Vote: 6-0-0

Jonathan Spence summarized the process of approval for a Special Development District (SDD) and the changes the applicant has made since the previous meeting on April 24(?), 2017.

Dominic Mauriello, representing the applicant, provided a PowerPoint presentation. Mauriello began by reviewing the anticipated project timeline and discussed the formulation of the proposal. Mauriello emphasized that the proposal will be 38% employee housing units and will provide "mid-price hot beds." Mauriello referred to

the Vail Village Master Plan and stated that it anticipated that the redevelopment of the property would require exceeding zoning regulations.

Gillette: Asked for clarification what the Vail Village Master Plan stated for the property.

Spence: Stated that the Master Plan anticipated redevelopment exceeding density, but not building height.

Mauriello continued by reviewing the changes in design since the last PEC meeting. The east setback has been increased from 0' to 15', the building height has been reduced by 2', and the tower feature has been eliminated. Mauriello introduced Will Hentschel, architect of 359 Design, to discuss the architecture of the structure.

Hentschel discussed the proposed location of mechanical equipment. The mechanical equipment will be located in the existing parking garage and in a roof trough. Hentschel stated that the separation between the existing (Phase I) and proposed building ranges from 26' to 85'. Referencing a series of elevations, Hentschel summarized the architectural changes that have occurred. The building stepped down in height on the west end near the Tyrolean building. The top floors of the west end of the structure also step back from the base approximately 3'. Hentschel stated that the team will be looking at Phase I for cues for additional design changes. He then reviewed the level of articulation of the structure's façades.

Hentschel then discussed the floor plans and identified the location and type of the various dwelling and accommodation units. Based on previous commissioner comments, there is now undulation of the interior corridors.

Mauriello then continued his presentation by discussing the public benefits of surplus on-site employee housing units and the provisions of "mid-price hot beds." Referencing a series of slides, Mauriello provided responses to questions that were raised at the previous PEC meeting. Topics included: the history of Apollo Park, the Mountain View plat, the history and characteristics of the Tyrolean.

Mauriello discussed private views and stated there is no regulatory protection of private views in Vail. He cited a previous court case that supported this statement. He reviewed the building height exhibit. The maximum proposed height is approximately 70 feet. He compared the proposed height to the height of other buildings in Vail. Mauriello then presented a sun/shade analysis.

Mauriello identified individuals, agencies, and companies that have provided letters of support for the proposal. He stated that the Vail Local Housing Authority (VLHA) voted unanimously to support the project.

Mauriello stated his belief that the proposal complies with the intent of the Vail Village Master Plan. He discussed SDDs and stated it does not matter if they are an effective tool or not, as that is a policy matter for Town Council. Mauriello concluded by asking for additional feedback in preparation for a recommendation vote at the next PEC meeting on June 12, 2017.

Hentschel provided a graphic that depicted the amount of relief and articulation throughout the structure's north façade.

Rediker: Referencing the review criteria, he asked if the applicant will argue that any of the criteria are not applicable to the proposal. Mauriello stated that he does not anticipate any such requests, except in regards to phasing and workable plan because the project will be built in one phase.

Rediker asked for clarification as to the number of stories above the parking garage. Mauriello stated that it is 4.5 stories above the existing parking garage.

Hopkins: Asked the height of the existing garage above the existing sidewalk. Hentschel responded that it is approximately 6.5'. Hopkins asked if this was consistent throughout the project. Hentschel stated that they will provide the information at the next meeting.

Gillette: Asked to see where the 48' maximum building height line would be located on the building.

Rediker: Asked for the elevation of the highest point of the building. Mauriello stated that it is 8,281.9'. Asked for comparison of the absolute elevations of other tall buildings in Vail.

Gillette: Asked to see the elevations that compare the previous submission to the current submission.

Stockmar: Asked for views from the eastbound side of the highway.

Rediker: Asked if the applicant has had contact with Public Works regarding the impact of the sun/shade analysis on the sidewalk and South Frontage Road. Mauriello stated that Public Works has asked that the sidewalk be heated.

Asked about the proposed loading and delivery areas. Mauriello responded that at the request of the Fire Department, the area at the northeast section of the site that was previously identified as a fire staging area will now be used as a loading zone and the fire staging area will be located elsewhere.

Spence added that Public Works has requested that the sidewalk be relocated and that the Vail Village Master Plan calls for landscaping in the front setback where the proposed loading zone is located.

Gillette: Asked where the trash receptacles will be located. Mauriello stated that trash storage will be interior.

Rediker: Asked for more information about the easement located at the northeast corner of the site.

Hopkins: Asked for clarification on the proposed parking. Mauriello stated that the proposed parking spaces comply with Town Code. Kurz asked if this accounts for the locating of mechanical equipment within the garage. Mauriello affirmed.

Rediker: Asked about the applicant's level of correspondence with owners of units 4 and 7 of the Tyrolean. Mauriello stated that he did not know.

Asked about the landscape plan for the site. Mauriello stated that there will be extensive landscaping along the front setback as well as the other edges of the building.

Kurz: Asked staff about the public benefits and if there are mechanics in place to ensure that what may be approved is what is built and that it comply with the established regulations. Ruther stated that there will be incentive for the properties to be rented, and that processes are in place to verify proper occupancy of the EHUs.

Gillette: Asked how many square feet would be lost if the top two levels were removed. Mauriello stated approximately 10,000 square feet.

Public Comment

Steve Lindstrom: Representing VLHA, stated his support for the project and finds that it meets the goals of the housing plan.

Wendy Weigler: As the attorney for the Tyrolean Condominium Association, wanted to ensure that the PEC received a letter she sent and made herself available for questions.

Rediker: Asked about the applicant's statement that a deal was being made with one of the condo owners. Weigler stated that the opinion of one owner does not constitute the opinion of the entire HOA board.

Ron Byrne: Attempted to provide public comment. Spence pointed out that Byrne is a member of the applicant team. Byrne was allowed to proceed with his comment. He stated that he is not biased regarding this project. He provided a history of the existing parking garage and stated that a lot of thought about the future redevelopment of the site was considered at the time of construction.

Rediker asked Byrne's relation to the development team. Byrne stated he is not a member of the team, but owns the underlying property.

Stockmar: Stated that the interior corridor still requires changes. Stated that he understands the economic argument and that the proposal addresses some of the Town's needs, but stated that the proposal would work in other parts of the Town, but not in this particular location. He feels there are still issues to be addressed.

Gillette: Stated that he has not changed his opinion since the last meeting. He would like to see more variation in the roof, more reduction in height near the Tyrolean, and would like to see additional information and exhibits regarding the proposed height versus the maximum allowed height in the underlying zoning district. Added that he values EHUs more than hot beds.

Kurz: Stated he does not have an issue with the height and massing of the building, but hopes the design of the roofline can be approved. He feels the mix of uses is appropriate and will benefit the Town. He feels that there is an obligation to be as fair as possible to the Tyrolean and that they can reach consent.

Hopkins: Concerned about the height and mass of the structure. The structure is blocky and will be visually dominant when arriving in Vail Village from the east. Believes that there needs to be more variety in roofline and other elements. Added that she believes the EHUs can be reduced in size and still be desirable. A major problem with the building height is that it is being added to an existing platform.

Lockman: Agreed with Commissioner Gillette's comments that more accurate and detailed building height exhibits are necessary. Stated that the building height is the biggest challenge towards approval and more information is necessary. Is concerned about the criteria regarding compatibility with adjacent properties. Disagrees with the suggestion to snowmelt the sidewalk.

Rediker: Agrees with Commissioners Hopkins and Lockman that the building height is a concern. Is concerned with the overall bulk and mass of the building, especially in relation to the existing building on the property. Emphasized the need to address the compatibility regarding design features, compatibility, landscaping, and parking and loading. Agrees with Commissioner Lockman that the sidewalk should not be snow melted. Is most concerned with the compatibility to adjacent neighbors. Agrees with Commissioner Hopkins that the style may not be consistent with Vail's character.

Gillette: Pointed out that the Vail Village Master Plan discussed the redevelopment of the parking lot area with a four story building.

4. A request for the review of two (2) variances in accordance with the provisions of Section 12-17, Variances, Vail Town Code. These variances include: (1) a variance from Section 12-6F-6 Setbacks, Vail Town Code, to allow for construction of an addition with a fourteen foot (14') rear setback where twenty feet (20') is required; and (2) a request for the review of a variance from Section 14-10-4-B Architectural Projections, Decks, Balconies, Steps, Bay Windows, Etc., Vail Town Code, to allow a deck within five feet (5') of grade with a three foot, nine inch (3',9") setback where ten feet (10') is required, located at 4718 Meadow Drive Unit B-4, Bighorn Townhouses Subdivision, and setting forth details in regard thereto. (PEC17-0011)
Applicant: Sharon M Bernardo Trust, represented by GPSL Architects
Planner: Jonathan Spence

Motion: **Approve, with Two Conditions**

First: Lockman

Second:

Gillette

Vote: 6-0-0

1. *The applicant shall revise the plans prior to building permit submittal to demonstrate a five foot (5') setback for all proposed improvements including, but not limited to, the deck stairs and hot tub.*
2. *Approval of these variances is contingent upon the applicant obtaining Town of Vail design review approval for this proposal.*

Spence introduced the project and described the nature and degree of the requested variances. The building was originally constructed under Eagle County jurisdiction. Spence pointed out the unique property line that was established as part of the original approval. Staff requests that the hot tub be setback 5' from the property line so that the property is not receiving a special privilege.

Henry Pratt, owner's representative, stated that the applicant agrees to the requested 5' setback for the hot tub and made himself available for questions.

Stockmar: Is familiar with platting issues that were brought in during annexation of many parts of East Vail.

The remaining commissioners concurred with staff's recommendations and did not provide additional comments or concerns.

Rediker: Stated that he feels all criteria for a variance have been satisfied.

5. A request for review of a Variance, pursuant to Section 12-7B-16, Landscaping and Site Development, Vail Town Code, to allow for a reduction in landscape area, located at 231 Gore Creek Drive/Lot A, Block 5B, Vail Village Filing 1, and setting forth details in regard thereto. (PEC17-0009)
Applicant: Gasthof Gramshammer Inc, represented by Gies Architects
Planner: Matt Panfil

Motion: Table to June 12, 2017

First: Kurz

Second: Gillette

Vote: 6-0-0

Panfil introduced the application. Code requires no net reduction in landscaping. He displayed the previously approved plans that showed the approved location of landscaping. Applicant is proposing to remove some of the landscaping planters as previously approved. Applicant would like to add some landscaping planters and vertical planters on the building walls, instead of approved planters. Also, near the beer tent, some additional landscaping is proposed where existing stairs are located (stairs are not used.)

Hopkins – Can planters be added on Town of Vail property? Panfil indicated that it might be possible, but preference is to be on applicant's property. Not sure if Public Works would entertain the idea of off site landscaping.

Rediker – In 2016, was there a reduction in landscaping? (Panfil indicated no.) There was some increase in landscaping, and should be built per the approved plan.

Rediker – Was it 23 sq. ft. of net new landscaping originally proposed? (Panfil indicated it was approximately that amount.)

Rediker – The net reduction is about 70 sq. ft. from what was approved in 2016, is that right?

Gillette- What is the net reduction from what was previously there? (Panfil – 26 sq. ft. net reduction.)

Stockmar – What is a vertical planter?

Russell Geis, Geis Architects – Vertical planters are a series of planters along the wall, fixed to the building. Flowers would be planted in these.

Stockmar – Seems like a trivial compromise.

Geis – We are trying to add landscaping without impacting functionality of the site. Before we did the remodel work, there was an 8x10 planter with a scraggly tree near the new exit door. That planter never enhanced anything. It was a cigarette butt disposal place. We are not reducing the quality of the look on Bridge Street by removing that planter. Amount of flowers planted by Mrs. Gramshammer is not shown in these plans. This is one of the most photographed corners in Vail. Planter in front of the sliding doors does not line up with anything. Piece (of landscaping) near Pepi's Sports is just enough to meet what is needed. We still want to create a beautiful look on the Bridge Street side.

Gillette – How big is the planter by the slider doors? Geis – about 18 inches deep.

Hopkins – I have worked in the Village for years. Sheika does the most beautiful flowers. Why not add some removable planters along the slider doors?

Sheika Gramshammer – When I received a permit to expand the bar, it makes the bar more open. To get the permit, I had to compromise with DRB to put in the planter. Previously we did not have a good emergency exit. Flowers would not grow under the tree that was removed. We can't put in the planters because in winter we have ski racks and in summer we have bicycle racks. A compromise is moveable planters, instead of permanent planters. Trust me, it will be beautiful.

Gillette – Will the flower boxes be on the railings?

Sheika Gramshammer – This past summer, the flower boxes on the railings were abused. In 1964 we were the first to have flower boxes. It costs me a lot of money each year to plant the flowers. Don't want a permanent planter.

Rediker – Why did you agree to a permanent planter a year ago?

Gramshammer – My daughter wanted to update the bar. It was hard for Pepi to see the bar changed. We did not think much about the planters.

Rediker – Is that the problem, having ski racks that narrow Bridge Street?

Gramshammer – Not only our customers use the ski racks. Everybody uses the ski racks.

Rediker – You knew before we approved the plans that the planter boxes needed to be there, right?

Gramshammer – No. We did not take it seriously.

Rediker – Agree that your flowers are beautiful. We were trying to make this area beautiful too. Is there a compromise?

Gramshammer – We would have to put the ski racks and bike racks on Town of Vail property. They said no, due to emergency access.

Panfil displayed images of the approved plans.

Rediker – Can bike racks be located between the approved planter (at Pepi's Sports) and the entrance?

Gillette – Landscaping benefits everyone. If you walk down the street, not everyone has landscaping in front of their building. Let's talk to Town of Vail to find places to increase landscaping off site.

Stockmar – Significant difference between stone planters and moveable planters.

Gramshammer – I will work with you if you work with me. I don't like the permanent planters. If I have something that can move, the only thing you will miss is the yellow flowers. If I can make an assortment of planters

Rediker – How many ski racks in the winter are in front of the business?

Gramshammer – Three ski racks

Rediker – If planters are installed where they were approved, would the ski racks be pushed more toward the Town right-of-way?

Panfil – Don't want to speak for Public Works.

Hopkins – Town of Vail has huge planter pots all over Vail.

Gillette – We should explore a Developer Improvement Agreement to require planters to be installed with flowers for a certain number of years.

Gramshammer handed out a photo of Gorsuch Building, showing some planters that are no longer there.

Public Comment – None

Lockman – I feel this issue should have been addressed when the application was approved last year. We approved this application with landscaping, and that needs to be provided. I see no practical hardship.

Hopkins – Think there are a lot of moving parts to the Village. There are all sorts of ways to create the same effect. This calls for something more mobile. There are lots of options in the Village. Pots help accomplish this in one way.

Kurz – Split between staying with the decision made when this project was approved. Would like to consider approval of the planters for a year, to get some planters on that side of the building.

Gillette – I understand why we do not want a reduction of landscaping in the core. Burden is on owners that have on site landscaping to keep it. Not sure why landscaping has to be on private property. If we can get landscaping back to what was there before the remodel, let's work with Town to find a place to put it on the south side, on Town property.

Stockmar – The street is so narrow in winter. If we add something permanent, it's more of a problem. Give us a chance to see what works for the first year, and then come back to us for review. This is an opportunity to add landscaping. Memorialize somehow and review in a year or two; something that can be adjusted and changed.

Rediker – Could applicant request moveable, temporary planters?

Neubecker – Raised planters are not landscaping per the code. PEC could approve a site plan that shows planters, and that could be enforceable. Planters in pots would also need to be approved by the DRB.

Rediker – Will not put off potential ways to make a compromise. Options are to approve, deny or continue. Is the applicant willing to come back at the next meeting with a site plan showing location of the planters?

6. Approval of Minutes
May 8, 2017 PEC Meeting Results

Motion: Approve

First: Stockmar

Second: Kurz

Vote: 6-0-0

7. Informational Update
A Brief presentation and discussion by Carly Rietmann, Healthy Aging Program Supervisor on Eagle County's Aging Well Community Planning Initiative.

Carly Rietmann, of Eagle County, provided a PowerPoint presentation regarding the County's Aging Well Community Planning Initiative. Eagle County has the fastest growing population of adults 65+ in Colorado's Rural Resort Region. The number of adults 65+ in Eagle County will quadruple by 2050.

Meghan King, of Eagle County, discussed the priority areas for the initiative. Priorities that prompted the creation of action teams include healthcare, connection to resources, housing, and social and community engagement. King also discussed the Plan4Health project's relation to the aging initiative.

Rietmann reviewed the next steps for the initiative, which include working the initiative into community projects.

Lori Barnes discussed coordinated events planned in the future.

8. Adjournment

The applications and information about the proposals are available for public inspection during regular office hours at the Town of Vail Community Development Department, 75 South Frontage Road. The public is invited to attend the project orientation and the site visits that precede the public hearing in the Town of Vail Community Development Department. Times and order of items are approximate, subject to change, and cannot be relied upon to determine at what time the Planning and Environmental Commission will consider an item. Please call (970) 479-2138 for additional information. Please call 711 for sign language interpretation 48 hour prior to meeting time.



Memorandum

TO: Planning and Environmental Commission

FROM: Community Development Department

DATE: May 22, 2017

SUBJECT: A request for a recommendation to the Vail Town Council on an application to establish Special Development District No. 42 (Vail Mountain View Residences), pursuant to Section 12-9(A), Special Development Districts, Vail Town Code, to allow for the development of a mixed use building consisting of 12 dwelling units with 7 attached accommodation units (lock-offs), 19 accommodation units and 10 employee housing units, located at 430 and 434 South Frontage Road/Lot 1, Vail Village Filing 5 and setting forth details in regard thereto. (PEC17-0006)

Applicant: Lunar Vail LLC, represented by Mauriello Planning Group
Planner: Jonathan Spence

I. SUMMARY

This is the second worksession with the Planning and Environmental Commission (PEC). The applicant has submitted revised plans that alter the proposed unit mix and include modifications to the building. These revisions are described in detail in the attached memo from the applicant, dated May 15, 2017 and included as Attachment B. The information in this memo has been updated to reflect these changes. It is the applicant's intent to submit a second revision prior to the June 12, 2017 PEC meeting, where a request for a recommendation to the Town Council will be made. The discussion items included in Section VIII have been modified as a result of the Commission's feedback at the first worksession and the revised submittal to encourage dialogue on key issues.

The applicant, Lunar Vail LLC, represented by Mauriello Planning Group, is requesting a recommendation to the Vail Town Council to establish Special Development District No. 42, pursuant to Section 12-9(A), Special Development Districts, Vail Town Code, to allow for the development of a mixed use building consisting of 12 dwelling units with 7 attached accommodation units (lock-offs), 19 accommodation units and 10 employee housing units (EHUs), located at 430 and 434 South Frontage Road/Lot 1, Vail Village Filing 5.

Staff has received correspondence from members or groups within the community related to this application. This correspondence has been included as Attachment F.

Process

The process to establish a new special development district (SDD) begins with a pre-application meeting with staff to discuss the goals of the proposed SDD and the relationship of the proposal to the Town's Comprehensive Plan. Next, the Planning and Environmental Commission (PEC) conducts an initial review of the proposed development in which they can recommend approval of the proposal as requested, recommend approval with modifications, or may recommend denial of the proposal. Finally, the Town Council (TC) reviews the PEC's findings and recommendation. The Town Council shall consider the PEC's recommendation, but is not bound by the recommendation in reaching their decision to approve, approve with modification, or deny the proposal.

