



## PLANNING AND ENVIRONMENTAL COMMISSION

November 13, 2017, 1:00 PM

Vail Town Council Chambers

75 S. Frontage Road - Vail, Colorado, 81657

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### 1. Call to Order

Present: Brian Gillette, Pam Hopkins, Ludwig Kurz, Karen Perez, John Rediker, and Brian Stockmar

Absent: John-Ryan Lockman

### 2. Informational Update

#### 2.1 Environmental Sustainability Plan Update

Kristen Bertuglia, Environmental Sustainability Manager, introduced Jeff Hohensee, Vice President at Natural Capitalism Solutions, a consultant for the Town's Environmental Sustainability Strategic Plan (ESSP) update.

Mr. Hohensee provided a PowerPoint presentation to the PEC regarding the update. The presentation began with a review of the existing goals established in the 2009 ESSP: sustainable economic and social development, public education and communication, transportation, waste diversion, energy efficiency, and ecosystem health. Hohensee described the next steps in the ESSP update process. Next steps include an implementation workshop, Town Council work sessions, PEC review and recommendation, finalize the update, and then begin implementation.

Kurz & Rediker – Asked about the number of businesses involved in the Actively Green program and the level of training involved. Bertuglia responded that there are over 100 businesses involved, 51 of which are certified. She then outlined the training available to said businesses.

Gillette – Asked for clarification on the progress made in regards to energy efficiency. Bertuglia referenced a chart depicting the Town's municipal carbon dioxide production. Gillette commented that ice melt systems need to be addressed, not just for new projects but upgrading the existing system.

The PEC and Hohensee discussed the benefits of electric vehicles and renewable energy.

Perez – Asked for clarification on how far into the future the ESSP will be updated. Bertuglia responded that the goal is to update the plan approximately every five (5) years.

Rediker – Asked about the reduction in the use of pesticides in the Town. Bertuglia confirmed that there has been a reduction in the use of pesticides.

Rediker asked if literature was sent to homeowners educating them on the use of pesticides or if there was an employee they can talk to about such matters. Bertuglia responded there has been information provided on the lovevail.org website, in direct mailers, brochures, monthly Lunch with the Locals events, and in an annual landscaping workshop where participants are eligible to become Gore Creek Leadership Partners. There is also a watershed education coordinator on staff that can answer questions and provide guidance.

Kurz – Asked about considerations of climate change and the changing nature of the Environmental Protection Agency (EPA). Hohensee stated that one of the biggest short-term concerns is drilling on public lands.

3. Site Visits:

- 3.1 Site Visit to Solar Vail, 501 N. Frontage Road W., to observe existing conditions and prepare for review of the development plan, conditional use permit, and variance applications. (PEC17-0046, PEC17-0050, and PEC17-0051)

4. Main Agenda

- 4.1 A request for a recommendation to the Vail Town Council, pursuant to Section 12-3-7, Amendment, Vail Town Code, concerning an update to the 1994 Comprehensive Open Lands Plan, and setting forth details in regard thereto. (PEC17-0049)

**Applicant:** Town of Vail, represented by Kristen Bertuglia,  
Environmental Sustainability Manager

**Planner:** Chris Neubecker

**Motion:** Table to November 27, 2017

**First:** Perez      **Second:** Kurz      **Vote:** 6-0-0

Bertuglia introduced Tom Braun, Braun Associates, Inc., who provided a PowerPoint presentation on the update to the 1994 Comprehensive Open Lands Plan. While it is often regarded as an Open Space plan, the plan is more than that as it includes trails, vacant lands, etc. Braun summarized the objectives and areas of focus of the 1994 plan. The main areas of focus were environmentally sensitive lands, Town-owned lands / use of lands, and trails. The goals of the update include: confirmation of community goals and priorities, evaluate the action plan, provide better direction on trails, evaluate Town-owned lands, and management strategies. Braun outlined the approach and timeline of the update. The Town is nearing the end of the process as a draft plan has been provided for public comment. The PEC is required to make a recommendation to the Town Council, who will make a final vote on the plan update.

Braun summarized the community input received throughout the planning process. Topics important to the public included: land acquisitions, protecting environmentally sensitive lands, trails, community facilities, and housing.

Braun reviewed the major changes between the 1994 plan and the update in regards to environmentally sensitive lands, the use of Town-owned lands, trails, and the action plan.

Rediker stated that there is a member of the public that would like to comment but is limited in their availability today. Rediker opened the meeting for public comment.