Timeline

The applicant has submitted a project review timeline indicating their preference that this meeting functions as follow-up worksession to the project for the PEC. The applicant's projected timeline* is as follows:

- 4/24 PEC Worksession
- 5/17 DRB Conceptual Review
- 5/22 PEC Worksession
- 6/7 DRB Conceptual Review
- 6/12 PEC Public Hearing (recommendation to TC)
- 6/20 TC First Reading/Worksession
- 7/18 TC First Reading or Second Reading
- 7/19 DRB conceptual
- 8/1 TC Final Hearing/Second Reading
- 8/16 DRB Final Approval

* *The above timeline is only an estimate by the applicant and is subject to change.*

Based upon the applicant's submitted timeline and the preliminary nature of this meeting, the Community Development Department recommends the PEC **continues PEC17-0006 to the June 12, 2017 Planning and Environmental Commission meeting** in order to address concerns raised by staff and for the applicant to provide detailed responses to anticipated questions from Commissioners and the general public.

II. DESCRIPTION OF REQUEST

The applicant, Lunar Vail, represented by Mauriello Planning Group, is requesting a recommendation to the Vail Town Council to establish Special Development District No. 42, pursuant to Section 12-9(A), Special Development Districts, Vail Town Code, to allow for the development of a mixed use building consisting of 12 dwelling units with 7 attached accommodation units (lock-offs), 19 accommodation units and 10 employee housing units, located at 430 and 434 South Frontage Road/Lot 1, Vail Village Filing 5.

Schedule

- PEC Meeting April 24th - worksession
- DRB Meeting May 17th - conceptual
- **PEC Meeting May 22nd - worksession**
- PEC Meeting June 12th - final recommendation



PLANNING AND ENVIRONMENTAL COMMISSION

June 12, 2017, 11:00AM

Vail Town Council Chambers

75 S. Frontage Road - Vail, Colorado, 81657

1. Call to Order

Members Present: Brian Gillette, Pam Hopkins, Ludwig Kurz, John-Ryan Lockman, John Rediker, Karen Perez and Brian Stockmar

Members Absent: None

Site Visits:

- a. Jackson Residence – 2475 Garmisch Drive
- b. Manchester Residence – 2794 Snowberry Drive
- c. Mellgren Residence – 4112 Spruce Way

2. A request for review of a Variance, pursuant to Section 12-7B-16, Landscaping and Site Development, Vail Town Code, to allow for a reduction in landscape area, located at 231 Gore Creek Drive/Lot A, Block 5B, Vail Village Filing 1, and setting forth details in regard thereto. (PEC17-0009)

Applicant: Gasthof Gramshammer Inc., represented by Gies Architects

Planner: Matt Panfil

Motion: Table to June 26, 2017

First: Gillette

Second: Stockmar

Vote: 5-2-0

(Rediker/Perez opposed)

Planner Panfil relayed to the board the applicant's desire for this item to be continued to the next meeting.

Russel Geis, representing the applicant, explained the process and timing for the project and the plan moving forward, necessitating the request for a continuance.

Commissioner Stockmar requested clarification in regard to the recently installed bike racks. Stockmar reiterated his earlier concerns.

Gillette would prefer permanent planters but is ok with moveable containers.

Kurz agrees with Gillette

Perez agrees with Gillette

Hopkins voiced her support of the temporary planters.

Lockman would prefer to see what was originally proposed, but is open to alternatives.

Rediker is disappointed with applicants desire not to do what was originally proposed. Would support going forward today but recognizes others may support a continuance.

3. A request for a final review of a variance from Section 14-10-4-B, Architectural

Projections, Decks, Balconies, Steps, Bay Windows, etc., Vail Town Code, pursuant to Section 12-17, Variances, Vail Town Code, to allow for the replacement of a nonconforming deck with a proposed side setback of one foot, nine inches (1'9") where a fifteen foot (15') setback is required and a proposed rear setback of twelve feet (12') where fifteen feet (15') setback is also required, located at 4112 Spruce Way/Lot 2, Block 8, Bighorn Subdivision 3rd Addition, and setting forth details in regard thereto. (PEC17-0013)

Applicant: Anders Folke & Anna Maria Mellgren
Planner: Jonathan Spence

Motion: Approve, with Conditions

First: Kurz Second: Perez Vote: 7-0-0

Conditions:

- 1. Approval of this variance is contingent upon the applicant obtaining Town of Vail design review approval for this proposal.*
- 2. The applicant shall clearly demonstrate to planning staff prior to requesting a final planning inspection that the improvement has been constructed per plan.*

Spence introduced the project to the PEC. The existing deck is a safety hazard. The proposed deck will be one foot (1') from the side property line and will maintain a twelve foot (12') rear setback. The size of the lot essentially requires a variance for any improvement.

Gillette: Have the neighbors been notified? Spence confirmed in the affirmative.

Mike Connolley, representing the applicant, described the need to replace the deck.

There was no public comment.

Stockmar: Based on the site visit and photographs, this is clearly a safety issue. Supports the requested variance.

All the remaining Commissioners agreed with Stockmar's comments.

4. A request for a final review of a variance from Section 14-10-4-B, Architectural Projections, Decks, Balconies, Steps, Bay Windows, Etc., Vail Town Code, pursuant to Section 12-17, Variances, Vail Town Code, to allow a deck more than five feet (5') above ground level a four and six-tenths foot (4.6') setback where a ten foot (10') setback is required, located at 2475 Garmisch Drive, Unit 1 / Lot 5 & 6, Block H, Vail Das Schone Filing 2, and setting forth details in regard thereto. (PEC 17-0014)

Applicant: Dominique & Christiane Jackson
Planner: Matt Panfil

Motion: Approve with Conditions

First: Lockman Second: Kurz Vote: 7-0-0

Conditions:

- 1. Approval of this variance is contingent upon the applicant obtaining Town of Vail design review approval for this proposal; and*

2. *The applicant shall clearly demonstrate to planning staff prior to requesting a final planning inspection that the improvement has been constructed per plan.*

Planner Panfil introduced the project and the requested variance.

Dominique Jackson, applicant, provided a rationale for the requested proposal. Existing deck is too small, a safety issue at the top of the stairs.

Stockmar asked if the deck is proposed to be used as a BBQ deck.

Jackson explained that gas grills are permitted at the property.

Stockmar asked if would be cantilevered or supported with posts.

Panfil showed that the deck with be cantilevered.

Lockman asked why the existing stairs are so narrow.

Jackson said that was what was built.

Panfil explained that wider stairs would also be permitted.

Panfil explained that if cantilever is not possible then posts would be needed.

Jackson further explained the plan.

Public Comment - None

Commissioner Comment

Lockman-Recognizes the practical difficulty and supports the request, pointing to the safety concern.

Hopkins-Agrees with Lockman

Perez - Agrees with Lockman

Kurz also agrees and supports the staff memorandum

Gillette agrees

Stockmar agrees

Rediker agrees with staff's analysis.

5. A request for a final review of a variance from Section 14-6-7, Retaining Walls, Vail Town Code, pursuant to Title 12 Chapter 7, Variances, Vail Town Code, to allow for retaining walls with height in excess of three feet (3') within the twenty foot (20') front setback, located at 2794 Snowberry Drive/Lot 16, Block 9, Vail Intermountain Development Subdivision, and setting forth details in regard thereto. (PEC17-0020)
Applicant: Gary & Jeane Manchester
Planner: Jonathan Spence

Motion: Approve, with Conditions

First: Lockman

Second:

Kurz

Vote: 7-0-0

Conditions:

- 1. No proposed retaining wall shall exceed a height of six feet (6').*
- 2. The applicant shall obtain a right-of-way (ROW) permit prior to commencing work and a Revocable ROW permit for all private improvements located on public property.*
- 3. Approval of this variance is contingent upon the applicant obtaining Town of Vail design review approval for this proposal.*

Spence introduced the project and described the requested variance. Due to the steep slope of the lot, if the applicant were to propose a garage within the front setback, the variance would not be required. However, due to the unique topography of the site, it would be inappropriate to locate the garage in the front setback. Staff supports the requested variance.

Seth Bossung of Intention Architecture provided a presentation and summarized the site plan design.

Kurz: Asked if the retaining walls were boulders or concrete. Bossung responded that all walls are engineered boulder retaining walls.

Lockman: Believes it is a creative site plan that addresses complex grading issues.

All other Commissioners agreed. Rediker added that it is a unique site and relief is necessary.

6. A request for a recommendation to the Vail Town Council of an application to establish Special Development District No. 42 (Vail Mountain View Residences), pursuant to Section 12-9(A), Special Development Districts, Vail Town Code, to allow for the development of a mixed use building consisting of 12 dwelling units with 15 attached accommodation units (lock-offs), 19 accommodation units and 10 employee housing units, located at 430 and 434 South Frontage Road/Lot 1, Vail Village Filing 5 and setting forth details in regard thereto. (PEC17-0006)

Applicant: Lunar Vail LLC, represented by Mauriello Planning Group

Planner: Jonathan Spence

Motion: Approve, with Conditions

First: Stockmar

Second:

Kurz

Vote: 4-3-0 (Rediker,

Gillette, and Perez Opposed)

Conditions:

- 1. Approval of Special Development District No. 42, Vail Mountain View Residences, is contingent upon the applicant obtaining Town of Vail approval of an associated design review application. Although building mass and scale and relationship to adjacent properties is largely determined through the PEC review, the DRB shall have the flexibility to require changes to the buildings articulation, building stepbacks and stepdowns that will not affect overall*

height but may result in changes to the building's perceived mass and scale, in order to create an architecturally unified structure, with unified site development, that is compatible with existing structures and its surroundings;

- 2. The applicant shall work with Town of Vail staff to increase the robustness of the proposed landscaping, including an increase in the number and size of the new plantings, prior to submittal of an application for review before the Design Review Board;;*
- 3. Prior to submittal of a Design Review Board application, the applicant shall provide Town of Vail staff with information for review and approval concerning the proposed operation and configuration of the loading space. If it is determined by staff that the operation poses too great a conflict with the adjacent pedestrian walkway, an alternative location/operation shall be proposed for review and approval by staff;*
- 4. Prior to the issuance of a certificate of occupancy, the applicant shall cause to be recorded with the Eagle County Clerk, in a format approved by the Town attorney, a pedestrian easement for the paved path and stairs from the South Frontage Road right-of-way to the Town of Vail recreational path;*
- 5. Prior to issuance of any certificate of occupancy, the applicant shall construct a continuous 10' wide separated concrete sidewalk along the South Frontage Road from Vail Valley Drive to the easternmost driveway that is shared by Mountain View and Apollo Park. The walk alignment, Option A or B, shall be approved by the Town of Vail Public Works Department prior to its construction, and shall be designed in conjunction with the ongoing conceptual design of the South Frontage Road improvements in this area as a part of the Vail Transportation Master Plan Update;*
- 6. Prior to issuance of any certificate of occupancy, the applicant shall install a snowmelt system within the above mentioned sidewalk along South Frontage Road and shall enter into the standard snowmelt agreement with the Town of Vail. The applicant shall be responsible for providing the heat source, and the on-going maintenance of the sidewalk and snowmelt system;*
- 7. Prior to issuance of a building permit, the applicant shall update the Traffic study (March 14, 2017) and Turn lane study April 19, 2017) to include any change of units and/or density. This study shall include the net new development PM peak hour generated trips. The applicant shall implement any changes required as a result of the updated studies as approved by the Town of Vail;*

8. *Prior to issuance of a building permit, the applicant shall pay the Town of Vail Traffic Mitigation Fees for the net new increase in development traffic. The total fee shall be updated based on the updated traffic study. This fee was \$6500 in 2005; this fee shall be appropriately increased due to construction cost inflation, and in coordination with the on-going Vail Transportation Impact Fee Study, and for this approval be set at \$11,200 per net new development PM peak hour trip, based on the net new 12 Dwelling Units, 15 Lock-Offs, 10 EHU's, and 19 Accommodation Units;*
9. *Prior to issuance of a building permit, the applicant shall provide a construction staging plan and parking plan showing how the construction of this site will not impact town parking or adjacent properties;*
10. *Prior to issuance of a building permit, the applicant shall engage Art in Public Places Board on the determination of an acceptable public art installation with a minimum value of \$50,000.00;*
11. *Prior to the issuance of a building permit, the applicant shall pay the recreational amenities tax, as required by Section 12-9A-11 of the Vail Town Code;*
12. *Prior to the issuance of a certificate of occupancy, the applicant shall record deed restrictions with the Eagle County Clerk and Recorder, in a format approved by the Town Attorney, for the Type III Employee Housing Units; and*
13. *Prior to submitting any building permit application, the applicant shall submit approval from the Colorado Department of Transportation (CDOT) related to all proposed work within the CDOT right-of way.*

Spence summarized the previous two meetings and the proposed changes that have occurred since the last presentation to the PEC on May 22, 2017. Most of the previous comments were related to the building's bulk, height, mass, public benefit, and relationship to Phase I of the development. The applicant has included a revised north elevation. Staff has provided conditions that would make the project compliant with the approval criteria.

The applicant, represented by Dominic Mauriello, MPG Inc., provided a PowerPoint presentation to the PEC. Mauriello reviewed the project timeline. He described the changes in unit count that have occurred through the PEC review process. He summarized the aspects of the project which the applicant believes are public benefits. The deviations from the code associated with the project include: east side setback, building height, density, site coverage, and loading in the front setback.

Will Hentschel, Architect of 359 Design, discussed the architectural design changes that have occurred throughout the PEC review process. Hentschel discussed the compatibility of the proposed elevations with Phase I. Similar features between the two phases include: top floor dormers, exposed timber and other parts of the structure, battered columns, and railings. Other changes include the replacement of the previously proposed metal panels with a stucco finish. The building follows the traditional base-middle-top composition.

Hentschel introduced an elevation of the south façade.

Mauriello continued his presentation by discussing the impact of the structure and side setback encroachment on the adjacent Tyrolean building. He then described the changes that have been made to the north elevation.

Mauriello then provided responses to each of the SDD approval criteria. Referencing images of the adjacent properties, he emphasized that the proposal is compatible with the surrounding area. He then discussed the relationship between uses and programming of the proposal and adjacent uses. The density of the proposal and adjacent properties was compared. Mauriello stated that the proposal complies with the Town's parking requirements. He discussed the two possibilities for a loading space.

Gillette asked for clarification as to the Town's loading space requirements.

Mauriello summarized the ways in which the applicant believes the proposal complies with the Town's comprehensive plan and other planning documents. There are no natural or geological hazards on the site. The plan complies with minimum landscape requirements. The proposal is not generating additional traffic and there are no improvements required. Mauriello discussed the two different options available for the location of the proposed sidewalk. He stated that the project will be completed in one phase with an anticipated short construction time. He concluded his presentation by referencing a slide that depicted increased hallway undulation.

Spence indicated that Tom Kassmel of Public Works was available for questions and stated that there are two letters distributed at the beginning of the meeting that were received after the PEC packets were distributed.

Perez: Asked for clarification regarding the number of employee housing units (EHUs) associated with the project. Spence clarified that there are 10 EHUs proposed, not 9 as stated on page 11 of the Staff Memo.

Hopkins: Asked Mauriello for further explanation of the height exhibits.

Rediker: Asked Spence if there was concern in approving the SDD without specific terms for height and other standards. Spence indicated that the data in the table on pages 11 and 12 of the staff report are the maximums that will be reviewed by the Town Council.

Lockman: Asked Spence for clarification on one of the recommended conditions of approval regarding heating the sidewalk. Spence stated that the applicant has agreed to purchase renewable energy credits to offset the cost of heating the sidewalk.

Kassmel: Stated that common practice has been to provide heated sidewalks where tall buildings shade the sidewalks, and cited Four Seasons and The Sebastian as examples.

Perez: Asked Kassmel about the impact of the loading zone in its proposed location. Kassmel stated that it is not an ideal location and they do not typically allow loading on a public walkway.

Lockman: Asked for clarification on the traffic impact fee.

Kassmel stated that CDOT has agreed that there is no net new traffic generated by the project. However, proposed uses on the site will generate additional traffic which may have some broader impact on the system.

Rediker: Asked how the sidewalk Options A or B will be determined. Kassmel stated that his team is conducting an ongoing review of both options. Option B may be further off in terms of time, but they want to ensure that it is a viable option for the future. Kassmel stated his preference that the sidewalk be located in order to accommodate Option B in the future.

Public Comment -

Chris Romer, President and CEO of Vail Valley Partnership (VVP), stated VVP supports the project and feels that the height, density, and other deviations are worth the public benefits.

Rick Smith, Vail Valley Medical Center (VVMC), stated that his group supports the project because it contains EHUs and VVMC anticipates a strong demand for housing. The project will be a recruiting tool for VVMC.

Stan Cope, management of Vail Valley Lodge, stated his support for the project. He believes the tradeoff between height and public benefits is worth it.

Molly Murphy, Vail Local Housing Authority (VLHA), stated the group's support of the project. They believe the lockoffs are an asset to the project.

Steve Lindstrom, VLHA, restated that the group supports the project. The applicant is not asking for financial assistance from the community. Believes it is a good location for resident housing.

Tom Saalfeld, managing agent of the Tyrolean, stated his opposition to the project. Concerns include: impact on their view and the height of the building.

Stockmar asked Tom Saalfeld if there would be any difference if the building were only 48' tall. Tom Saalfeld responded that the overall size of the building is too big and far exceeds the amount of Gross Residential Floor Area (GRFA) allowed. The owners of the Tyrolean were aware of the surrounding zoning, but did not anticipate an SDD. Tom Saalfeld asked if the EHUs were going to be truly affordable.

Jeff Morgan stated his support for the project. He stated he works with Chris Romer and they both agree that the building will provide an aesthetic buffer from the highway.

Stockmar: The project seems to comply with the SDD review criteria. While understanding the view of those who oppose the project, he believes there is a large public benefit to this project and therefore supports the project.

Gillette: Believes the Tyrolean will lose their view regardless of a building height deviation, but does believe that as proposed, the structure negatively impacts the Tyrolean's access to light and air and would like to see that problem addressed.

Lockman: Believes that deviations should not be granted strictly based on the provision of EHUs, even though they are very important to the Town. All criteria must be reviewed based on the context of the site. He has an issue with the overall compatibility based on scale, but it is consistent with the Town's various planning documents. He feels there have been improvements to the design over the course of the review and can support the project.

Hopkins: Agreed with Lockman. Asked if there was a way to guarantee a price range for EHUs and lockoffs. Spence responded that the limitation is based on occupancy restrictions only. Hopkins stated that she feels the design has improved, but is also worried about the impact on the Tyrolean's access to light and air.

Perez: Stated that she does not believe the proposal meets the compatibility criteria. Does not believe the benefit of the EHUs offsets the deviations requested. Feels the design has improved throughout the process, but is not ready to support the project.

Kurz: Stated that while the building is large in regards to bulk and mass, it is located in an area which can accommodate its size. Design changes have helped address the perceived bulk and mass concerns. The public benefits outweigh any negative impacts.

Lockman: Suggested the traffic impact study be reexamined. Also, he believes that a heated sidewalk should not be required due to its negative impact on the environment.

Gillette: Agreed with Lockman regarding the heated sidewalk.

Rediker: Acknowledged that there are a lot of positives associated with the proposal, including the EHUs and additional "hot beds." Disagrees with some of the applicant's arguments regarding compatibility of the project with surrounding area. The project does comply with some objectives of the comprehensive plan, but feels the bulk and mass is far beyond anything anticipated for the site. Also believes the project does not comply with Criteria #2 based on the excessive density of the site. Finally, believes that Criteria #3 has not been met and that the building does not complement the design of the surrounding area or Vail in general.

7. A request for final review of an amendment to a conditional use permit, pursuant to Section 12-9C-3, Conditional Uses, Vail Town Code, pursuant to Title 12, Chapter 16, Vail Town Code, for an existing healthcare facility, amending the development plan to allow for the reconstruction of the east wing, including healthcare facilities, ambulance district facilities, heliport building and associated structured parking located at 180 South Frontage Road West (Vail Valley Medical Center)/Lots E, F and 2E, Vail Village Second Filing, and Lot 2E-1, Block 1, Vail Lionshead Filing 1. (PEC17-0022)

Applicant: Vail Valley Medical Center

Planner: Jonathan Spence

Motion: Continue to July 10, 2017

First: Perez Second: Stockmar Vote: 7-0-0

Spence introduced the topic. This presentation will include an introduction and overview of the master plan for VVMC. Tom Braun will describe the approach that staff and the applicant will be taking for this project.

Tom Braun, Braun Associates, representing the VVMC – Introduced some members of the design and applicant team The East Wing is the east end of the campus, near the current parking structure. New medical facilities and heliport will be included. At least 4 members of the PEC were not on this board or Council when the VVMC master plan was approved. We anticipate four more PEC meetings on this topic. Three applications (including Conditional Use for medical care facility and heliport), a rezoning application and subdivision application as well. Medical Professional Building (US Bank building) is also in the master plan boundary.

Braun reviewed the parcels, including the land that will be acquired from the Evergreen Lodge. Future meetings with PEC are anticipated June 26, July 10, July 24 and August 10 or 24 of 2017. Master plan in 2014 and 2015 laid the groundwork for this development. Major goal was to keep medical center in Vail. Plan considers internal drivers (hospital needs) and external drivers (Town and community goals). Decompression, finding more space for existing uses, is one goal; relieve crowded conditions. Intention is not to increase number of patients, but to improve operations and comfort. He described the programming

in the East Wing. Net gain 110,000 sq. ft. is proposed. Minimizing traffic on West Meadow Drive was a major goal, by relocating front entry to S. Frontage Road.

Rediker – Is parking access changed from the original plan?

Braun – Yes, it has changed.

Gillette – Was there shared access planned with Evergreen Lodge?

Braun – Yes, but that is not in this plan.

Stockmar – Has the Stedman Clinic moved?

Braun – Yes, to the West Wing.

Braun continued to describe the new medical center, arrival experience, and heliport. New heliport location will reduce time and distance between emergency room and heliport. He discussed the parking needs, and general transportation management, including employees taking buses and shuttles to bring workers to medical center. About 197 additional on-site parking spaces are planned. About 605 total parking spaces planned on-site. Loading and delivery was discussed; all will be enclosed. Pedestrian circulation will include a north-south connection along east side of new building. He discussed the land exchange with Evergreen Lodge. Future needs and expansion space will be provided in the helipad building. This space is not programmed. Extra space may allow a location for uses in the medical professional building (US Bank) during redevelopment.

Rediker – Is a roundabout planned near the Municipal Centre and VVMC?

Spence – On July 10, Tom Kassmel, Town Engineer, will attend the PEC meeting to describe future road improvements.

Nate Savage, Davis Partnership, Architect – Showed 3D images of the architecture. Materials and design elements will be similar to the central wing. Lobby will be open with mountain views. Public pedestrian access will be available from Meadow Drive. Loading bays will allow trucks to drive in, turn-around inside, and pull out of separate garage door.

Gillette – Is the elevator tower two stories above the main building?

Savage – That is the elevator tower overrun that you are seeing. Helipad tower needs to be at a set height, based on flight patterns and safety.

Braun – Described the flight pattern for helicopter flights.

Gillette – What design guidelines are used to review the helipad?

Braun – The site is not in the Village, and not in Lionshead, so the Town's standard design review process will be used.

Savage - Level 2 will have sleeping quarters; level 3 will have internal conference space.

Rediker – It will be helpful to see the presentation on flight paths. Last year there was a Flight For Life accident in Frisco. What designs are provided to plan for accidents?

Braun – Defer a response until the helicopter expert is here.

Kurz – Please show secondary entrance on Meadow Drive. There is no parking associated with that?

Savage – The south entry is design for pedestrians and bus users.

Hopkins – Can that entry be design to look more like an entry?

Savage – Yes, but we have limits with the property line.

Rediker – Please plan to discuss what happens if the Evergreen Lodge redevelopment does not move forward, and impacts to Evergreen guests.

Braun – An aviation easement is planned for a small area over the Evergreen Lodge. Rest of the Evergreen site could be built to maximum allowed height.

Rediker – Any connection planned to the medical office building?

Braun – That was discussed, but too expensive to build an elevated walkway.

Kurz – What happens if land exchange does not happen?

Braun – This plan depends on the land exchange to happen.

Stockmar – How are you financing this project? Are you protected from an economic downturn?

Doris Kirchner, VVMC President and CEO – Over past 10 years we have had savings and \$75 million capital campaign, We have raised \$42 million so far.

Kurz – Are you accelerating the schedule?

Kirchner- We are on schedule. Our plan is to finish by Fall 2020

Chris Knight, Project One, Project Manager – Goal is Fall 2020 for parking structure occupancy.

Kurz – Have used the facility more that I want to over past several months. Congratulations on how you have managed traffic and circulation during construction. Thank you for your efforts.

8. A request for review of a final plat, pursuant to Title 13 Chapter 4, Minor Subdivisions, Vail Town Code, to allow for a resubdivision of Lot F, Vail Village Second Filing and the creation of Lot F-1, Vail Village Second Filing, located at 180 South Frontage Road West/ Lot F, Vail Village Second Filing, and setting forth details in regard thereto. (PEC17-0016)

Applicant: Vail Valley Medical Center

Planner: Jonathan Spence

Motion: Table to June 26, 2017

First: Kurz

Second: Stockmar

Vote: 7-0

9. A request for review of a final plat, pursuant to Title 13 Chapter 4, Minor Subdivisions, Vail Town Code, to allow for a resubdivision of Lot 2W, Block 1, Vail Lionshead Second Filing, and the creation of Lot 2E-1, Block 1, Vail Lionshead Second Filing, located at 250 South Frontage Road West/Lot 2, Block 1, Vail Lionshead Second Filing, and

setting forth details in regard thereto. (PEC17-0018)

Applicant: Vail Valley Medical Center

Planner: Jonathan Spence

Motion: Table to June 26, 2017

First: Kurz

Second: Stockmar

Vote: 7-0

10. A request for a recommendation to the Vail Town Council for a zone district boundary amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to allow for a rezoning of Lot 2E, Vail Village Second Filing and Lot 2E-1, Block 1, Vail Lionshead Second Filing, from Lionshead Mixed Use 1 (LMU-1) District to the General Use (GU) District, and a rezoning of Lot F-1, Vail Village Second Filing from General Use (GU) District to Lionshead Mixed Use 1 (LMU-1) District, located at 180 and 250 South Frontage Road West/Lot 2, Block 1, Vail Lionshead Second Filing and Vail Village Second Filing, and setting forth details in regard thereto. (PEC17-0015)

Applicant: Vail Valley Medical Center

Planner: Jonathan Spence

Motion: Table to June 26, 2017

First: Kurz

Second: Stockmar

Vote: 7-0

11. A request for a recommendation to the Vail Town Council for an amendment to Section 12-10-19 Core Areas Identified, Vail Town Code, pursuant to Section 12-3-7 Amendment, Vail Town Code, to include Lot F-1 in the Commercial Core Area for parking regulations purposes, located at 250 South Frontage Road West/Lot F-1, Vail Village Second Filing, and setting for the details in regard thereto. (PEC17-0023)

Applicant: Evergreen Hotel

Planner: Jonathan Spence

Motion: Table to June 26, 2017

First: Kurz

Second: Stockmar

Vote: 7-0

12. Approval of Minutes
May 22, 2017 PEC Meeting Results

Motion: Approve

First: Kurz

Second: Stockmar

Vote: 6-0-1 (Perez –

Abstain)

13. Informational Update

14. Adjournment

Motion: Adjourn

First: Stockmar

Second: Kurz

Vote: 7-0

The applications and information about the proposals are available for public inspection during regular office hours at the Town of Vail Community Development Department, 75 South Frontage Road. The public is invited to attend the project orientation and the site visits that precede the public hearing in the Town of Vail Community Development Department. Times and order of items are approximate, subject to change, and cannot be relied upon to determine at what time the Planning and Environmental Commission will consider an item. Please call (970) 479-2138 for additional information. Please call 711 for sign language interpretation 48 hours prior to

Review Schedule

Process has created a better project

Thankful for staff, public, PEC, and DRB input

Excited to continue to work with the Town Council and DRB

APRIL 24: PEC WORKSESSION

MAY 22: PEC WORKSESSION

JUNE 12: PEC FINAL RECOMMENDATION

JUNE 20 TOWN COUNCIL WORKSESSION

JULY 18: TOWN COUNCIL 1ST READING

AUGUST 1: TOWN COUNCIL 2ND READING

From: [Adrian Fernandez](#)
To: [Jonathan Spence](#)
Subject: Maintain View Residences Phase II
Date: Wednesday, July 26, 2017 8:02:31 PM

Dear Vail Town Council:

I am writing as an owner in Mountain View Residences (Phase 1) to support the proposed Mountain View Phase 2 project (a Special Development District). It was clear to me from the onset when I purchased my unit (Unit #305), it was recorded on the title that there would be a phase 2 project built on top of the existing garage.

I am supportive of the project, the proposed building is well designed, high quality and fits nicely with the site.

I encourage you to approve this project.
Sincerely.

Adrian Fernandez (Owner unit 305)

Mary Anne Redmond

From: Brooke Thompson
Sent: Saturday, March 11, 2017 8:37 AM
To: Mary Anne Redmond
Subject: Fwd: Announcing VMVR Phase II

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From: [REDACTED]
Sent: Saturday, March 11, 2017 7:49 AM
Subject: Re: Announcing VMVR Phase II
To: Ron Byrne <ron@ronbyrne.com>

Mark Kaplan

Very nice, just back in Vail as of last night, good luck to you

Sent from my iPad

On Mar 10, 2017, at 4:49 PM, Ron Byrne <ron@ronbyrne.com> wrote:

Dear Mark & Linda,

I hope you've had the opportunity to come to Vail this winter as it has been a fabulous season. I wanted to let you know that we are currently in the planning stage of the development of Vail Mountain View Residences Phase II.

When we originally purchased the land that Vail Mountain View Residences Phase I sits on, it was always intended to be a part of a multi-phase project. The parking garage which is located to the north of your building was designed specifically for that purpose. It currently has the infrastructure to accommodate a new building above it, which was originally designed in 2007. After the downturn in the economy, the development was put on hold and we have redesigned it this year. Since the foundation already exists, this new phase can be built very quickly and with minimal impact to you.

We take a great deal of pride in Vail Mountain View Residences Phase I. In my opinion, it is one of the best projects in Vail in terms of luxury, privacy and exclusivity. We plan to develop Phase II in the same manner.

The new building will be located over the north garage and will act as a large buffer for noise coming from I-70 and the Frontage Road. It will have no impact of your views towards the ski slopes or Gore Creek. The new building has been designed to have no common areas with your building. The first and second floors will be comprised of 20 hotel suites which are across from your 3rd & 4th floors. I believe this will be a great benefit to you should you ever need any additional space for your guests. Each suite will include a small kitchenette, master bath with double vanities and will be graciously decorated. On the north side of the building, which is out of view to you, we will have a few high-end employee housing units. All developments in Vail now require employee housing, and our goal is to build extremely high-end housing units that will cater to working professionals. On the 3rd and 4th floors of the new building, we will have 12 new luxury residences which will be a combination of two, three and four-bedroom penthouse units. These units will be almost identical to Phase I in terms of layout and design.

My partner in this endeavor is developer Peter Carlson out of Minnesota. He has extensive development experience and I have known him for over 30 years, purchasing a home from his father on Forest Road twenty years ago. Peter brings great knowledge of construction and development to the project and I think he is a great asset.

Every aspect of this development, as well as the continued operation of Vail Mountain View Residences Phase I, is incredibly important to us. There will be no use of the current pool and hot tub area of Phase I by Phase II. The parking is designed with the upper garage (north door) being used for hotel suites and employee housing units with only the 12 luxury condominiums using the lower portions of the garage.

Mary Anne Redmond, the Association President, has done an excellent job ensuring that the building is kept in excellent shape. We are very proud that the building consistently operates within its budgets, and has in fact built up a substantial reserve. Please feel free to contact myself or Mary Anne if you would like more details on Phase II. We will continue to keep you informed as phase II progresses.

Warmest personal regards,
Ron

Ron Byrne, President & CEO
Ron Byrne & Associates Real Estate
285 Bridge Street | Vail CO 81657
970-476-1987 office
970-331-8500 cell
www.ronbyrne.com
[Ron Byrne & Associates 2016 Luxury Property Collection](#)

Mary Anne Redmond

From: Brooke Thompson
Sent: Sunday, March 12, 2017 12:20 PM
To: Mary Anne Redmond
Subject: Fwd: Announcing VMVR Phase II

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From: Dave Keller <[REDACTED]>
Sent: Sunday, March 12, 2017 11:43 AM
Subject: FW: Announcing VMVR Phase II
To: Ron Byrne <ron@ronbyrne.com>

Ron,

Pam and I are excited about this news and wish you continued success.

Best regards,

Dave and Pam

David A. Keller
President

Keller Homes, Inc.
Built to Last | Since 1983
536 Chapel Hills Drive, Ste 150 Colorado Springs, CO 80920
Office 719.528.6977

kellerhomes.com
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From: Dave Keller
Sent: Saturday, March 11, 2017 10:48 AM
To: Dave Keller
Subject: Fwd: Announcing VMVR Phase II

Sent from my iPad

Begin forwarded message:

From: Ron Byrne <ron@ronbyrne.com>

Date: March 10, 2017 at 3:45:48 PM MST

To: [REDACTED]

Subject: Announcing VMVR Phase II

Dear Dave & Pam,

I hope you've had the opportunity to come to Vail this winter as it has been a fabulous season. I wanted to let you know that we are currently in the planning stage of the development of Vail Mountain View Residences Phase II.

When we originally purchased the land that Vail Mountain View Residences Phase I sits on, it was always intended to be a part of a multi-phase project. The parking garage which is located to the north of your building was designed specifically for that purpose. It currently has the infrastructure to accommodate a new building above it, which was originally designed in 2007. After the downturn in the economy, the development was put on hold and we have redesigned it this year. Since the foundation already exists, this new phase can be built very quickly and with minimal impact to you.

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Warmest personal regards,
Ron

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Mary Anne Redmond

From: Teresa Thomas
Sent: Monday, March 13, 2017 8:58 AM
To: Mary Anne Redmond
Subject: FW: Announcing VMVR Phase II

From: Pamela Keller [REDACTED]
Sent: Sunday, March 12, 2017 1:43 PM
To: Ron Byrne
Subject: RE: Announcing VMVR Phase II

Ron,

This is very exciting news. So glad that you are able to start this next project. It seems like your timing will be excellent.

On another matter, would you happen to know a good finish carpenter? We would like to do a small remodel and the one we used last has sadly retired.

Best always,

Pam

Pam Keller
Executive Vice President | Sales and Marketing

Keller Homes, Inc.
Built to Last | Since 1983
536 Chapel Hills Drive, Ste 150 | Colorado Springs, CO 80920
Office: 719.528.6977

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From: Ron Byrne [<mailto:ron@ronbyrne.com>]
Sent: Friday, March 10, 2017 3:46 PM
To: Pamela Keller; Dave Keller
Subject: Announcing VMVR Phase II

Dear Dave & Pam,

I hope you've had the opportunity to come to Vail this winter as it has been a fabulous season. I wanted to let you know that we are currently in the planning stage of the development of Vail Mountain View Residences Phase II.

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Ron

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Mary Anne Redmond

From: Teresa Thomas
Sent: Monday, March 13, 2017 9:24 AM
To: Mary Anne Redmond
Subject: FW: Announcing VMVR Phase II

From: Adrian Fernandez [REDACTED]
Sent: Monday, March 13, 2017 9:06 AM
To: Ron Byrne
Subject: Re: Announcing VMVR Phase II

Thank you Ron for the Update, we will be coming on the summer.

On Mar 10, 2017, at 6:48 PM, Ron Byrne <ron@ronbyrne.com> wrote:

Dear Adrian,

I hope you've had the opportunity to come to Vail this winter as it has been a fabulous season. I wanted to let you know that we are currently in the planning stage of the development of Vail Mountain View Residences Phase II.

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Warmest personal regards,
Ron

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July 28, 2017

Mayor Dave Chapin,

Members of the Vail Town Council

I would like to take this opportunity share with you my support of the proposed Vail View Mountain Residences Phase II.

As all of you know one of Vail's original employee housing projects Apollo Park was build across the same site as this new proposed project. In its day this was a place that employees from many different employers could reside and be with in the Town of Vail. Now as then employee housing and parking were challenging.

This project would bring affordable employee housing back into Vail Village. These would be long term rental units that employees who work in our local businesses, keeping our guest happy and supporting the infrastructure that made Vail what it is today. Not deed restricted housing but affordable rental units for those who are working on the front lines of Vail.

In 1967 my family came to Vail for the first time. After that my skiing career brought me back to Vail many times each year. Then in 1974 I was able to make Vail my home. In that year I met the Seibert family and Mr. Pete Seibert. I was lucky enough to hear his vision as to how Vail was to become successful.

In his vision he saw a place that guests and employees shared many of the same experiences on the slopes and off. This led to a stronger sense of inclusion in the "Vail Experience" which enhanced a vision of sharing our community with the world.

I hope you can support this project in its effort to combine employee housing with the modern development that Vail needs. It's only a small number in the needs of our employees but it is a start.

Sincerely,

Tom Talbot

From: Ashley Garton [<mailto:Ashley@goodmanwallace.com>]

Sent: Monday, July 31, 2017 6:25 PM

To: Kendra Carberry

Cc: Kerry Wallace

Subject: Vail Mountain View Residences on Gore Creek - Objection to the SDD Application

Dear Ms. Carberry,

This office has been retained by a coalition of owners at Vail Mountain View Residences on the Gore Creek. We are currently preparing an objection to the SDD Application filed by Lunar Vail, LLC [Item No. 6 on the August 1, 2017 Agenda]. We believe there are a number of serious issues regarding the alleged "Written Approval Letter" by the Association as referenced in your July 18, 2017 correspondence. We would respectfully request that the Town of Vail table the issue to allow the Association and its owners to address the matter amongst themselves.

A brief summary of the issues we believe exist are as follows:

1. Because Declarant control expired in 2010 Ms. Redmond, who is appointed by the Declarant, did not have the authority to sign the Joint Property Owner Written Approval Letter on behalf of the Association.
2. The Town Code requires that the consent of such Agent or Authorized Representative be given only after compliance with applicable provisions of the Declaration. There has been a complete lack of transparency in the provision of information and notice to Association Members.
3. In addition to the two foregoing points the coalition of Unit Owners objects to multiple criteria required to be demonstrated by the applicant per the Town Code.

Additionally, in your July 18, 2017 correspondence you refer to an attached explanation provided by the applicant's counsel as to the Written Approval Letter; however said explanation is not attached. Could you please provide the alleged explanation, it would be greatly appreciated?

Again, we respectfully request the Town consider tabling the matter to allow the Unit Owners to have a meaningful dialogue with the applicant. We realize this request comes on short notice; however, out of respect for the time constraints on the August 1st Agenda we feel that 90 minutes may be an insufficient amount of time to address the Unit Owners' concerns.

As mentioned above, we are currently working on a detailed objection which you will have in hand tomorrow and which we will be discussing with the HOA. If possible, would you have time tomorrow for a phone call with attorney Kerry Wallace to further discuss this matter?

We hope to work cooperatively with the Town of Vail to address this matter in an efficient manner.

Thank you,

Ashley Garton

Ashley@goodmanwallace.com

GOODMAN AND WALLACE P.C.

The Peak in Valley Law

www.GoodmanWallace.com

Vail Office

105 Edwards Village Blvd
Suite D-201
P.O. Box 1886
Edwards, CO 81632
*please reply to this address
Telephone 970.926.4447
Facsimile 970.926.5009

Aspen Office

Telephone 970.925.2050

PRIVILEGE AND CONFIDENTIALITY NOTICE:

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May 17, 2017

Town of Vail
Department of Community Development
75 South Frontage Road
Vail, Colorado 81657
Attention: Mr. Jonathan Spence

Re: Vail Mountain View Residences Phase II

Dear Mr. Spence:

Holland & Hart LLP represents Gore Creek Group LLC, the applicant for the pending land use application for the expansion and development of the existing commercial units in the Vail Mountain View Residences on Gore Creek condominium project (the "Project"). The pending land use application seeks approval for the construction of a second phase ("Vail Mountain View Residences Phase II") consisting of a new mixed-use residential and commercial building in the area above the Project's existing parking garage.