Anne Esson – Expressed her concern about an environmentally sensitive piece of land that is also identified as a priority area for a new mountain bike trail. The area is used by peregrine falcons for nesting. She described the importance of peregrines to the environment and their sensitivity to human interference. She stated that there are alternative locations for the proposed trail.

Gillette – Asked for clarification as to which proposed trail Ms. Esson was describing. Gregg Barrie, Senior Landscape Architect, noted that the referenced trail is labeled as #13 in the plan update. Mr. Barrie stated that any proposed trail would need to be reviewed for its impact on the environment and wildlife, such as peregrines. The plan is currently at such a high level that further investigation would be conducted if a decision were made to construct said trail.

Braun continued his presentation by referring to a diagram that identified private undeveloped properties and environmentally sensitive areas within the Town. He identified specific properties of interest for the plan update.

Braun reviewed the proposed implementation strategies for the environmentally sensitive lands and different protection strategies for Town-owned environmentally sensitive lands. Designated Open Space and conservation easements are two (2) such strategies. Braun referenced an image that depicted the 26 properties within the Town that could be zoned to Designated Open Space. There were four (4) areas that were deemed worthy of discussing if the Town should pursue conservation easements: Gore Creek Corridor, Katsos Ranch, Donovan Park Upper Branch, and two (2) parcels in Booth Falls. The plan does not make any recommendations for the potential Designated Open Space or conservation easement properties. Further studies are required prior to any decisions are made regarding said properties.

Braun continued by discussing the identified public facilities and community use needs. There are 161 Town-owned lands that were reviewed for their ability to meet any of the public facility or community use needs. Of the 161 properties studied, there are eight (8) properties left that might accommodate such needs. The Middle Bench of Donovan Park is one such property. However, it was purchased with RETT funds that limit its potential uses. The team then analyzed 106 privately-owned properties for their ability to accommodate public facilities or community use needs. There were three (3) properties identified: Chamonix Road parcels, the site of the former Roost Lodge, and the CDOT/Bighorn parcel.

Braun then discussed strategies and recommendations for the management of Town-owned lands.

Rediker – Asked how many properties in the Town have conservation easements located on them. Braun responded that there are four (4) such properties. Rediker asked about the advantages for conservation easements versus the Town zoning a property as Designated Open Space. Braun stated that the difference is that conservation easements are permanent while Designated Open Space zoning could conceivably be changed over time as resident and/or Board priorities change.

Stockmar – Stated he would like to understand more about the legal constraints that a land trust imposes on property. Braun responded that uses of the land are negotiable with the land trust. Rediker added that he understands private conservation easements tend to be more stringent because there is a considerable tax benefit for such easements. Rediker asked what the benefit to the Town is when the Town itself can limit the uses, and the Town does not get a tax benefit.

Braun continued his presentation by discussing the trails component of the plan update. Braun stated that there has been a strong interest and passion in trails, but there have been divergent opinions. Small group meetings and a trails workshop was held in order to guide the trails portion of the plan update. The five (5) major themes in regards to trails were: safety, sustainability, accessibility, diversity, and connectivity. Braun summarized the vision statement established for trails in the Town. Referencing an image, Braun described the existing trails and those proposed as part of the plan update. Any new trails will require a thorough review of any impact on the environment and wildlife.

Stockmar – Asked about what enforcement methods are in place for preserving “hiking only” trails. Braun responded that it is difficult to enforce such regulations.

Braun then outlined the next steps and implementation process for establishing any new trails. Such steps include detailed studies and designs, community process, a two-step process with the United States Forest Service (USFS), and examining potential collaborations down valley.

Braun concluded his presentation by reviewing the updated action plan that would be required to implement all of the recommendations made within the plan update.

Stockmar – Stated that he views the meeting as an introduction with the need for additional meetings. He believes that an enforcement mechanism for “hiking only” trails is required. Barrie stated that this can be done primarily through trail design. He added that any trail on USFS property is considered a multi-use trail. Stockmar added that he would like to examine parking restrictions for trailheads, especially at Booth Creek. Braun stated that the Town coordinate with the USFS as how trailheads can be better managed. Outreach to trail users is another recommendation within the plan update.

Rediker – Asked if there is anything within the updated action plan that addresses the previous comment regarding the protection of the peregrine nesting areas. Barrie pointed out language on page 28 of the plan update that states trail development is subject to the review of its impact on the environment and wildlife.