I am writing to you in reference to a recent question raised relative to the involvement of Vail Mountain View Residences on Gore Creek Owner's Association (the "Association") as well as the existing residential condominium unit owners whose condominium units are located in the first phase ("Phase I") of Vail Mountain View Residences on Gore Creek.

Under the Project's governing documents, the development of Vail Mountain View Residences Phase II with a new building was specifically contemplated, and the right to develop Vail Mountain View Phase II was expressly reserved by the Project's Declarant, Lunar Vail LLC. In this regard, under Article 15 of the Project's Condominium Declaration (the "Declaration"), the separate consent of the existing residential unit owners in Phase I of the Project is not required for this expansion and development. Also, a separate Notice Regarding Disclosures (the "Notice") in reference to these matters was also recorded. Lunar Vail LLC has expressly authorized Gore Creek Group LLC to submit and pursue this land use application, as has the Association. Based on the foregoing, we deem consent of the owners in Phase I as being already given, and in existence. As such, the application complies with the submittal requirements of Section 12-9A-3 of the Town of Vail Municipal Code. Letters from the Project's Declarant as well as from the Association confirming these arrangements are included in the land use application materials. A copy of the Notice, recorded April 4, 2009 under Reception No. 200906994, along with Article 15 of the Declaration are enclosed with this letter.

Mr. Jonathan Spence,
May 17, 2017
Page 2

The land use application contemplates the inclusion of the Project in a proposed special improvement district (the "SDD") which will include both Phase I and Phase II of the Project. All the uses and dimensional requirements included in land use application as well as the proposed SDD were specifically contemplated in the Declaration and the Notice, and all residential unit owners in Phase I of the Project took title to their condominium units subject to these reserved expansion rights, so no separate or additional consents or approvals are needed from the residential unit owners in Phase I.

In summary, while Gore Creek Group LLC, has full legal authority under the Project's governing documents to submit and pursue the pending land use application, Gore Creek Group LLC nevertheless obtained the Association's acknowledgement of these rights as part of its submission of the application. The Gore Creek Group LLC is keeping the Association as well as the individual unit owners in Phase I informed as the application proceeds with the Town of Vail.

Sincerely,



Thomas J. Todd
of Holland & Hart LLP

TJT
Enclosures



After Recording Return to:

Ron Byrne Associates
285 Bridge St., 2nd floor
Vail, CO 81657

4/21-

NOTICE REGARDING DISCLOSURES

This Notice Regarding Disclosures is made and given this 3rd day of March, 2009 by Lunar Vail, LLC, a Colorado limited liability company (the "Declarant").

Declarant is the owner of the Commercial Unit as defined in and created pursuant to that certain Condominium Declaration for the Vail Mountain View Residences on Gore Creek as recorded in the records of Eagle County, Colorado on December 5, 2008 at Reception No. 200825629 (the "Declaration") and that certain Condominium Plat recorded in the records of Eagle County, Colorado on December 5, 2008 at Reception No. 200825628 (the "Map"). Capitalized terms used but undefined herein have the meanings given them in the Declaration.

Declarant has certain Reserved Declarant Rights as described in the Declaration and Map which include, without limitation the right to build a new building on the Unbounded Portion of the Condominium Unit. If permitted by Applicable Law, such a new building at the Project could include retail space and/or space sold as part of a fractional or interval interest regime.

Declarant is recording this Notice against the Commercial Unit as a reminder for all potential buyers of Units at the Project to review the Declaration and, in particular, to understand the Reserved Declarant Rights. In addition, in order to ensure that Owners acquiring title to Units other than through an initial Deed from Declarant have the benefit of the same knowledge as the initial purchasers from Declarant, the Declarant is including the following disclosures from its own sales contracts in this Notice:

Mountain Activities. The Project is located in an area with skiing facilities and other all-season recreational areas (the "Mountain Recreational Areas"). The Mountain Recreational Areas are expected to generate an unpredictable amount of visible, audible and odorous impacts and disturbances from activities relating to the construction, operation, use and maintenance of the



V-WF

Mountain Recreational Areas (the "**Mountain Activities**"). The Mountain Activities include, without limitation: (i) movement and operation of passenger vehicles (including, without limitation, buses, vans, and other vehicles transporting passengers over adjacent streets and over, around and through the Mountain Recreational Areas), commercial vehicles, and construction vehicles and equipment; (ii) activities relating to the construction, operation and maintenance of roads, trails, ski trails, skiways and other facilities relating to the Mountain Recreational Areas (including, without limitation, tree cutting and clearing, grading and earth moving and other construction activities, construction, operation and maintenance of access roads, snow-making equipment, chairlifts, gondolas, busses or other transportation systems, operation of vehicles and equipment relating to trash removal, snow removal, snow grooming, and over-the-snow or over-the-terrain transportation purposes, and operation of safety and supervision vehicles); (iii) activities relating to the use of the Mountain Recreational Areas (including, without limitation, skiing, snow-boarding, ski-patrol activities, and other over-the-snow activities, hiking, horseback riding, bicycling and other recreational activities); (iv) ski racing and organized events and competitions relating to the activities described in clause (iii) above; (v) concerts, fireworks displays, and other performances and special events; (vi) restaurants, clubs, restrooms and other public use facilities; (vii) public access to adjacent U.S. Forest Service lands; (viii) public parking facilities and the traffic related thereto; (ix) and other activities permitted by law. The Mountain Activities may occur 365 days a year, during daytime and nighttime. The Project is located in a geologically sensitive area that may be subject to rock slides.

Construction Activities. The Unit is located in an area that is subject to or near ongoing construction activities (collectively, the "**Construction Activities**"). The Construction Activities are expected to generate an unpredictable amount of visible, audible and odorous impacts and disturbances. The Construction Activities may include, without limitation: (i) construction traffic (including, without limitation, construction vehicles, equipment and vehicles used or owned by Seller, adjacent landowners, and the employees, agents and contractors of either of them); and (ii) construction activities (including, without limitation, grading, excavation, clearing, site work and construction of indoor and outdoor improvements) relating to the Project, nearby properties, or the Mountain Recreational Areas.

Commercial Activities. A variety of commercial activities may or will be conducted on, or in the area near, the Project (the "**Commercial Activities**"). The Commercial Activities are expected to generate an unpredictable amount of visible, audible and odorous impacts and disturbances. The Commercial Activities may (but will not necessarily) include, without limitation: (i) operation

of full-service hotel(s) and health spa(s) with associated swimming pool(s), other outdoor recreational facilities and parking facilities; (ii) meetings, conferences, banquets and other group events; (iii) sales and rentals of clothing, skis, ski-related equipment, other over-the-snow equipment, bicycles, and other recreational equipment; (iv) sales of tickets for chairlifts, gondolas, other transportation systems, and other activities and events conducted on the Mountain Recreational Areas; (v) indoor and outdoor restaurant and bar operations (including, without limitation, the sale of food and alcoholic and non-alcoholic beverages for consumption on and immediately adjacent to the Project and at other locations) and preparation of hot and cold food (through the use of barbecue grills, fire pits and other smoke and/or odor producing means) and beverages at indoor and outdoor facilities on and immediately adjacent to the Project; (vi) sales of services relating to skiing, other over-the-snow activities, and other recreational activities (including, without limitation, tuning, waxing, repairing, mounting of bindings on, renting, storing and transporting skis, snowboards and similar equipment, ski schools and other forms of individual and group lessons, tours and excursions); (vii) vehicle passenger drop-off and pick-up, locker room, changing room, rest room and lounge purposes in designated areas, and short-term clothing and equipment storage; (viii) parking activities (including, without limitation, activities relating to valet parking or parking relating to adjacent properties); (ix) the installation, operation and maintenance of illuminated and non-illuminated signage; (x) concerts and other outdoor and indoor entertainment, performances and special events, including, without limitation, Oktoberfest and similar festivals, and art fairs; and (xi) any other uses or activities permitted by law. The Commercial Activities may occur 365 days a year, during daytime and nighttime.

No View Easement. There is no easement or other right, express or implied, for the benefit of any Owner or Unit for light, view or air.

Other Properties. Other properties are located adjacent to and nearby the Project (the "**Other Properties**") and the Other Properties may be developed or redeveloped by Declarant or other parties pursuant to the land uses permitted by the Town's zoning resolutions and other codes and ordinances.

Executed as of the date first written above.

LUNAR VAIL, LLC, a Colorado limited liability
company

By: R. Byrne

Name: RON BYRNE

Title: Mgr Lunar Vail LLC

STATE OF COLORADO)

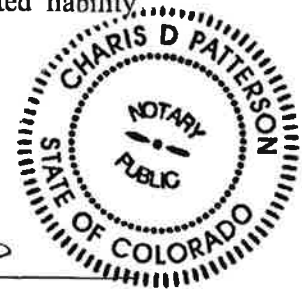
COUNTY OF Eagle)

ss.

The foregoing instrument was acknowledged before me this 31st day of
March, 2009 by Ronald J. Byrne, as
Manager of Lunar Vail, LLC, a Colorado limited liability
company.

Witness my hand and official seal.

Charis D Patterson
NOTARY PUBLIC



My Commission Expires: 03/03/2012

~~Rights without the prior written consent of Declarant. In the event an Owner, a Class, or the Association takes any such action, or is the losing party in any proceeding related to such action, then (in addition to all other remedies of Declarant) such Owner, such Class, or the Association shall be responsible for Declarant's costs, including reasonable attorneys' fees, and shall also be responsible for any and all consequential damages, including damages as the result of any delay, related to such action.~~

~~Section 14.5. Rights Transferable. Any Special Declarant Rights or Additional Reserved Right created or reserved under this ARTICLE 14 for the benefit of Declarant may be transferred to any Person by an instrument expressly describing the rights transferred and recorded in the Records. Such instrument shall be executed by the transferor Declarant and the transferee.~~

ARTICLE 15 RESERVATION OF DEVELOPMENT RIGHTS

Section 15.1. Expansion Rights. Declarant expressly reserves the right to subject all or any part of the Real Estate described in Exhibit D attached hereto and hereby incorporated by reference (the "Expansion Property") to the provisions of this Declaration upon the substantial completion of Improvements on the Expansion Property. The consent of the existing Owners, First Mortgagees or other holders of Security Interests shall not be required for any such expansion, and Declarant may proceed with such expansion without limitation at its sole option. In addition, Declarant also expressly reserves the right to add unspecified Real Estate to the Project as allowed by the Act.

Section 15.2. Development and Withdrawal Rights. Declarant expressly reserves the right to create Units and/or Common Elements (expressly including Limited Common Elements), to combine Units, to subdivide Units, to convert Units into Common Elements (expressly including Limited Common Elements), to convert Common Elements into Units, to allocate Common Elements as Limited Common Elements and to allocate Real Estate as Limited Common Elements on all or any portion of the Real Estate reserved for future development in this Declaration or pursuant to the Map, expressly and specifically including, without limitation, any Commercial Unit (expressly including, without limitation, any part of the same that is not within the Bounded Portion), any Residential Unit owned by Declarant, and the Expansion Property. Any improvements created, constructed or installed pursuant to the previous sentence may be referred to herein as "Additional Improvements." Without limiting the generality of the foregoing, Declarant expressly reserves the right (a) to subject Units owned by Declarant, or other portions of the Project that are subject to Development Rights, to a plan of fractional or vacation ownership; (b) to convert all or a portion of any Commercial Unit into Residential Units and/or to create new Residential Units, which may be of a different type than and/or may form a different Class than the Residential Units existing as of the date hereof; (c) to subdivide, combine, or relocate boundaries between any Units owned by Declarant and any adjacent Limited Common Elements appurtenant thereto, including the addition, removal or relocation of any Common Elements therein, provided the same does not impair the structural soundness of or the operation of building systems in such Common Elements; (d) to subdivide any Commercial Unit within the parking garage into individual parking units (which parking units would be deemed to be Commercial Units hereunder), and/or (e) to subject any Commercial Unit that is all or part of a parking garage to a club, membership, or similar program through which owners or members thereof, which may or may not be Owners, are granted a right to use and access certain Common Elements. In the event that Declarant exercises any Reserved

Declarant Rights in a manner that causes the creation of Units which are to be used or restricted*as employee housing units pursuant to the ordinances or regulations of the Town of Vail, then Declarant may elect to designate such employee housing units as either Commercial Units or Residential Units, and in either case the employee housing units may be excluded from certain Limited Common Elements appurtenant to other Units in the relevant Class (and from payment of the costs associated therewith) and/or from voting on certain Class issues otherwise associated with the relevant Class, all as determined and designated by Declarant. Declarant may exercise any or all of the Development Rights so reserved at any time within the period described in Section 15.9 with respect to all or any of the Real Estate identified as subject to Development Rights in the Declaration or pursuant to the Map. No assurances are made with respect to the boundaries of any parcels that may be developed or the order in which the parcels may be developed. Exercise of a Development Right with respect to any one parcel does not require exercise of a Development Right on any other parcel of Real Estate subject to Development Rights. No assurances are made that any further development will occur. If all or any part of the Expansion Property is submitted to this Declaration, this right to reserve property for future development shall apply to such property as well. Declarant expressly reserves the right to withdraw all or any portion of the Property that is designated as subject to withdrawal in this Declaration from the Project by recording a document evidencing such withdrawal in the Records. The Commercial Unit, or any portion(s) thereof retained by Declarant after any subdivision thereof, is hereby designated as being subject to withdrawal rights. The Real Estate withdrawn from the Project shall be subject to whatever easements, if any, are reasonably necessary for access to or operation of the Project. Declarant shall prepare and record in the Records whatever documents are necessary to evidence such easements and shall amend Exhibit C to this Declaration to include reference to the recorded easements. Declarant alone is liable for all expenses in connection with Real Estate subject to Development Rights for as long as the same remains subject to Development Rights.

Section 15.3. Amendment of Declaration. If Declarant elects to submit the Expansion Property, or any part thereof, or Additional Improvements, to this Declaration, or to subdivide or to convert Units or Common Elements, then at such time as a certificate of completion executed by an independent licensed or registered engineer, surveyor, or architect stating that all structural components of the Improvements on the Expansion Property or the Additional Improvements are substantially completed is obtained, Declarant shall record an amendment to this Declaration reallocating the Allocated Interests so that the Allocated Interests appurtenant to each Unit will be apportioned according to the total number of Units submitted to this Declaration. The Allocated Interests apportioned to each Unit in the Project shall be based on the formulae set forth in Section 4.2. Mere subdivision of a Unit shall not change the Allocated Interests of any Unit not included in such subdivision, except as expressly set forth in Section 4.2. The amendment to this Declaration shall contain, at a minimum, the legal description of the Expansion Property, or a part thereof, or a description of the Real Estate on which the Additional Improvements being submitted to this Declaration are located and a revised schedule of the Allocated Interests appurtenant to the Units in the Project.

Section 15.4. Supplement to the Map. Declarant shall, contemporaneously with the amendment of this Declaration, file a supplement to the Map showing the location of the Additional Improvements constructed on the Expansion Property or the construction, combination, subdivision,

conversion or allocation of Units or Common Elements allowed by this Article. The supplement to the Map shall substantially conform to the requirements contained in this Declaration.

Section 15.5. Interpretation. Recording of amendments to this Declaration, and supplements to the Map, in the Records shall automatically:

(a) vest in each existing Unit the reallocated Allocated Interests appurtenant to such Unit; and

(b) vest in each existing holder of a Security Interest a perfected Security Interest in the reallocated Allocated Interests appurtenant to the encumbered Unit.

Upon the recording of an amendment to this Declaration, the definitions used in this Declaration shall automatically be extended to encompass and to refer to the Property as expanded. The Expansion Property, or any part thereof, or the Additional Improvements constructed on the Property as expanded shall be added to and become a part of the Project for all purposes. All conveyances of Units after such expansion shall be effective to transfer rights in all Common Elements as expanded, whether or not reference is made to any amendment to this Declaration or supplement to the Map. Reference to this Declaration and Map in any instrument shall be deemed to include all amendments to this Declaration and supplements to the Map without specific reference thereto.

Section 15.6. Maximum Number of Units. The maximum number of Units in the Project shall not exceed 300 Units, or, if allowed by the Act, the maximum number of Units allowed by any governmental entity having jurisdiction over the Property, pursuant to any development plan or approvals for the Property and the Expansion Property. Declarant shall not be obligated to expand the Project beyond the number of Units initially submitted to this Declaration.

Section 15.7. Construction Easement. Declarant reserves an easement through, over and across the Common Elements and Units as may be reasonably necessary for the purpose of discharging Declarant's obligations and exercising Declarant's reserved rights in this Declaration without consent of any party. Such easement includes the right to construct underground utility lines, pipes, wires, ducts, conduits, and other facilities across the Property not designated as reserved for future development in this Declaration or on the Map for the purpose of furnishing utility and other services to buildings and Improvements to be constructed on any of the Property reserved for future development. Declarant's reserved construction easement includes the right to grant easements to public utility companies and to convey improvements within those easements anywhere in the Common Elements not occupied by an Improvement containing Units. If Declarant grants any such easements, Exhibit C to this Declaration will be amended to include reference to the recorded easement.

Section 15.8. Reciprocal Easements. If property is withdrawn from the Project ("Withdrawn Property"):

(a) the owner(s) of the Withdrawn Property shall have whatever easements are necessary or appropriate, if any, for access, utility service, repair, maintenance and emergencies over and across the Project; and

(b) the Owner(s) in the Project shall have whatever easements are necessary or appropriate, if any, for access, utility service, repair, maintenance, and emergencies over and across the Withdrawn Property.

Declarant shall prepare and record in the Records whatever documents are necessary to evidence such easements and shall amend Exhibit C to this Declaration to include reference to the recorded easement(s). Such recorded easement(s) shall specify that the owner(s) of the Expansion Property and the Withdrawn Property and the Owners in the Project shall be obligated to pay a proportionate share of the cost of the operation and maintenance of any easements utilized by either one of them on the other's property upon such reasonable basis as Declarant shall establish in the easement(s). Preparation and recordation by Declarant of an easement pursuant to this Section 15.8 shall conclusively determine the existence, location and extent of the reciprocal easements that are necessary or desirable as contemplated by this Section 15.8.

Section 15.9. Termination of Development Rights. The Development Rights reserved to Declarant, for itself, its successors and assigns, shall expire thirty (30) years after the date of recording this Declaration in the Records, unless the Development Rights are reinstated or extended by the Association as provided in the Act, subject to whatever terms, conditions, and limitations the Board of Directors may impose on the subsequent exercise of Development Rights by Declarant. Declarant may at any time release and relinquish some or all of the Development Rights with respect to all or any part of the Real Estate subject to such rights by instrument executed by Declarant and effective when recorded in the Records. Upon the expiration or other termination of the Development Rights, any Real Estate then subject to such rights shall become Common Elements or Units, as applicable.

Section 15.10. Interference With Development Rights. Neither the Association nor any Owner nor any Class may take any action or adopt any rule or regulation that will interfere with or diminish any Development Rights reserved by this ARTICLE 15 without the prior written consent of Declarant. In the event an Owner, a Class or the Association takes any such action, or is the losing party in any proceeding related to such action, then (in addition to all other remedies of Declarant) such Owner, such Class, or the Association shall be responsible for Declarant's costs, including reasonable attorneys' fees, and shall also be responsible for any and all consequential damages, including damages as the result of any delay, related to such action.

Section 15.11. Transfer of Development Rights. Any Development Rights created or reserved under this ARTICLE 15 for the benefit of Declarant may be transferred, in whole or in part to any Person by an instrument expressly describing the rights transferred and recorded in the Records. Such instrument shall be executed by the transferor Declarant and the transferee.

~~ARTICLE 16 - INSURANCE~~

~~Section 16.1. Coverage. Commencing not later than the first conveyance of a Unit to a purchaser and to the extent reasonably available, the Association shall obtain and maintain insurance coverage as set forth in this Article. The Association shall have the power and authority to obtain additional policies or coverages not specified herein in the Board's discretion. If such insurance is not reasonably available, or if any policy of such insurance is canceled or not renewed without a~~



FOSTER GRAHAM MILSTEIN & CALISHER, LLP
ATTORNEYS AT LAW

360 South Garfield Street
6th Floor Denver, CO 80209
T 303-333-9810 F 303-333-9786

DENVER – BOULDER
fostergraham.com

July 31, 2017

Vail Town Council
Town of Vail
75 South Frontage Road
Vail, Colorado 81657

Via Hand-Delivery

Re: Ordinance No. 9, Series of 2017; First Reading, Proposed Ordinance Establishing Special Development District No. 42 (Vail Mountain View Residences).

Dear Council Members:

This firm represents the Tyrolean Condominium Association (“Tyrolean”) in the above-referenced matter (the “Proposal”). The Proposal is set for a first reading and public hearing on August 1, 2017. Tyrolean objects to the Proposal as it does not comply with the applicable review criteria. As such, Tyrolean requests that the Proposal be denied.

Unfortunately, the undersigned counsel will be out of the country on August 1, and the Property Manager for Tyrolean will also be unavailable. Further, Tyrolean has submitted requests for documents pursuant to the Colorado Open Records Act, C.R.S. § 24-72-201, *et seq.*, and has been advised that the Town of Vail needs additional time to comply with the request. The documents Tyrolean has requested are relevant to its opposition to the Proposal.

Through the Town of Vail’s counsel, Kendra Carberry, I have been advised that a second public hearing will take place at the second reading of the Proposal, at which time Tyrolean will be afforded an opportunity to present its opposition to the Proposal. We look forward to the opportunity to address you at that time.

Ms. Carberry has graciously agreed to submit this letter for the record at the hearing on August 1st.

Sincerely,

FOSTER GRAHAM MILSTEIN &
CALISHER, LLP

A handwritten signature in black ink, appearing to read 'David Wm. Foster', is written over a horizontal line.

David Wm. Foster

Mayor Chapin, Mr. Mire, and Members of the Commission

July 31, 2017

Page 2

cc: Ms. Wendy Weigler

Mr. Herb Tobin

Mr. Tom Saalfeld

Mayor and Town Council



241 South Frontage Road East, Suite 2
Vail, Colorado, 81657
970-477-0075
www.vailchamber.org

July 7, 2017

Town of Vail
Town Council
75 S. Frontage Road
Vail, CO 81657

Dear PEC & Town Council Members:

Members of the Vail Chamber and Business Association board of directors attended a presentation by Mauriello Planning Group of the Mountain View Residences Phase II project proposed for the east end of Vail Village. We are writing to voice our support for this project for the following reasons:

1. We are in favor of the proposed deed-restricted, workforce housing apartments, especially their livability, their location in Vail Village on the in-town bus route, and the fact that they also include dedicated parking.
2. We believe the hotel rooms and lock-off units, as well as the potential for short term condominium rentals, will bring added vitality to the east end of Vail Village, in addition to generating additional sales tax revenue.
3. We feel the proposed height and mass of the building is appropriate for its location on the South Frontage Road.

On behalf of our board of directors, I urge you to consider the public benefits of this project as it moves through the town of Vail approval process. A timely yes vote will ensure that efforts to address the workforce housing crisis in Vail continue to move forward.

Respectfully,

Alison Wadey
Executive Director
Vail Chamber and Business Association

From: dwc1946@aol.com [<mailto:dwc1946@aol.com>]

Sent: Wednesday, August 09, 2017 10:35 AM

To: Council Dist List; Info

Subject: Vail Mountain View Phase II

Dear Mr. Mayor and Town Council Members,

My name is David Cross and I own a home at [126 Forest Road](#). Previously my wife and I owned a condominium at the Tyrolean for approximately five years prior to moving to Forest Road. As a result, we are long term Vail residents with a vested interest in the orderly and beneficial development within our community.

I'm writing in SUPPORT of the Vail Mountain View Phase II Development Project. I believe I have first hand insight as to the benefits this project will provide for the project site, surrounding areas, and for our community.

PROJECT SITE..... I was advised prior to purchasing our Tyrolean unit of the potential future development of the Vail Mountain View Phase II site, as were the people to whom we sold. Assuming the quality of the complex design, construction, landscaping, and property management are equal to the Vail Mountain View Phase I site, the proposed project will be an major upgrade to the existing property. The renderings of the proposed project are very attractive and will bring vitality to the area. I understand Ron Byrne will be the project manager and will have an economic interest in the project which will provide the same incentive to him to do a great job, as did the Vail Mountain View Phase I project. That project turned out to be very successful for both the area and community. The proposed project will also help buffer the Highway noise which is a common complaint of residents at both the Tyrolean and the Vail Mountain View Phase I complex.

SURROUNDING AREAS..... this side of town is showing its age and this project will upgrade the area and increase property values and the tax base.

COMMUNITY BENEFITS..... this project will provide much needed employee housing in an area of town where these resources are scarce. Additionally, where else in the Village area can we increase affordable hotel bed capacity which is currently underserved? The financial impact to our community is obvious, the increased tax revenues will go a long way to underwriting the cost of other much needed community services.

I would be there in person to present my views but I will be out of town at the next scheduled Town Council Meeting which will discuss the Vail Mountain View Phase II Project.

I'd be most appreciative if this letter would be given due consideration for the approval of the Vail Mountain View Phase II project.

Thank you,
David Cross

Sent from my iPhone



Dan & Carol Wolfe

612.581.5373 dan.wolfdog@gmail.com cfreywolfe@gmail.com 6520 Indian Hills Road, Edina, MN 55439

August 9, 2017

Town of Vail Council

Mr. Jonathan Spence
Town of Vail - Planning Department

Tammy Nagel
Town of Vail - Clerk

RE: Objection by Owner at Vail Mountain View Residences on Gore Creek, Inc. (VMVR) to the Pending Application for Special Development District No. 42.

Dear Town of Vail Council Members:

My wife Carol and I are the owners of #303 in Vail Mountain View Residences. We have been coming to Vail for over 30 years. When we decided to buy in Vail, we explored many options including the Arabelle, Solaris and others. We chose VMVR because of the neighborhood, the less dense feeling and proximity to the creek, as well as the knowledge that there would not be additional development east of The Wren, due to the park.

We are not anti-development and we are not anti-employee housing. We are for thoughtful development. We bought in Phase I of the VMVR project knowing that a second building would be built. That having been said, we were told at the time that Phase II would not be taller than our building. The current proposal is almost 22 ft higher than code allows. We were also told that the building would be built on the additional existing parking structure, using it as the foundation, not cantilevered out over the existing driveway, exceeding the setback to the east. As you know, these are two of the five variations requested in the SDD.

You are aware that there are a number of owners in Phase I of VMVR who are contesting the validity of the VMVR Board approval of the SDD, there has also been a lack of transparency, time and ability to have input in the process. At the last council meeting, the City Attorney opined that he felt this dispute was not within the jurisdiction of the City Council, but that it is an issue between the owners and the Board. I disagree, but in any case the fact that there is a dispute, now known by the council, cannot be ignored as part of

the process. At a minimum there should be more time given to address what we, as owners of Phase I, feel is an improper authorization.

As far as the SDD goes, the first Criterion for Review is Compatibility. This has to do with neighborhood and environment . We think that we have a very unique neighborhood, bounded by Gore Creek to the south, the frontage road and highway on the north, Ford Park on the east and Vail Valley Drive on the west. There is one single family home, the Tyrolean, VMVR, Apollo Park and The Wren. We are at least a quarter of a mile from Solaris and don't consider VMVR part of that neighborhood. If the SDD is approved, Phase II at VMVR would be the tallest building east of Solaris.

One argument given by the developer has to do with the City approving a number of other taller buildings along the frontage road, i.e.) Solaris, the Four Seasons, etc. They argue since other major projects have been allowed to build above the 48 ft code, that in essence, taller buildings along the frontage road are now the norm. If that's true, the code should be changed to reflect that new norm. That way those who purchase property in the area will know what to expect if there is further development on the frontage road, and you could eliminate SDD's related to the 48 ft height restriction.

On the other hand, 48 ft is the current code and the council has to take that into consideration with this SDD. I understand that the developer is obligated to try to push the envelope as much as possible in order to maximize return on investment. That does not mean that the city/council is not obligated to take a hard look at Compatibility. The developer has added the incentive of 7 more EHU's than are required. I understand this is a very attractive offer, since creating EHU's is a priority in the city's master plan. I would actually prefer more EHU's and no hotel rooms, to be honest. However, there needs to be some balance of the neighborhood, height, mass and density of buildings and the benefits.

In the developer's presentation, at the last meeting, there was a slide with the following points:

- 1) "Compatibility should not only consider existing buildings but future conditions."
- 2) That, "Compatibility does not mean "consistency" or being "same" or even reflecting similar character."

THOUGHTS

REGARDING #1

The developer said in that same slide that this will "set a new standard for the neighborhood." The presenter again mentioned this in his concluding remarks, stating that perhaps this plan can be used as a template for further development. It is understandable that the developer would like to set the precedent in our neighborhood that is in his/her favor. Any developer at Apollo Park and The Wren, which we know will eventually will be redeveloped, would expect that they would be allowed to develop similar height and density properties if this SSD is approved. We do not wish to set that standard. On the other hand, if in the future you were to deny Apollo Park and The Wren to develop something similar after approving this SDD, you will have created a situation that we will not be happy with either.

REGARDING #2

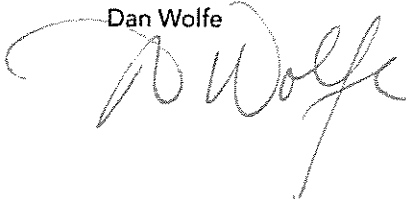
While using the argument that "compatibility does not mean "consistency" or being "same" or even reflecting similar character, the developer turns around and argues that the reason to deviate from the current 48 ft code is that the current plan is consistent with other taller buildings that have recently been built.

The next issue is density. We were told at the time we purchased #303, that Phase II would be a similar condo project. The addition of multiple hotel rooms (34 hotel rooms and lock offs), which only count 1/2 in your calculations, will in reality increase the number of people using the same area beyond what which would be experienced with owned condos only. There would be significantly more coming and going with these units. Even with your counting method, 44.5 units (proposed in Phase II) plus the 24 condos in Phase I, would mean 64.5 units, where 49 originally existed on our site prior to Phase I. The proposed GRFA is 80% greater than allowed. This is not a minor deviation.

Finally, The current Phase II plan has a patio/common area that is literally on top of the wall for the Phase I pool. I wonder about the vetting of the planning commission and the council with regard to sensitivity to the neighborhood.

We respectfully request that the Application for SDD #42 be denied

Dan Wolfe



Carol Wolfe



Town of Vail Council
towncouncil@vailgov.com

Mr. Jonathan Spence
Town of Vail – Planning Department
jspence@vailgov.com

Tammy Nagel – Town of Vail Clerk
tnagel@vailgov.com

Re: Objection by Owner at Vail Mountain Residences on Gore Creek, Inc. (“VMVR”) to the Pending Application for Special Development District No. 42

Dear Town of Vail Council Members:

I own Unit 204 at VMVR which will be part of Special Development District No. 42 (“SDD”) if the Application for SDD No. 42 was approved. I object to the Application as follows:

- 1. Lack of Notice and Failure of the Applicant to meet the requirement under the Town of Vail Code to procure “*written consent of owners of all property to be included in the SDD, or their agents or authorized representatives.*”** No notification of this public process was provided at any time to the Residential Owners at VMVR. The Residential Owners at VMVR have been denied the right to meaningfully address the Application through this public process though our property rights are most impacted by the Application. Mary Anne Redmond, the Applicant’s employee, did not have apparent or actual authority to submit an Approval Letter for the SDD Application as the authorized representative of VMVR. (*See below for more detail*).

2. The SDD removes zoning restrictions at VMVR leading to a significant change in the VMVR community by allowing a much taller and dense building to be constructed which will adversely impact air, light, privacy and the residential feel of VMVR. Phase 2 of VMVR as proposed under the SDD will be a 700 foot tall, high density, mostly transient-occupied building with 34 hotel rooms and lock offs in addition to 22 condos and employee housing units. Phase 2 will be cantilevered over the Phase 1 parking garage entrance blocking access to the parking garage by delivery trucks and taller vehicles. A 2,000 square foot Lobby Deck will overhang the Pool. There has been no proposal provided to date to the Phase 1 Owners on how Phase 2 will interrelate with Phase 1 in terms of assessments, maintenance and use. When I purchased my Unit at VMVR I relied upon zoning restrictions applying to the Declarant's future Development Rights in relation to Phase 2 which Declarant represented to me would be applicable thereby protecting my investment.

My awareness of the SDD Application occurred recently when a fellow Owner saw an article in the Vail Daily and reached out to me and other Owners. There has been no effort to vet the SDD Application through the Phase I Owners and in fact there has been a disturbing lack of transparency about it from the Applicant whom is also the Commercial Owner at VMVR. Most disturbing is that on March 27, 2017 Mary Ann Redmond – employee of the Commercial Owner and Applicant for this SDD – signed an “Approval Form” that was submitted to the Town of Vail

stating that the Association had approved the SDD. This occurred without an Association Meeting or any notification of the Residential Owners at Phase 1. This "Approval Letter" does not meet the Town Code requirements for such approval and the Application should fail as a threshold requirement of the Application has not been met.

As a result of the failure to meet Code and notice requirements, the SDD Application has progressed through the Town of Vail administrative processes without objection or involvement of the Phase 1 Residential Owners despite the great impact the SDD Application will have upon our homes. These actions do not meet the requirements of the Town Code or the spirit of the public process.

I also object to the SDD Application as it fails to meet the 9 Criteria for an SDD as follows:

1. Compatibility: This criteria is not met for the following reasons:

- i. This is small residential project with a parking garage located in an area of the Town of Vail that does not have large buildings around it. The proposed SDD and related plans will allow a taller building than Phase I to overshadow and overpower the Phase I building. This will adversely impact light, air, heat energy created by sun and privacy.

- ii. A hotel facility coupled with Units that can in essence be used as hotel like rooms (i.e. lock offs) creates a high use that is not consistent with the residential area in which the project is located and adversely impacts Phase I and neighboring properties. This high use creates an adverse carbon footprint for a Town that is moving toward Green certification.
- iii. Parking is already a major issue and problem for the Phase I portion of the VMVR. Creating a large, dense additional project subject to use by a large volume of people at the same time will highly exacerbate this problem.
- iv. The Phase II parking garage is proposed to be cantilevered over the current entrance to the Phase I garages making it impossible for trucks and delivery vehicles to even pull into the garage entrance area. A separate loading area is needed for Phase I but is not proposed.
- v. Pedestrian access is compromised.
- vi. A 2,000 square foot “lobby deck” is proposed for Phase II which will overhang the pool area for Phase I. This

creates an incredible invasion of privacy and impact on light and air around this important Phase I amenity. It also creates a life safety hazard as it creates an attractive nuisance for persons to jump off the Phase II Deck and into the Phase I pool.

- vii. Abuse of SDD – It was represented to the Owners of Phase I and said Owners relied upon the scope of the original project and Town zoning restrictions when they purchased Units at Phase I. To allow GRFA, height, use and density restrictions to be simply circumvented by an SDD undermines the entire zoning process or ability of any purchaser of property in the Vail Village to rely upon what may or may not be built around them.

2. **Relationship:** The planned uses, activity or density for Phase II are not compatible with existing Phase I. See above.

3. **Parking and Loading:**

- a. The planned location for the loading zone atop a public walkway is not just atypical, it is unsafe and certain to interfere with surrounding uses and activity.

- b. Parking is already a major issue at VMVR and this will substantially aggravate that issue;
- c. Delivery trucks and tall vehicles will not be able to access the parking garage or even the parking garage entry area;
- d. The design will lead to guests at Phase II to park in the Phase I garage entry area blocking Phase I Owner access. This creates an emergency vehicle access issue as well.
- e. There is no ability to separate the Phase I parking and portions of the Phase II parking leading to major enforcement issues for Phase I on parking abuses and poaching as well as allocation of maintenance responsibilities.

4. Comprehensive Plan:

- a. The deviations from the code associated with the project include: east side setback, building height, density, site coverage, and loading in the front setback. Each of these proposed deviations directly and negatively impacts existing usage and value of the neighboring Phase I development.
- b. The proposed deviations concerning height, density, mass, and bulk must all be weighed against the perceived public benefit of the Application. Public comment offered in support of the

Application during the June 12, 2017 PEC meeting focused exclusively on the addition of Employee Housing Units (“EHUs”). However, the proposed deviations are certain to exceed permissible Gross Residential Floor Area. As the PEC pointed out, such deviations should not be granted strictly based upon provision of EHUs. The benefit of EHUs does not offset the requested deviations and neighboring owners have not been adequately informed of the extent of the proposed bulk and mass are far beyond anything anticipated for the site. Thus, the Application is not compatible with the surrounding area.

5. Natural and/or Geologic Hazard: None known except creation of shadows, cold pockets and lack of air and light to Phase I.

6. Design Features: See above in relation to this criteria not being met.

7. Traffic:

- a. The Application would increase density in relation to the Phase I development and is therefore practically certain to generate additional traffic. In fact, Tom Kassmel of Public Works noted in the June 12, 2017 PEC meeting that proposed uses on the

site *will* generate additional traffic which may have some broader impact on the system

8. **Landscaping:** The landscaping is very limited and artistic license was made in the submitted plans in this regard.

9. **Workable Plan:** There has been no proposal on how Phase II is to integrate with Phase I. The 2 Phases are very different uses, different Common Areas and maintenance responsibilities.

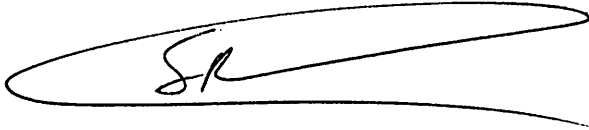
Section 12-9A-8 requires the Town Council to make the following findings with respect to the proposed SDD:

1. That the SDD complies with the nine (9) criteria, unless the applicant can demonstrate that one or more of the standards is not applicable, or that a practical solution consistent with the public interest has been achieved.
2. That 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; and
3. That the SDD is compatible with and suitable to adjacent uses and appropriate for the surrounding areas; and
4. That 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.

I object to a finding by the Town Council that any of the foregoing matters have been established per what I stated above. I respectfully request that the Application be delayed.

Respectfully,

A handwritten signature in black ink, appearing to be 'SR', is enclosed within a large, horizontal, oval-shaped loop.

Scott Herndon

Unit 204

From: [CommDev](#)
To: [Jonathan Spence](#)
Cc: [Chris Neubecker](#)
Subject: FW: Vail Mountain View Residences
Date: Monday, August 14, 2017 7:51:35 AM

-----Original Message-----

From: Michael [<mailto:bigrooty@aol.com>]
Sent: Friday, August 11, 2017 7:37 PM
To: CommDev
Subject: Vail Mountain View Residences

Dear Town of Vail Town Council,

My name is Michael Rootberg, owner of unit #301 in Vail Mountain View Residences.

When I purchased my unit in 2009, I was well aware that there would be a future Phase II Development.

My unit was purchased directly from Ron Byrne, who was a gentleman then and still is now. He has always taken the time to listen to any cares or concerns regarding our building or his proposed future building.

The Phase I building that I am in was well constructed and has been well maintained, resulting in a comfortable place to live, with increasing value. Regarding other projects that Ron has handled, since ours, there have been similar positive results.

Furthermore, I am writing in support of the current VMVR HOA Board of Directors.

The board has always acted in the best interest of the owners, providing timely responses to any issues as well as substantial savings to the owners.