Rediker opened the hearing for public comment.

Wolf Mueller – Asked about a parcel in the Glen Lyon subdivision and its relevance to the plan update. Braun identified the property as Item No. 2 on the map in the plan update. There are private covenants on the property that maintain the property as open space. Gillette asked why the property is not being considered for a conservation easement. Braun stated that it is a possibility, but does not currently meet the criteria required for designation.

Jim Daus, Eagle Valley Land Trust – Stated that the Land Trust is available to help provide information and facilitate any Town requests. He commented that the Designated Open Space zone district is a great tool that not many communities possess. Asked that a comment on page eight (8) of the plan update regarding fees for monitoring conservation easements be stricken. Added that there are ways for the Town to save money by utilizing conservation easements and would like to see that reflected in the plan update. Gillette asked for clarification as to how the Town can save money. Daus stated that the cost savings would be for private property owners.

Paul Rondeau – Is concerned about the process. He stated that he has provided a four (4) page document, dated October 2, 2017 to the PEC, and wants to know if the document was presented to the PEC. Bertuglia stated she believes the document was provided at the prior meeting in which the plan update was discussed. Rondeau summarized the document's contents. Topics included an area near upper Matterhorn Circle, reasons why the middle bench of Donovan Park should be zoned Designated Open Space, and a process that would involve an Open Space Board of Trustees. Gillette indicated that the role of an Open Space Board of Trustees is included in the plan update document. Braun confirmed Gillette's statement. Their role is to focus on making recommendations for properties to be zoned Designated Open Space. Neubecker confirmed Mr. Rondeau's document was included with the October 9, 2017 PEC packet.

Tom Vucich – Summarized the primary objective of the 1994 Comprehensive Open Lands Plan was to acquire and protect open space. He believes throughout the process the public has been vocal that this should still be the same goal.

Jim Daus – Asked that recreation be included as a potential use for conservation easements.

Hopkins – Stated that she would like another two (2) weeks to think about and review the plan update.

Perez – Appreciates all of the citizen participation. She would also like time to further think about the plan update.

Kurz – Agreed with Commissioners Perez and Hopkins that additional time for review of the plan update is necessary. Does not believe the 1994 plan is broken, but does need updating. He agrees with Tom Vucich that protecting open lands is still important, but the Town may also benefit from purchasing sites that might be available for development for facility and community needs. He believes trail development needs to be studied very closely to accommodate as many people as possible.

Gillette – Supports the plan update. He believes that the plan update should address comments made in regards to additional information about conservation easements and land trusts. The differences between Designated Open Space and conservation easements need to be made clearer. He does not generally support the use of conservation easements on Town-owned lands. He would like to know how more public lands can be protected through the Designated Open Space district through a possible amendment to the Town Charter, if necessary.

Stockmar – Concurs with the other Commissioners. He believes it is a complex issue that needs more time to be fully reviewed.

Rediker – Agrees with the rest of the PEC. He thanked the citizens for their participation. He encouraged the PEC to provide a list of questions and concerns so that they can be addressed at the next meeting.

George Ruther, Director of Community Development, stated that it would be best if the questions and concerns be brought forth at the next meeting.

- 4.2 A request for the review of a development plan, pursuant to Section 12-6I-11, Development Plan Required, Vail Town Code, for the construction of employee housing units (EHUs) with the following associated requests: (1) a request for the review of a conditional use permit, pursuant to Section 12-6I-3, Conditional Uses, in accordance with the provisions of Section 12, Chapter 16, Conditional Use Permits, to allow for business offices and professional offices, as further regulated by Section 12-16-7, Use Specific Criteria and Standards, Vail Town Code; (2) a request for the review of multiple variances in accordance with the provisions of Section 12, Chapter 17, Variances: (a.) a variance from Section 12-6I-8, Parking and Loading, Vail Town Code to allow parking in the front and side setbacks; (b.) a variance from Section 12-10-9, Loading Standards, Vail Town Code, to allow for a loading berth less than the required dimensions; (c) a variance from Section 12-21-10, Development Restricted, Vail Town Code, to allow for development on a slope greater than forty percent (40%); (d.) a variance from Section 14-5-1, Minimum Standards, Vail Town Code, to allow for greater than twenty five percent (25%) of the required parking spaces to be compact parking spaces; and (e.) variances from Section 14-6-7, Retaining Walls, Vail Town Code, to allow retaining walls with an exposed face height over six feet (6') tall and over three feet (3') tall within the front setback, located at 501 North Frontage Road West / Lot 8, Block 2, Vail Potato Patch Filing 1, and setting forth details in regard thereto.