Mary Anne Redmond, Board President, has always acted effectively on behalf of the owners, resulting in an Association that has been run extremely efficiently and at a low cost to owners.

Ron loves this valley deeply and I believe that any project that he's involved with, will be of high quality and create increased values for both Phase I, as well as, Phase II owners.

Therefore, it is my hope that you will recommend the approval of the Vail Mountain View Residences Phase II project.

Sincerely,
Michael Rootberg

Sent from Mike's iPad

Town of Vail Council
towncouncil@vailgov.com

Mr. Jonathan Spence
Town of Vail – Planning Department
jspence@vailgov.com

Tammy Nagel – Town of Vail Clerk
tnagel@vailgov.com

Re: Objection by Owner at Vail Mountain Residences on Gore Creek, Inc.
("VMVR") to the Pending Application for Special Development District No. 42

Dear Town of Vail Council Members:

I own Unit #205 at VMVR which will be part of Special Development District No. 42 ("SDD") if the Application for SDD No. 42 was approved. **I object to the Application** as follows:

1. **Lack of Notice and Failure of the Applicant to meet the requirement under the Town of Vail Code to procure "*written consent of owners of all property to be included in the SDD, or their agents or authorized representatives.*"** No notification of this public process was provided at any time to the Residential Owners at VMVR. The Residential Owners at VMVR have been denied the right to meaningfully address the Application through this public process though our property rights are most impacted by the Application. Mary Anne Redmond, the Applicant's employee, did not have apparent or actual authority to submit an Approval Letter for the SDD Application as the authorized representative of VMVR. (*See below for more detail*).

2. **The SDD removes zoning restrictions at VMVR leading to a significant change in the VMVR community by allowing a much taller and dense building to be constructed which will adversely impact air, light, privacy and the residential feel of VMVR.** Phase 2 of VMVR as proposed under the SDD will be a 700 foot tall, high density, mostly transient-occupied building with 34 hotel rooms and lock offs in addition to 22 condos and employee housing units. Phase 2 will be cantilevered over the Phase 1 parking garage entrance potentially blocking access to the parking garage by delivery trucks and taller vehicles. A 2,000 square foot Lobby Deck will abut and overlook the Phase I Private Pool. There has been no proposal provided to date to the Phase 1 Owners on how Phase 2 will interrelate with Phase 1 in terms of assessments, maintenance and use. **When I purchased my home at VMVR, it was reasonable for me to rely upon zoning restrictions applying to the Declarant's future Development Rights in relation to Phase 2 thereby protecting my investment.**

My awareness of the SDD Application occurred recently when a fellow Owner saw an article in the Vail Daily and reached out to me and other Owners. There has been no effort to vet the SDD Application through the Phase I Owners and in fact there has been a disturbing lack of transparency about it from the Applicant whom is also the Commercial Owner at VMVR. The only correspondence I received about Phase 2 at VMVR from the Applicant was in March 2017 through a letter which merely described Phase 2 Plans, while there was no mention or disclosure of the SDD Application. Most disturbing is that on March 27, 2017 Mary Ann Redmond – employee of the Commercial Owner and Applicant for this SDD – signed an “Approval Form” that was submitted to the

Town of Vail stating that the Association had approved the SDD. This occurred without proper Meeting requirements or any notification of the Residential Owners at Phase 1. This “Approval Letter” does not meet the Town Code requirements for such approval and the Application should fail as a threshold requirement of the Application has not been met.

As a result of the failure to meet Code and notice requirements, the SDD Application has progressed through the Town of Vail administrative processes without objection or involvement of the Phase 1 Residential Owners despite the great impact the SDD Application will have upon our homes. These actions do not meet the requirements of the Town Code or the spirit of the public process.

I also object to the SDD Application as it fails to meet the 9 Criteria for an SDD as follows:

1. **Compatibility:** This criteria is not met for the following reasons:

- i. VMVR is small residential project with an underground parking garage located in an area of the Town of Vail that does not have large buildings around it. The proposed SDD and related plans will allow a taller building than Phase I to overshadow and overpower the Phase I building. This will adversely impact light, air, heat energy created by sun and privacy.

- ii. A hotel facility coupled with Units that can in essence be used as hotel like rooms (i.e. lock offs) creates a high use that is not consistent with the residential area in which the project is located and adversely impacts Phase I and neighboring properties. This high use creates an adverse carbon footprint for a Town that is moving toward Green certification.
- iii. Parking is already a major issue and problem for the Phase I portion of the VMVR. Creating a large, dense additional project subject to use by a large volume of people at the same time could highly exacerbate this problem.
- iv. The Phase II project is proposed to be cantilevered over the current entrance to the Phase I garages making it improbable for trucks and delivery vehicles to pull into the garage entrance area. A separate loading area is needed for Phase I but is not proposed. The cantilevered entrance will change the existing open air aesthetic approach for residents.
- v. Pedestrian access is compromised.
- vi. A 2,000 square foot “lobby deck” is proposed for Phase II which will abut and overlook the pool area for Phase I. This creates an incredible invasion of privacy and impact on light,

air and noise around this important Phase I amenity. It also creates a life safety hazard as it creates an attractive nuisance for persons to consider jumping off the Phase II Deck and into the Phase I pool.

- vii. Abuse of SDD – It was represented to the Owners of Phase I and said Owners relied upon the scope of the original project and Town zoning restrictions when they purchased Units at Phase I. To allow GRFA, height, use and density restrictions to be simply circumvented by an SDD undermines the entire zoning process or ability of any purchaser of property in the Vail Village to rely upon what may or may not be built around them and the protection of their long term value preservation.

2. **Relationship:** The planned uses, activity or density for Phase II are not compatible with existing Phase I. See above.

3. **Parking and Loading:**

- a. The planned location for the loading zone atop a public walkway is not just atypical, it is unsafe and certain to interfere with surrounding uses and activity.
- b. Parking is already a major issue at VMVR and this will substantially aggravate that issue;

- c. Delivery trucks and tall vehicles will not be able to access the parking garage or even the parking garage entry area;
- d. The design will lead to hotel/lock off guests at Phase II to likely park in the Phase I garage entry area at times blocking Phase I Owner access. This creates an emergency vehicle access issue as well.
- e. To the extent Phase II parking will utilize the Phase I garage it can lead to major enforcement issues for Phase I on parking abuses and poaching as well as allocation of maintenance responsibilities.

4. Comprehensive Plan:

- a. The deviations from the code associated with the project include: east side setback, building height, density, site coverage, and loading in the front setback. Each of these proposed deviations directly and negatively impacts existing usage and value of the neighboring Phase I development.
- b. The proposed deviations concerning height, density, mass, and bulk must all be weighed against the perceived public benefit of the Application. Public comment offered in support of the Application during the June 12, 2017 PEC meeting focused exclusively on the addition of Employee Housing Units (“EHUs”). However, the proposed deviations are certain to exceed permissible Gross

Residential Floor Area. As the PEC pointed out, such deviations should not be granted strictly based upon provision of EHUs. The benefit of EHUs does not offset the requested deviations and neighboring owners have not been adequately informed of the extent of the proposed bulk and mass are far beyond anything anticipated for the site when we purchased our units. Thus, the Application is not compatible with the surrounding area.

5. **Natural and/or Geologic Hazard:** None known except creation of shadows, cold pockets and lack of air and light to Phase I.

6. **Design Features:** See above in relation to this criteria not being met.

7. **Traffic:**

- a. The Application would increase density in relation to the Phase I development and is therefore practically certain to generate additional traffic. In fact, Tom Kassmel of Public Works noted in the June 12, 2017 PEC meeting that proposed uses on the site *will* generate additional traffic which may have some broader impact on the system

8. **Landscaping:** The landscaping is very limited and artistic license was made in the submitted plans in this regard.

9. **Workable Plan:** There has been no proposal on how Phase II is to integrate with Phase I. The 2 Phases are very different uses, different Common Areas and maintenance responsibilities.

Section 12-9A-8 requires the Town Council to make the following findings with respect to the proposed SDD:

1. That the SDD complies with the nine (9) criteria, unless the applicant can demonstrate that one or more of the standards is not applicable, or that a practical solution consistent with the public interest has been achieved.
2. That 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; and
3. That the SDD is compatible with and suitable to adjacent uses and appropriate for the surrounding areas; and
4. That 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.

I object to a finding by the Town Council that any of the foregoing matters have been established per what I stated above. I respectfully request that the Application be denied.

Mark M. Caplan
6 Cotswold Road
Baltimore, Maryland 21210
410.435.1546 | Fax 410.435.1553

August 14, 2017

Town of Vail Council Members
75 S. Frontage Road
Vail, CO 81657

Mr. Jonathan Spence
Town of Vail – Planning Department
75 S. Frontage Road
Vail, CO 81657

Tammy Nagel
Town of Vail Clerk
75 S. Frontage Road
Vail, CO 81657

Re: Objection by owner at Vail Mountain View Residences on Gore Creek, Inc. ("VMVR") to the Pending Application for Special Development District No. 43

Dear Town of Vail Council Members:

We own Unit 306 at VMVR which will be part of special development district No. 42 ("SDD") if the application for SDD No. 42 was approved. We suggest that you not approve this application at this point in time. Our reasoning is fairly simple. The most affected group (the unit owners of Phase 1) have not been allowed the opportunity for input in any material way.

The developer must have been concerned that we might have opinions contrary to his request and therefore did not formally notice the other association owners of this application, did not formally send us plans or specifications of the proposed development, and unilaterally, (without a formal vote) had his designee, (Mary Ann Redmond) send to planning a notice of approval by the association.

Had the first two occurred, we would have engaged in conversation, suggested changes, and hopefully compromised which would have enabled a non-conflicted notice of approval from the association, which is now not the case.

Defer your decision, give us the time to review, so all have the opportunity to thoughtful and ultimately proud of the result. There are certainly beneficial aspects to the new project but there are also some unaddressed challenges.

By allowing this application to move forward at this point, you have allowed yourselves to become complicit in the developer's overt attempt to circumvent the clear intent of Town of Vail requirements for such approval.

Thank you for your consideration.



Linda and Mark Caplan

MMC:kec

cc: Kerry Wallace

From: [Cindy Biondi](#)
To: [Tammy Nagel](#); [Council Dist List](#); [Jonathan Spence](#)
Subject: Objection to Application for TOV SDD #42
Date: Monday, August 14, 2017 9:42:23 AM

As owner of Unit 404 at Vail Mountain View Residences (Phase I), I object strongly to the application for SDD #42, which would allow the development of a large, dense building (Phase II) that would strain the resources of our community and be inconsistent with the quiet, residential character of our sweet neighborhood on Gore Creek.

I, and my fellow owners at VMVR Phase I, at least deserve a delay of vote so that we all can converse with the project developer about the design of the new building. Issues with inadequate parking, handicap parking access, pedestrian access, building height, setbacks, loading/delivery access, deck overhang on our pool area, remain to be resolved by the developer. Your quick approval of yet another SDD in Vail would throw zoning regulations out the window and allow the developer (outsider Pete Carlson) to bypass our carefully thought-out local town rules in order to increase his profitability. The precedent that this sets, so close to our beautiful Ford Park, is alarming. What's next?

While I wholeheartedly approve of the inclusion of employee housing units in the new phase, I am concerned that the density and size of a new building that dwarfs the Phase I structure is not compatible with our Gore Creek community. Why not require the developer to work within existing town regulations to create a lovely, appropriate space that combines employee housing, boutique hotel, and residential condos to fit within the existing charming neighborhood? When I purchased at VMVR Phase I, I knew there would be an additional building built some day, but assumed that it would follow the TOV zoning rules. Wouldn't you?

I appreciate your consideration, and urge you, respectfully, to consider the ramifications of approving another SDD in Vail, and the dangerous precedent that it sets, or continues. Please, let's allow more time to tailor the project to suit the neighborhood, the existing zoning rules, and our beautiful town of Vail. Thank you!

Cynthia G. Biondi
Owner VMVR #404

Town of Vail Council
towncouncil@vailgov.com

Mr. Jonathan Spence
Town of Vail – Planning Department
jspence@vailgov.com

Tammy Nagel – Town of Vail Clerk
tnagel@vailgov.com

Re: Objection by Owner at Vail Mountain Residences on Gore Creek, Inc.
("VMVR") to the Pending Application for Special Development District No. 42

Dear Town of Vail Council Members:

I am a frequent guest at Unit 302 at VMVR which will be part of Special Development District No. 42 ("SDD") if the Application for SDD No. 42 was approved. I object to the Application as follows:

- 1. Lack of Notice and Failure of the Applicant to meet the requirement under the Town of Vail Code to procure "*written consent of owners of all property to be included in the SDD, or their agents or authorized representatives.*"** No notification of this public process was provided at any time to the Residential Owners at VMVR. The Residential Owners at VMVR have been denied the right to meaningfully address the Application through this public process though their property rights are most impacted by the Application. Mary Anne Redmond, the Applicant's employee, did not have apparent or actual authority to submit an Approval Letter for the SDD Application as the authorized representative of VMVR. (*See below for more detail*).

2. **The SDD removes zoning restrictions at VMVR leading to a significant change in the VMVR community by allowing a much taller and dense building to be constructed which will adversely impact air, light, privacy and the residential feel of VMVR.** As a frequent guest of this property, I am aware that the purchase of this unit was painstakingly made considering all the current zoning expectations, and also the expectation that normal legal processes would allow for reconsideration should the community change materially. There has been no proposal provided to date to the Phase 1 Owners on how Phase 2 will interrelate with Phase 1 in terms of assessments, maintenance and use.

I also object to the SDD Application as it fails to meet the 9 Criteria for an SDD as follows:

1. **Compatibility:** This criteria is not met for the following reasons:
 - i. VMVR is small residential project with an underground parking garage located in an area of the Town of Vail that does not have large buildings around it. The proposed SDD and related plans will allow a taller building than Phase I to overshadow and overpower the Phase I building. This will adversely impact light, air, heat energy created by sun and privacy.
 - ii. A hotel facility coupled with Units that can in essence be used as hotel like rooms (i.e. lock offs) creates a high use that is not

consistent with the residential area in which the project is located and adversely impacts Phase I and neighboring properties. This high use creates an adverse carbon footprint for a Town that is moving toward Green certification.

- iii. Parking is already a major issue and problem for the Phase I portion of the VMVR. Creating a large, dense additional project subject to use by a large volume of people at the same time could highly exacerbate this problem.
- iv. The Phase II project is proposed to be cantilevered over the current entrance to the Phase I garages making it improbable for trucks and delivery vehicles to pull into the garage entrance area. A separate loading area is needed for Phase I but is not proposed.
- v. Pedestrian access is compromised.
- vi. A 2,000 square foot “lobby deck” is proposed for Phase II which will abuts and overlooks the pool area for Phase I. This creates an incredible invasion of privacy and impact on light, air and noise around this important Phase I amenity. It also creates a life safety hazard as it creates an attractive nuisance

for persons to jump off the Phase II Deck and into the Phase I pool.

- vii. Abuse of SDD – It was represented to the Owners of Phase I and said Owners relied upon the scope of the original project and Town zoning restrictions when they purchased Units at Phase I. To allow GRFA, height, use and density restrictions to be simply circumvented by an SDD undermines the entire zoning process or ability of any purchaser of property in the Vail Village to rely upon what may or may not be built around them.

2. **Relationship:** The planned uses, activity or density for Phase II are not compatible with existing Phase I. See above.

3. **Parking and Loading:**

- a. The planned location for the loading zone atop a public walkway is not just atypical, it is unsafe and certain to interfere with surrounding uses and activity.
- b. Parking is already a major issue at VMVR and this will substantially aggravate that issue;
- c. Delivery trucks and tall vehicles will not be able to access the parking garage or even the parking garage entry area;

- d. The design will lead to guests at Phase II to park in the Phase I garage entry area blocking Phase I Owner access. This creates an emergency vehicle access issue as well.
- e. To the extent Phase II parking will utilize the Phase I garage it can lead to major enforcement issues for Phase I on parking abuses and poaching as well as allocation of maintenance responsibilities.

4. Comprehensive Plan:

- a. The deviations from the code associated with the project include: east side setback, building height, density, site coverage, and loading in the front setback. Each of these proposed deviations directly and negatively impacts existing usage and value of the neighboring Phase I development.
- b. The proposed deviations concerning height, density, mass, and bulk must all be weighed against the perceived public benefit of the Application. Public comment offered in support of the Application during the June 12, 2017 PEC meeting focused exclusively on the addition of Employee Housing Units (“EHUs”). However, the proposed deviations are certain to exceed permissible Gross Residential Floor Area. As the PEC pointed out, such deviations should not be granted strictly based upon provision of EHUs. The

benefit of EHUs does not offset the requested deviations and neighboring owners have not been adequately informed of the extent of the proposed bulk and mass are far beyond anything anticipated for the site. Thus, the Application is not compatible with the surrounding area.

5. **Natural and/or Geologic Hazard:** None known except creation of shadows, cold pockets and lack of air and light to Phase I.
6. **Design Features:** See above in relation to this criteria not being met.
7. **Traffic:**
 - a. The Application would increase density in relation to the Phase I development and is therefore practically certain to generate additional traffic. In fact, Tom Kassmel of Public Works noted in the June 12, 2017 PEC meeting that proposed uses on the site *will* generate additional traffic which may have some broader impact on the system
8. **Landscaping:** The landscaping is very limited and artistic license was made in the submitted plans in this regard.
9. **Workable Plan:** There has been no proposal on how Phase II is to integrate with Phase I. The 2 Phases are very different uses, different Common Areas and maintenance responsibilities.

Section 12-9A-8 requires the Town Council to make the following findings with respect to the proposed SDD:

1. That the SDD complies with the nine (9) criteria, unless the applicant can demonstrate that one or more of the standards is not applicable, or that a practical solution consistent with the public interest has been achieved.
2. That 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; and
3. That the SDD is compatible with and suitable to adjacent uses and appropriate for the surrounding areas; and
4. That 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.

My travel to Vail is blessed with a beautiful place to stay, one that we cherish as a group of friends. In fact one of the reasons for travel to Vail is this unique setting. I object to a finding by the Town Council that any of the foregoing matters have been established per what I stated above. I respectfully request that the Application be denied.

Sincerely,

A handwritten signature in dark ink, consisting of a large, stylized 'T' followed by a series of loops and a long horizontal stroke extending to the right.

Todd Randall

5042 Wilshire Blvd, #36058

Los Angeles, CA 90036

From: [Jolly, Eileen](#)
To: [Jonathan Spence](#)
Subject: Objection to the Pending Application for Special Development District No. 42
Date: Monday, August 14, 2017 5:57:40 PM

Mr. Spence and Town of Vail Council Members:

I am a frequent visitor to Vail Mountain Residence on Gore Creek, Inc. (VMVR) which will be part of Special Development District No. 42 ("SDD") if the Application for SDD No. 42 was approved. I object to the Application as follows:

1. **Lack of Notice and Failure of the Applicant to meet the requirement under the Town of Vail Code to procure "*written consent of owners of all property to be included in the SDD, or their agents or authorized representatives.*"** No notification of this public process was provided at any time to the Residential Owners at VMVR. The Residential Owners at VMVR have been denied the right to meaningfully address the Application through this public process though our property rights are most impacted by the Application. Mary Anne Redmond, the Applicant's employee, did not have apparent or actual authority to submit an Approval Letter for the SDD Application as the authorized representative of VMVR. (See *below for more detail*).
2. **The SDD removes zoning restrictions at VMVR leading to a significant change in the VMVR community by allowing a much taller and dense building to be constructed which will adversely impact air, light, privacy and the residential feel of VMVR.** When I purchased my Unit at VMVR I relied upon zoning restrictions applying to the Declarant's future Development Rights in relation to Phase 2 which Declarant represented to me would be applicable thereby protecting my investment. Phase 2 of VMVR as proposed under the SDD will be a 700 foot tall, high density, mostly transient-occupied building with 34 hotel rooms and lock offs in addition to 22 condos and employee housing units. Phase 2 will be cantilevered over the Phase 1 parking garage entrance potentially blocking access to the parking garage by delivery trucks and taller vehicles. A 2,000 square foot Lobby Deck will overhang the Pool. There has been no proposal provided to date to the Phase 1 Owners on how Phase 2 will interrelate with Phase 1 in terms of assessments, maintenance and use.