(PEC17-0046, PEC17- 0050, PEC17-0051)

**Applicant:** Sonnenalp Properties, represented by GPSL  
Architects, P.C.

**Planner:** Chris Neubecker

**Motion (Development Plan, PEC17-046):** Approve, with Conditions  
**First:** Kurz                      **Second:** Stockmar                      **Vote:** 5-1-0  
(Gillette Opposed)

**Conditions:**

1. Approval of this development plan is contingent upon the applicant obtaining Town of Vail approval of an associated Design Review Board application.
2. The Applicant shall obtain an access agreement from the Town of Vail, in a form acceptable to the Town Attorney, for any and all driveway improvements on, over or across Town owned Tract A, Middle Creek Subdivision. Such agreement shall be executed prior to issuance of a building permit.
3. Concurrent with the submission of a building permit application, the applicant shall submit a site specific geological investigation, in accordance with Section 12-21-13, Vail Town Code, for any proposed development within a mapped Rockfall Hazard Area. The applicant shall be responsible for any changes to the building permit plans required by the professional geologist or registered professional engineer who prepared the report.
4. Prior to issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for the building, the applicant shall legally execute and record with the Eagle County Clerk and Recorder the Town of Vail Type VI employee housing unit covenant for all sixty-five (65) residential units within the building.
5. Prior to issuance of a building permit, the applicant shall exchange eleven (11) existing deed restrictions on the property to other locations in the Town, through the Employee Housing Unit Deed Restriction Exchange Program, Section 12-13-5 Vail Town Code.

**Motion (Conditional Use Permit, PEC17-0050):** Approve, with Conditions  
**First:** Stockmar                      **Second:** Kurz                      **Vote:** 6-0-0  
**Conditions:**

1. This Conditional Use Permit shall lapse and become void if a building permit is not obtained and diligently pursued toward completion or the approved use has not commenced within two (2) years from the date of approval. Any conditional use which is

**discontinued for a period of two (2) years, regardless of any intent to resume operation, shall not be resumed thereafter; any future use of the site or structures thereon shall conform to the provisions of Title 12, Vail Town Code.**

- 2. Failure of the applicant to adhere to these conditions of approval may require review of this Conditional Use Permit, including a public hearing by the Planning & Environmental Commission, and may result in revocation of this permit.**

**Motion (Variances, PEC17-0051):      Approve  
First:      Kurz                      Second:      Stockmar                      Vote: 5-1-0  
(Gillette Opposed)**

Neubecker began his presentation by summarizing the applicant's request. The proposal is for 65 employee housing units (EHUs) with a small office (requiring a Conditional Use Permit) used for managing on-site and off-site housing owned by the applicant. The Housing (H) District allows for a lot of flexibility in regards to development standards. There are five (5) variances associated with the proposed development plan. Neubecker stated that the PEC conducted a conceptual review of the project in April of 2017. Also, there was a previous approval for a similar but larger development on this site in 2008, but the project never moved forward. Neubecker clarified that within the proposed motion, the number of deed restriction units to be exchanged for off-site units should be changed from nine (9) to eleven (11), as there are eleven (11) EHUs currently on the property.

Neubecker stated that multiple Town planning documents cite the need for employee housing within the community. In regards to the development plan, the PEC is asked to specifically review building height, GRFA, and lot area. Neubecker reviewed the development plan documents that would be incorporated into any approval. The applicant has received permission to proceed from the Town Council to use Town-owned property to the east for site access. The property is in proximity to Lionshead and multiple bus routes. The project has only 34 parking spaces where 113 are required, but the applicant has provided a parking management plan that addresses said shortage.

Neubecker emphasized that there is specific review criteria for a development plan, conditional use permit, and variances. Staff recommends approval of the application.

Perez – Asked for specifications as to the end use of the project. She believes the parking management plan only speaks to the occupancy of the building by Sonnenalp staff. Pratt stated that 16 units will first be offered to the public before Sonnenalp staff. Perez asked if parking will be available to the non-Sonnenalp staff. Pratt stated that leases will be offered first to those without vehicles.

Pratt stated that the item is nearly identical to what was proposed in April of 2017.



Stockmar – Stated that the west façade has balconies that may represent an attractive nuisance due to their proximity to the sloping hillside. Pratt stated that final grading is unavailable at this time.