My awareness of the SDD Application occurred recently when a fellow Owner saw an article in the Vail Daily and reached out to me and other Owners. There has been no effort to vet the SDD Application through the Phase I Owners and in fact there has been a disturbing lack of transparency about it from the Applicant whom is also the Commercial Owner at VMVR. The only correspondence I received about Phase 2 at VMVR from the Applicant was in March 2017 which merely stated that Phase 2 as initially planned in 2007 was going forward. There was no mention or disclosure of the SDD Application. Most disturbing is that on March 27, 2017 Mary Ann Redmond – employee of the Commercial Owner and Applicant for this SDD – signed an "Approval Form" that was submitted to the Town of Vail stating that the Association had approved the SDD. This occurred without proper Meeting requirements or any notification of the Residential Owners at Phase 1. This "Approval Letter" does not meet the Town Code requirements for such approval and the Application should fail as a threshold requirement of the Application has not been met.

As a result of the failure to meet Code and notice requirements, the SDD Application has

progressed through the Town of Vail administrative processes without objection or involvement of the Phase 1 Residential Owners despite the great impact the SDD Application will have upon our homes. These actions do not meet the requirements of the Town Code or the spirit of the public process.

I also object to the SDD Application as it fails to meet the 9 Criteria for an SDD as follows:

1. **Compatibility:** This criteria is not met for the following reasons:

- i. VMVR is small residential project with an underground parking garage located in an area of the Town of Vail that does not have large buildings around it. The proposed SDD and related plans will allow a taller building than Phase I to overshadow and overpower the Phase I building. This will adversely impact light, air, heat energy created by sun and privacy.
- ii. A hotel facility coupled with Units that can in essence be used as hotel like rooms (i.e. lock offs) creates a high use that is not consistent with the residential area in which the project is located and adversely impacts Phase I and neighboring properties. This high use creates an adverse carbon footprint for a Town that is moving toward Green certification.
- iii. Parking is already a major issue and problem for the Phase I portion of the VMVR. Creating a large, dense additional project subject to use by a large volume of people at the same time could highly exacerbate this problem.
- iv. The Phase II project is proposed to be cantilevered over the current entrance to the Phase I garages making it improbable for trucks and delivery vehicles to pull into the garage entrance area. A separate loading area is needed for Phase I but is not proposed.
- v. Pedestrian access is compromised.
- vi. A 2,000 square foot "lobby deck" is proposed for Phase II which will abuts and overlooks the pool area for Phase I. This creates an incredible invasion of privacy and impact on light, air and noise around this important Phase I amenity. It also creates a life safety hazard as it creates an attractive nuisance for persons to jump off the Phase II Deck and into the Phase I pool.
- vii. Abuse of SDD – It was represented to the Owners of Phase I and said Owners relied upon the scope of the original project and Town zoning restrictions when they purchased Units at Phase I. To allow GRFA, height, use and density restrictions to be simply circumvented by an SDD undermines the entire zoning process or ability of any purchaser of property in the Vail Village to rely upon what may or may not be built around them.

2. **Relationship:** The planned uses, activity or density for Phase II are not compatible with existing

Phase I. See above.

3. Parking and Loading:

- a. The planned location for the loading zone atop a public walkway is not just atypical, it is unsafe and certain to interfere with surrounding uses and activity.
- b. Parking is already a major issue at VMVR and this will substantially aggravate that issue;
- c. Delivery trucks and tall vehicles will not be able to access the parking garage or even the parking garage entry area;
- d. The design will lead to guests at Phase II to park in the Phase I garage entry area blocking Phase I Owner access. This creates an emergency vehicle access issue as well.
- e. To the extent Phase II parking will utilize the Phase I garage it can lead to major enforcement issues for Phase I on parking abuses and poaching as well as allocation of maintenance responsibilities.

4. Comprehensive Plan:

- a. The deviations from the code associated with the project include: east side setback, building height, density, site coverage, and loading in the front setback. Each of these proposed deviations directly and negatively impacts existing usage and value of the neighboring Phase I development.
- b. The proposed deviations concerning height, density, mass, and bulk must all be weighed against the perceived public benefit of the Application. Public comment offered in support of the Application during the June 12, 2017 PEC meeting focused exclusively on the addition of Employee Housing Units ("EHUs"). However, the proposed deviations are certain to exceed permissible Gross Residential Floor Area. As the PEC pointed out, such deviations should not be granted strictly based upon provision of EHUs. The benefit of EHUs does not offset the requested deviations and neighboring owners have not been adequately informed of the extent of the proposed bulk and mass are far beyond anything anticipated for the site. Thus, the Application is not compatible with the surrounding area.

5. Natural and/or Geologic Hazard: None known except creation of shadows, cold pockets and lack of air and light to Phase I.

6. Design Features: See above in relation to this criteria not being met.

7. Traffic:

- a. The Application would increase density in relation to the Phase I development and is therefore practically certain to generate additional traffic. In fact, Tom Kassmel of Public Works noted in the June 12, 2017 PEC meeting that proposed uses on the site *will* generate additional traffic which may have some broader impact on the system
8. **Landscaping:** The landscaping is very limited and artistic license was made in the submitted plans in this regard.
9. **Workable Plan:** There has been no proposal on how Phase II is to integrate with Phase I. The 2 Phases are very different uses, different Common Areas and maintenance responsibilities.

Section 12-9A-8 requires the Town Council to make the following findings with respect to the proposed SDD:

1. That the SDD complies with the nine (9) criteria, unless the applicant can demonstrate that one or more of the standards is not applicable, or that a practical solution consistent with the public interest has been achieved.
2. That 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; and
3. That the SDD is compatible with and suitable to adjacent uses and appropriate for the surrounding areas; and
4. That 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.

I object to a finding by the Town Council that any of the foregoing matters have been established per what I stated above. I respectfully request that the Application be denied.

Sincerely,

Eileen

Eileen O'Neill Jolly, CPCU
Sr. Vice President
RT ProExec
Professional & Executive Liability
cell: 619-823-7739
email: ejolly@rtspecialty.com



RT ProExec is a division of R-T Specialty, LLC, in California: R-T Specialty Insurance Services, LLC, License #0G97516

Town of Vail Council
towncouncil@vailgov.com

Mr. Jonathan Spence
Town of Vail – Planning Department
jspence@vailgov.com

Tammy Nagel – Town of Vail Clerk
tnagel@vailgov.com

Re: Objection by a frequent visitor to Vail Mountain Residences on Gore Creek, Inc. (“VMVR”) to the Pending Application for Special Development District No. 42

Dear Town of Vail Council Members:

My wife and I frequently come visit our daughter - Owner of Unit 302 at VMVR that will be part of Special Development District No. 42 (“SDD”) if the Application for SDD No. 42 were approved. Our comments and abhorrence of Phase Two as proposed are from the viewpoint of those who greatly enjoy staying at VMVR as well as Vail and it’s environment.

We simply can’t envision a tall high-rise crowding so close to VMVR such that parking for the new structure cantilevers over the current parking entrance and that a lobby will directly overlook the pool we enjoy so privately. The thought of the high-rise overlooking, within a few feet, of the windows of the bedrooms we use and obscuring the lovely view of the mountain slopes is devastating. We can only imagine how this will damage the quality of the air and light breezes that have been a joy on our visits.

Parking is already a huge issue even amongst Phase 1 Owners. Phase 1 has 68 bedrooms and less than 30 designated spaces unless the Owners have purchased an additional space. My wife is disabled and there is no handicap parking available at all – a violation of the American With

Disabilities Act and making access difficult as there are only three visitor spots and only one is large enough for her to get in and out of the car properly. That spot is hardly ever available.

While we are not permanent residents or owners in Vail, we have generally have been impressed with Vail governance and how development has been carefully controlled. As we read through the following protest letter, it does appear that the process for the Phase 2 has truly been underhanded and shady. It is hard to believe how the owners and residents of VMVR have been deliberately excluded from communication and input on Phase 2. We would hope that the entire community at Vail would carefully follow the actions of Town of Vail Council regarding this proposal and hold the Council to the highest standards of governance and honest judgment. Ultimately, the Council's actions will be observed and assessed far beyond the bounds of Vail and it's surrounding area.

As regular Tourists/Visitors to Vail, we object along with VMVR Unit Owners to the Application as follows:

- 1. Lack of Notice and Failure of the Applicant to meet the requirement under the Town of Vail Code to procure “*written consent of owners of all property to be included in the SDD, or their agents or authorized representatives.*”** No notification of this public process was provided at any time to the Residential Owners at VMVR. The Residential Owners at VMVR have been denied the right to meaningfully address the Application through this public process though our property rights are most impacted by the Application. Mary Anne Redmond, the Applicant's

employee, did not have apparent or actual authority to submit an Approval Letter for the SDD Application as the authorized representative of VMVR. (*See below for more detail*).

2. **The SDD removes zoning restrictions at VMVR leading to a significant change in the VMVR community by allowing a much taller and dense building to be constructed which will adversely impact air, light, privacy and the residential feel of VMVR.** When most owners purchased their residences at VMVR I, they relied upon zoning restrictions applying to the Declarant's future Development Rights in relation to Phase 2 which Declarant represented to them would be applicable thereby protecting their investments. Phase 2 of VMVR as proposed under the SDD will be a 70-foot-tall, (90 to 100 feet tall from the front door of Phase 2 LEVEL TWO exterior front door) high density, mostly transient-occupied building with 34 hotel rooms and lock offs in addition to 22 condos and employee housing units. There has been no proposal provided to date to the Phase 1 Owners on how Phase 2 will interrelate with Phase 1 in terms of assessments, maintenance, and use.

My awareness of the SDD Application occurred recently when a fellow Owner saw an article in the Vail Daily and reached out to me and other Owners. There has been no effort to vet the SDD Application through the Phase I Owners and in fact there has been a disturbing lack of transparency about it from the Applicant whom is also the Commercial Owner at VMVR. The only correspondence that Owners received about Phase 2 at VMVR from the Applicant was in March 2017 which merely

stated that Phase 2 as initially planned in 2007 was going forward. There was no mention or disclosure of the SDD Application. Most disturbing is that on March 27, 2017 Mary Ann Redmond – employee of the Commercial Owner and Applicant for this SDD – signed an “Approval Form” that was submitted to the Town of Vail stating that the Association had approved the SDD. This occurred without proper Meeting requirements or any notification of the Residential Owners at Phase 1. This “Approval Letter” does not meet the Town Code requirements for such approval and the Application should fail as a threshold requirement of the Application has not been met.

As a result of the failure to meet Code and notice requirements, the SDD Application has progressed through the Town of Vail administrative processes without objection or involvement of the Phase 1 Residential Owners despite the great impact the SDD Application will have upon our homes. These actions do not meet the requirements of the Town Code or the spirit of the public process.

I also object to the SDD Application as it fails to meet the 9 Criteria for an SDD as follows:

1. **Compatibility:** This criteria is not met for the following reasons:

- i. VMVR is small residential project with an underground parking garage located in an area of the Town of Vail that does not have large buildings around it. The proposed SDD and related plans will allow a taller

building than Phase I to overshadow and overpower the Phase I building. This will adversely impact light, air, heat energy created by sun and privacy.

- ii. A hotel facility coupled with Units that can in essence be used as hotel like rooms (i.e. lock offs) creates a high use that is not consistent with the residential area in which the project is located and adversely impacts Phase I and neighboring properties. This high use creates an adverse carbon footprint for a Town that is moving toward Green certification.
- iii. Parking is already a major issue and problem for the Phase I portion of the VMVR. Creating a large, dense additional project subject to use by a large volume of people at the same time could highly exacerbate this problem.
- iv. The Phase II project is proposed to be cantilevered over the current entrance to the Phase I garages making it improbable for trucks and delivery vehicles to pull into the garage entrance area. A separate loading area is needed for Phase I but is not proposed.

- v. Pedestrian access is compromised.
- vi. A 2,000 square foot “lobby deck” is proposed for Phase II which will abuts and overlooks the pool area for Phase I. This creates an incredible invasion of privacy and impact on light, air and noise around this important Phase I amenity. It also creates a life safety hazard as it creates an attractive nuisance for persons to jump off the Phase II Deck and into the Phase I pool.
- vii. Abuse of SDD – It was represented to the Owners of Phase I and said Owners relied upon the scope of the original project and Town zoning restrictions when they purchased Units at Phase I. To allow GRFA, height, use and density restrictions to be simply circumvented by an SDD undermines the entire zoning process or ability of any purchaser of property in the Vail Village to rely upon what may or may not be built around them.

2. **Relationship:** The planned uses, activity or density for Phase II are not compatible with existing Phase I. See above.

3. **Parking and Loading:**

- a. The planned location for the loading zone atop a public walkway is not just atypical, it is unsafe and certain to interfere with surrounding uses and activity.
- b. Parking is already a major issue at VMVR and this will substantially aggravate that issue;
- c. Delivery trucks and tall vehicles will not be able to access the parking garage or even the parking garage entry area;
- d. The design will lead to guests at Phase II to park in the Phase I garage entry area blocking Phase I Owner access. This creates an emergency vehicle access issue as well.
- e. To the extent Phase II parking will utilize the Phase I garage it can lead to major enforcement issues for Phase I on parking abuses and poaching as well as allocation of maintenance responsibilities.

4. Comprehensive Plan:

- a. The deviations from the code associated with the project include: east side setback, building height, density, site coverage, and loading in the front setback. Each of these proposed deviations directly and negatively impacts existing usage and value of the neighboring Phase I development.

b. The proposed deviations concerning height, density, mass, and bulk must all be weighed against the perceived public benefit of the Application. Public comment offered in support of the Application during the June 12, 2017 PEC meeting focused exclusively on the addition of Employee Housing Units (“EHUs”). However, the proposed deviations are certain to exceed permissible Gross Residential Floor Area. As the PEC pointed out, such deviations should not be granted strictly based upon provision of EHUs. The benefit of EHUs does not offset the requested deviations and neighboring owners have not been adequately informed of the extent of the proposed bulk and mass are far beyond anything anticipated for the site. Thus, the Application is not compatible with the surrounding area.

5. **Natural and/or Geologic Hazard:** None known except creation of shadows, cold pockets and lack of air and light to Phase I.

6. **Design Features:** See above in relation to this criteria not being met.

7. **Traffic:**

a. The Application would increase density in relation to the Phase I development and is therefore practically certain to generate

additional traffic. In fact, Tom Kassmel of Public Works noted in the June 12, 2017 PEC meeting that proposed uses on the site *will* generate additional traffic which may have some broader impact on the system

8. **Landscaping:** The landscaping is very limited and artistic license was made in the submitted plans in this regard.
9. **Workable Plan:** There has been no proposal on how Phase II is to integrate with Phase I. The 2 Phases are very different uses, different Common Areas and maintenance responsibilities.

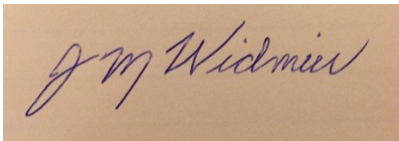
Section 12-9A-8 requires the Town Council to make the following findings with respect to the proposed SDD:

1. That the SDD complies with the nine (9) criteria, unless the applicant can demonstrate that one or more of the standards is not applicable, or that a practical solution consistent with the public interest has been achieved.
2. That 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; and
3. That the SDD is compatible with and suitable to adjacent uses and appropriate for the surrounding areas; and

4. That 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.

I object to a finding by the Town Council that any of the foregoing matters have been established per what I stated above. I respectfully request that the Application be denied.

Sincerely,

A handwritten signature in dark ink on a light brown rectangular background. The signature is written in a cursive style and appears to read "Mike and Alice Widmier".

Mike and Alice Widmier

Town of Vail Council
towncouncil@vailgov.com

Mr. Jonathan Spence
Town of Vail – Planning Department
jspence@vailgov.com

Tammy Nagel – Town of Vail Clerk
tnagel@vailgov.com

Re: Objection by Owner at Vail Mountain Residences on Gore Creek, Inc.
("VMVR") to the Pending Application for Special Development District No. 42

Dear Town of Vail Council Members:

I own Unit 104 at VMVR which will be part of Special Development District No. 42 ("SDD") if the Application for SDD No. 42 is approved.

By now you will have received a number of similar letters from my fellow homeowners. Not living in Vail full time, I do not have the same perspective as my neighbors who spend more of their time at VMVR. However, I have been quite taken aback by the emotion and concern that they have shown throughout the past several weeks. The only explanation I have for that type of concern is either when someone feels they have been misled, or when someone feels they have not been fully represented. Unfortunately, both of these have occurred with regard to this SDD Application process.

I do not know Ron Byrne nor Pete Carlson. I am, however, a strong supporter of private enterprise, in particular private development. I appreciate that even a small, well established village like Vail needs to grow over time. As such, I am willing to sacrifice some personal enjoyment/interests for that to happen, as all

villagers should to some extent. That being said, homeowners in the neighborhoods where this development occurs need to have a voice and have their opinions and ideas heard about that growth and development. It does not appear this has been allowed to happen, certainly in any reasonable time frame and with any reasonable notice. The legalities stated below by our counsel clarify this point. However, I find it strange that the current and future developer of this property would attempt to avoid communication with the current homeowners, the most recent communication this past week notwithstanding. It is such an easy thing to do and would have been in the spirit of "the neighborhood". I do suppose that if I were in their shoes trying to get this project off the ground, and to make money doing it, I would want minimal distractions and would rely on my legal protections as much as possible to accomplish that.

I ask that the Town Council strongly encourage the developers to properly engage current homeowners and allow reasonable time for our perceived issues to be addressed. We may realize, or may eventually be told that, the greater good trumps the interests of a few, but at least we will have had a voice. Without that, the neighbors and neighborhood will become resentful of each other, until either those negatively affected leave, or the developers are proven right over time.

Below please find the primary concerns that I have. I have chosen not to include our association's analysis of the 9 SDD criteria as I am sure you have received it from other VMVR homeowners. My primary concerns are the lack of communication and transparency by the Applicant, and the potentially negative impact on our HOA fees and general enjoyment of our homes, as we understood it to be when we purchased them.

I object to the Application as follows:

1. **Lack of Notice and Failure of the Applicant to meet the requirement under the Town of Vail Code to procure “*written consent of owners of all property to be included in the SDD, or their agents or authorized representatives.*”** No notification of this public process was provided at any time to the Residential Owners at VMVR. The Residential Owners at VMVR have been denied the right to meaningfully address the Application through this public process though our property rights are most impacted by the Application. Mary Anne Redmond, the Applicant’s employee, did not have apparent or actual authority to submit an Approval Letter for the SDD Application as the authorized representative of VMVR. (*See below for more detail*).

2. **The SDD removes zoning restrictions at VMVR leading to a significant change in the VMVR community by allowing a much taller and dense building to be constructed which will adversely impact air, light, privacy and the residential feel of VMVR.** When I purchased my Unit at VMVR I relied upon zoning restrictions applying to the Declarant’s future Development Rights in relation to Phase 2 which Declarant represented to me would be applicable thereby protecting my investment. Phase 2 of VMVR as proposed under the SDD will be a 700 foot tall, high density, mostly transient-occupied building with 34 hotel rooms and lock offs in addition to 22 condos and employee housing units. Phase 2 will be cantilevered over the Phase 1 parking garage entrance potentially blocking access to the parking garage by delivery trucks and taller vehicles. A 2,000 square foot Lobby Deck will overhang the Pool. There has been no proposal provided to date to the Phase 1 Owners on how Phase 2 will interrelate with Phase 1 in terms of assessments, maintenance and use.

My awareness of the SDD Application occurred recently when a fellow Owner saw an article in the Vail Daily and reached out to me and other Owners. There has been no effort to vet the SDD Application through the Phase I Owners and in fact there has been a disturbing lack of transparency about it from the Applicant whom is also the Commercial Owner at VMVR. The only correspondence I received about Phase 2 at VMVR from the Applicant was in March 2017 which merely stated that Phase 2 as initially planned in 2007 was going forward. There was no mention or disclosure of the SDD Application. Most disturbing is that on March 27, 2017 Mary Ann Redmond – employee of the Commercial Owner and Applicant for this SDD – signed an “Approval Form” that was submitted to the Town of Vail stating that the Association had approved the SDD. This occurred without proper Meeting requirements or any notification of the Residential Owners at Phase 1. This “Approval Letter” does not meet the Town Code requirements for such approval and the Application should fail as a threshold requirement of the Application has not been met.

As a result of the failure to meet Code and notice requirements, the SDD Application has progressed through the Town of Vail administrative processes without objection or involvement of the Phase 1 Residential Owners despite the great impact the SDD Application will have upon our homes. These actions do not meet the requirements of the Town Code or the spirit of the public process.

I object to a finding by the Town Council that any of the foregoing matters have been established per what I stated above. I respectfully request that the Application be denied, or that the Application be delayed to allow property owners such as myself the minimal amount of time to understand the true impact on our homes.

Sincerely,  PAUL NIGRELLI

Town of Vail Council
towncouncil@vailgov.com

Mr. Jonathan Spence
Town of Vail – Planning Department
jspence@vailgov.com

Tammy Nagel – Town of Vail Clerk
tnagel@vailgov.com

Re: Objection by Owner at Vail Mountain Residences on Gore Creek, Inc.
("VMVR") to the Pending Application for Special Development District No. 42

Dear Town of Vail Council Members:

VMVR 304, Inc. owns Unit 304 at VMVR which will be part of Special Development District No. 42 ("SDD") if the Application for SDD No. 42 was approved. We object to the Application for the following general reasons:

1. **Lack of Notice and Failure to procure "*written consent of owners of all property to be included in the SDD, or their agents or authorized representatives.*"** We were not informed of this public process to discuss a new SDD at any time (we basically found out through unrelated articles and comments), we have not had an opportunity to express our concerns and input with regard to the proposed Phase II.
2. **The SDD removes zoning restrictions at VMVR leading to a significant change in the VMVR community by allowing a much taller and dense building to be constructed which will adversely impact Phase I and the surrounding area.** When we bought our unit we knew that a Phase II could eventually be developed, but we always thought that the proposed building would be a residential building similar

to that of Phase I, and that the issue will be brought to the owner's association and that our comments and suggestions would be heard.

As mentioned in point one above, we were never informed of the zoning change request and we never thought a project would require a SDD ruling (nor that an application was filed). We did not know this would be an extremely high building (almost seven stories when you consider the two levels of the foundation already built adjacent to Phase I). We never expected that the project would have such high density and would include 34 hotel rooms and lock offs in addition to 22 condos and employee housing units. We are deeply concerned that the area destined for Phase II will not withstand a project of such magnitude and that the whole area and adjacent buildings will be extremely negatively affected. The planned uses, activity or density for Phase II are just not compatible with existing Phase I and the area as a whole.

We are aware that there is a need in Vail to build more employee units, but we feel this is being used to deviate from the existing code and logic of a project in that space and that area. Such deviations (density, height, air, landscaping, traffic, loading) directly and negatively impact existing usage and value of the neighboring Phase I development.

Council members:

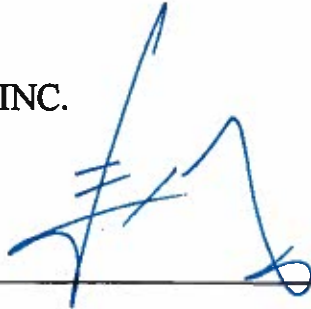
Put yourselves in our position for a minute. What would you think and do if you recently found out (less than 3 weeks ago), that the President of the Board of the Condominium you live in supported an application for a Special Development District that changes the density and zoning as this

proposal does without following any governance procedures or notifying the owners in any way? What would you like the Council members vote for?

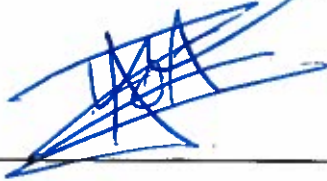
1. Approve the change without the owners' consent.
2. Deny the change unless owners are heard and taken into consideration.

Based on the above we respectfully request that the Application be denied, that the concerns of Phase I owners are heard, and more importantly that whatever ends up being built in the existing foundation of Phase II meets the logic of the limited area and what we want in Vail. Kind Regards,

VMVR 304, INC.

A handwritten signature in blue ink, appearing to be 'Eduardo Flores Alonso', written over a horizontal line.

Eduardo Flores Alonso - Director

A handwritten signature in blue ink, appearing to be 'José Alejandro Ortega Aguayo', written over a horizontal line.

José Alejandro Ortega Aguayo - Director

Town of Vail Council
towncouncil@vailgov.com

Mr. Jonathan Spence
Town of Vail – Planning Department
jspence@vailgov.com

Tammy Nagel – Town of Vail Clerk
tnagel@vailgov.com

Re: Objection by Owner at Vail Mountain Residences on Gore Creek, Inc.
("VMVR") to the Pending Application for Special Development District No. 42

Dear Town of Vail Council Members:

I own Unit 302 at VMVR which will be part of Special Development District No. 42 ("SDD") if the Application for SDD No. 42 was approved. I object to the Application as follows:

- 1. Lack of Notice and Failure of the Applicant to meet the requirement under the Town of Vail Code to procure "*written consent of owners of all property to be included in the SDD, or their agents or authorized representatives.*"** No notification of this public process was provided at any time to the Residential Owners at VMVR. The Residential Owners at VMVR have been denied the right to meaningfully address the Application through this public process though our property rights are most impacted by the Application. Mary Anne Redmond, the Applicant's employee, did not have apparent or actual authority to submit an Approval Letter for the SDD Application as the authorized representative of VMVR. (*See below for more detail*).

2. **The SDD removes zoning restrictions at VMVR leading to a significant change in the VMVR community by allowing a much taller and dense building to be constructed which will adversely impact air, light, privacy and the residential feel of VMVR.** When I purchased my Unit at VMVR I relied upon zoning restrictions applying to the Declarant's future Development Rights in relation to Phase 2 which Declarant represented to me would be applicable thereby protecting my investment. Phase 2 of VMVR as proposed under the SDD will be a 700 foot tall, high density, mostly transient-occupied building with 34 hotel rooms and lock offs in addition to 22 condos and employee housing units. Phase 2 will be cantilevered over the Phase 1 parking garage entrance potentially blocking access to the parking garage by delivery trucks and taller vehicles. A 2,000 square foot Lobby Deck will overhang the Pool. There has been no proposal provided to date to the Phase 1 Owners on how Phase 2 will interrelate with Phase 1 in terms of assessments, maintenance and use.

My awareness of the SDD Application occurred recently when a fellow Owner saw an article in the Vail Daily and reached out to me and other Owners. There has been no effort to vet the SDD Application through the Phase I Owners and in fact there has been a disturbing lack of transparency about it from the Applicant whom is also the Commercial Owner at VMVR. The only correspondence I received about Phase 2 at VMVR from the Applicant was in March 2017 which merely stated that Phase 2 as initially planned in 2007 was going forward. There was no mention or disclosure of the SDD Application. Most disturbing is that on March 27, 2017 Mary Ann Redmond – employee of the Commercial Owner and Applicant for this SDD – signed an “Approval Form” that was submitted to the Town of Vail stating that the Association had approved the

SDD. This occurred without proper Meeting requirements or any notification of the Residential Owners at Phase 1. This “Approval Letter” does not meet the Town Code requirements for such approval and the Application should fail as a threshold requirement of the Application has not been met.

As a result of the failure to meet Code and notice requirements, the SDD Application has progressed through the Town of Vail administrative processes without objection or involvement of the Phase 1 Residential Owners despite the great impact the SDD Application will have upon our homes. These actions do not meet the requirements of the Town Code or the spirit of the public process.

I also object to the SDD Application as it fails to meet the 9 Criteria for an SDD as follows:

1. **Compatibility:** This criteria is not met for the following reasons:

- i. VMVR is small residential project with an underground parking garage located in an area of the Town of Vail that does not have large buildings around it. The proposed SDD and related plans will allow a taller building than Phase I to overshadow and overpower the Phase I building. This will adversely impact light, air, heat energy created by sun and privacy.
- ii. A hotel facility coupled with Units that can in essence be used as hotel like rooms (i.e. lock offs) creates a high use that is not

consistent with the residential area in which the project is located and adversely impacts Phase I and neighboring properties. This high use creates an adverse carbon footprint for a Town that is moving toward Green certification.

- iii. Parking is already a major issue and problem for the Phase I portion of the VMVR. Creating a large, dense additional project subject to use by a large volume of people at the same time could highly exacerbate this problem. There is currently no handicap parking spaces at all and the plans do not indicate any are being considered. This is violation of the Americans With Disability Act. The current parking only provides 3 guests spaces and this is not sufficient, particularly when our primarily 3 plus bedroom residences are provided with only one and a fraction of a space on average.
- iv. The Phase II project is proposed to be cantilevered over the current entrance to the Phase I garages making it improbable for trucks and delivery vehicles to pull into the garage entrance area. A separate loading area is needed for Phase I but is not proposed.

- v. Pedestrian access is compromised.
- vi. A 2,000 square foot “lobby deck” is proposed for Phase II which will abuts and overlooks the pool area for Phase I. This creates an incredible invasion of privacy and impact on light, air and noise around this important Phase I amenity. It also creates a life safety hazard as it creates an attractive nuisance for persons to jump off the Phase II Deck and into the Phase I pool.
- vii. Abuse of SDD – It was represented to the Owners of Phase I and said Owners relied upon the scope of the original project and Town zoning restrictions when they purchased Units at Phase I. To allow GRFA, height, use and density restrictions to be simply circumvented by an SDD undermines the entire zoning process or ability of any purchaser of property in the Vail Village to rely upon what may or may not be built around them. It is my understanding that Ron Byrne has utilized all his allowed square footage per the current zoning (save for less than 300 square feet).

2. **Relationship:** The planned uses, activity or density for Phase II are not compatible with existing Phase I. See above.

3. Parking and Loading:

- a. The planned location for the loading zone atop a public walkway is not just atypical, it is unsafe and certain to interfere with surrounding uses and activity.
- b. Parking is already a major issue at VMVR and this will substantially aggravate that issue;
- c. Delivery trucks and tall vehicles will not be able to access the parking garage or even the parking garage entry area;
- d. The design will lead to guests at Phase II to park in the Phase I garage entry area blocking Phase I Owner access. This creates an emergency vehicle access issue as well.
- e. To the extent Phase II parking will utilize the Phase I garage it can lead to major enforcement issues for Phase I on parking abuses and poaching as well as allocation of maintenance responsibilities.

4. Comprehensive Plan:

- a. The deviations from the code associated with the project include: east side setback, building height, density, site coverage, and loading in the front setback. Each of these proposed deviations directly and negatively impacts existing usage and value of the neighboring Phase I development.

b. The proposed deviations concerning height, density, mass, and bulk must all be weighed against the perceived public benefit of the Application. Public comment offered in support of the Application during the June 12, 2017 PEC meeting focused exclusively on the addition of Employee Housing Units (“EHUs”). However, the proposed deviations are certain to exceed permissible Gross Residential Floor Area. As the PEC pointed out, such deviations should not be granted strictly based upon provision of EHUs. The benefit of EHUs does not offset the requested deviations and neighboring owners have not been adequately informed of the extent of the proposed bulk and mass are far beyond anything anticipated for the site. Thus, the Application is not compatible with the surrounding area.

5. Natural and/or Geologic Hazard: None known except creation of shadows, cold pockets and lack of air and light to Phase I.

6. Design Features: See above in relation to this criteria not being met.

7. Traffic:

a. The Application would increase density in relation to the Phase I development and is therefore practically certain to generate additional traffic. In fact, Tom Kassmel of Public Works noted in the June 12,

2017 PEC meeting that proposed uses on the site *will* generate additional traffic which may have some broader impact on the system

8. **Landscaping:** The landscaping is very limited and artistic license was made in the submitted plans in this regard.
9. **Workable Plan:** There has been no proposal on how Phase II is to integrate with Phase I. The 2 Phases are very different uses, different Common Areas and maintenance responsibilities.

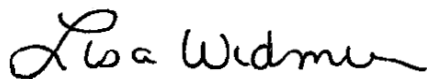
Section 12-9A-8 requires the Town Council to make the following findings with respect to the proposed SDD:

1. That the SDD complies with the nine (9) criteria, unless the applicant can demonstrate that one or more of the standards is not applicable, or that a practical solution consistent with the public interest has been achieved.
2. That 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; and
3. That the SDD is compatible with and suitable to adjacent uses and appropriate for the surrounding areas; and
4. That 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.

I object to a finding by the Town Council that any of the foregoing matters have been established per what I stated above. I respectfully request that the Application be denied. I will be shocked if the Town Council approves this rezone given the deviate why that Ron Bryne has handled this. I will truly be disappointed in the government of the Town of Vail. The Town needs to remember that it takes an economy in order to employ a workforce and to pay the necessary taxes to maintain the Town. The two largest contributor to the economy of the Town of Vail are: Tourism and Real Estate. By allowing this rezoning to be approved even when you know of the unethical methods that were employed, you are voting against the interests of Tourism and Real Estate. I think that if word gets out that this is how property owners are going to be treated by the Town – there will be imploding consequences in the economy of Vail long term. Word will get out.

Sincerely,

A handwritten signature in black ink that reads "Lisa Widmier". The signature is written in a cursive, flowing style.

Lisa Widmier, VMVR Residence #302

APOLLO PARK AT VAIL

HOMEOWNERS' ASSOCIATION

**8547 E. Arapahoe Road, #J542
Greenwood Village, CO 80112-1436
303-690-6038 - 303-690-6511 FAX**

October 16, 2017

Jonathan Spence, AICP
Town of Vail
Planning and Environmental Commission
75 South Frontage Road
Vail, CO 81657

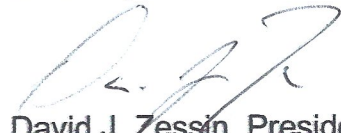
Via e mail: jspence@vailgov.com

Dear Mr. Spence:

As President of the Apollo Park at Vail Homeowners' Association, I write to notify you that our Board of Directors has reviewed the Mountain View Residences Phase 2 plans amended and submitted to the Town of Vail for the PEC meeting on October 23, 2017.

We will not oppose the amended plans as presented.

Sincerely,



David J. Zessin, President
Apollo Park at Vail

DJZ:an

From: [Jeff Morgan](#)
To: [Jonathan Spence](#)
Subject: Supporting Vail Mountain View Residence Phase II project
Date: Tuesday, October 17, 2017 9:42:06 AM

October 17, 2017

Planning and Environmental Commission

Town Council

c/o Jonathan Spence, AICP

Senior Planner, Town of Vail

Dear Mr. Spence, PEC and Town Council Members:

As a member of the Vail Valley Partnership Workforce Housing Coalition, and concerned citizen of the Vail Valley; I am writing you today to ask for your approval on the Mountain View Residences Phase II SDD application. Now that the team has made revisions deleting the Hotel aspect of the project and adding more EHUs, we can see the shift in focus towards caring for our workforce. This is 50% of the units onsite and 43% of the free-market GFRA, totaling nearly 14,000 sq ft.

The VVP Workforce Housing Coalition is a very large group of engaged business owners, employees, elected officials and other concerned Eagle County residents who are looking for ways to address our housing crisis and provide top level service to our worldwide customers that support Vail. Our continued topics of discussion on the value of public-private partnerships providing Employee Housing and the opportunity for individuals and families to move to the Valley has taken shape with the Vail Mountain View Project. Vail is a blend of a demographics, with an world wide audience, providing world class skiing and summer events/ activities for all to enjoy. We want our guests

and locals to live as one in our Valley. If the housing crisis continues in our Valley we will continue to produce unhappy, overworked and segregated employees, that will not give the magical experience we want all of our guests, locals and employee to feel. An over stressed employee will NOT provide top level service to anyone. The TOV has been approached by new EHU project up and down the Valley, there is a strong need that needs to be addressed. Discontent from a few disgruntled citizens, that see no value in the projects, should not take away from the rest of the world's experience coming to Vail. I believe the Vail Mountain View project with its 15 workforce housing apartments paid for completely by the developer is a perfect example of a public-private partnership. The 23 acre project in East Vail is another perfect example of Vail providing it's employees, and the face of Vail, a way to enjoy life in the Valley.

We must be prepared to make some accommodations for developers to be successful if we want them to build more than the required square footage of EHUs. I support this project 100% and see it benefiting Vail's missions and goals.

Sincerely,



Jeff Morgan

Associate Broker

Ron Byrne & Associates Real Estate

285 Bridge Street | Vail CO 81657

O: [970-476-1987](tel:970-476-1987)

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[Ron Byrne & Associates 2016 Luxury Property Collection](#)

From: [Kim Bell Williams](#)
To: [Jonathan Spence](#)
Subject: Support for Mountain View Project in Vail
Date: Wednesday, October 18, 2017 2:03:42 PM

Jonathan,

I am writing in support of Mountain View project's increase of 5 deed restricted units to total 15 deed restricted EHU's onsite.

As you know, successful workforce housing includes ease of transportation and community preservation. This project would provide both of these important characteristics for the local workforce. These 15 additional workforce housing units will help to maintain the character of Vail that we all have a vested interest in.

Thank you for your time.

Kim

--

Kim Bell Williams
Housing Director
Eagle County
(970)328-8773 or 328-8776
www.eaglecounty.us/housing
www.valleyhomestore.org

October 20, 2017

Planning and Environmental Commission
Town of Vail
Department of Community Development
75 South Frontage Road
Vail, Colorado 81657

Attn: Johnathan Spence, AICP

Re: Vail Mountain View Residences Phase II

Dear Members of the Planning and Environmental Commission:

We are writing to inform you and the Town of Vail that as owner of the upper residential unit in the Tyrolean Condominiums, Unit 6, we oppose the revised plans submitted on or about September 27, 2017, for the development of Vail Mountain View Residences Phase II and encourage you to recommend denial of the proposed Special Development District. Our Unit #6 is by far the most affected unit in the Tyrolean building by Phase II of the Vail Mountain View Residences.


We understand that Tyrolean Condominium Association has engaged counsel who will file a more detailed objection on behalf of all owners. We also have been told that the Town does not take into consideration the protection of views. Although we understand that the Town cannot guarantee views, view impact should be considered in the context of Special Development District approval. An owner invests in property for, among other things, the views, and relies upon existing zoning and density. If zoning and density can be changed and views can be destroyed because a landowner can "give" the Town something, there will be no certainty. The use of the Special Development District process allows a property owner to buy a zoning and density change.

We are concerned about increased density, building height, setbacks, site coverage, and product mix. We are concerned about the impact on sun, light and views for our unit. We are also very concerned about the impact on the value of our unit if the Special Development District is approved.

We do not believe the approval of this project by the Town of Vail would comply with the overall goals of the Vail Master plan to provide more employee housing, additional lock-offs, and mid-priced hotel rooms to provide additional revenues to the Town of Vail.

Please accept this letter as our disapproval of the Vail Mountain View Residences Phase II.

Sincerely,


Argos Vail, LLC.

Jonathan Spence

From: Michael O'Connor <michael@triumphdev.com>
Sent: Wednesday, October 18, 2017 1:58 PM
To: Jonathan Spence
Subject: Mountain View Phase 2 Support

Hello Jonathan. I understand that Mountain View is going back to PEC next week. I also understand that the Mountain View HOA no longer opposes the project - which is key to my support. As a local employer, Triumph believes we need to prioritize opportunities like this for locals' housing. An in-town location with parking and infrastructure already installed, with minimal impacts to views, is the perfect spot. This is a one-of-kind opportunity that we should all say yes to.

moc

Michael O'Connor
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