Rediker – Asked Pratt to confirm that the parking management plan applies to all of the units, not just Sonnenalp employees. Pratt stated that the request could be made a condition of approval. Rediker asked how much further up the hillside development would occur beyond the location of the existing retaining walls. Pratt stated that it will extend approximately fifteen feet (15') beyond the current location. Rediker asked for the height of the retaining wall in the rear. Pratt stated that it is not certain because they do not have final grading information available. Rediker asked if the retaining wall will be visible from the North Frontage Road.

Hopkins – Asked for clarification as to what will happen to the existing retaining walls.

Kurz – Asked what will happen to the telecommunications equipment on top of the existing building. Pratt stated he is unsure at this time if the existing operator will seek to maintain a presence on the new building. Kurz asked for clarification as to the size of the proposed loading berth. Rediker asked if the plans accommodate for telecommunications equipment if the operators seek to stay at the project site. Pratt responded that they will be incorporated into the chimneys shown on the plan elevations.

Rediker opened the hearing for public comment. There was no public comment.

Stockmar – Pleased with the development plan, despite the number of variances requested. The requested variances will not negatively impact the area. He believes this is an appropriate project for the site.

Gillette – Is concerned about the parking variance request and cannot support the project as is.

Kurz – Believes the parking variance will not negatively impact the area because of the close proximity to Lionshead. He feels the community benefits (65 EHUs) outweighs the need for parking.

Perez – Supports employee housing, but she has to look beyond the site. The PEC just approved a parking structure at Red Sandstone Elementary School because there is a lack of parking in the area. She is concerned about the requested parking variance, especially because there is an office use associated with the request.

Hopkins – The goal of the Environmental Sustainability Strategic Plan (ESSP) is to reduce the amount of vehicles within the Town. This is the type of project that allows for people to not need a vehicle. She supports the project.

Rediker – Asked where emergency vehicles will access the property and how

they will maneuver on-site. Pratt stated that the Fire Department has reviewed the proposal and is comfortable they can maneuver the site. Rediker summarized all the approvals requested and stated he does have concerns regarding the lack of parking, but he does believe the location is well served by bus routes and is pedestrian-friendly. He believes the development plan, conditional use permit, and the variance meet their respective required review criteria.

Perez – Asked if the applicant would dedicate one (1) parking space per each unit for non-Sonnenalp employees. Johannes Faessler, owner of the property, stated that he was unwilling to do so. He stated that he has already talked with people interested in renting the units and that only a few stated that they require parking spaces. Perez stated that there is nothing from preventing residents from waiving their parking space if it is not required. Faessler stated that the proposal at hand is the best that can be done in regards to the amount of parking provided.

Hopkins stated that the intention of the proposal is for seasonal workers, not permanent families.

Pratt added that the parking management plan specifies a property owned by Sonnenalp in East Vail that can be used for parking/vehicular storage. Pratt also stated that the First Chair project across from Solar Vail has more beds per parking space than what is proposed for Solar Vail.

Gillette asked if there was a variance granted for their parking. Neubecker stated that the First Chair development received approval for the amount of parking spaces provided. Gillette stated that the reason the Town has a parking issue is because not enough parking has been built. Faessler stated that the Town's parking issues can be separated from the Town's affordable housing problem.

Gillette – Asked Neubecker about a procedural issue for voting on the requested variances. Neubecker stated that if he wished to vote against the parking spaces, he would vote against the development plan, not any particular variance.

- 4.3 A request for the review of variance from Section 12-6D-6, Setbacks, Vail Town Code, in accordance with the provisions of Section 12-17-1, Variances, Vail Town Code, to allow for a variance to a side setback, located at 1200 Ptarmigan Road, Unit A / Lot 1, Block 8, Vail Village Filing 7, and setting forth details in regard thereto. (PEC17-0047)

**Applicant:** Eileen Hyatt, represented by RKD Architects, Inc.  
**Planner:** Matt Panfil

**Motion:** Table to December 11, 2017

**First:** Kurz                      **Second:** Perez                      **Vote:** 6-0-0

- 4.4 A request for a recommendation to the Vail Town Council, pursuant to Section 12-3-7, Amendment, Vail Town Code, for prescribed regulations

amendments to the following: (1) Section 12-2-2, Definitions of Words and Terms, Vail Town Code, to add a definition for Lodge, Mixed-Residential; (2) Section 12-7A-3, Conditional Uses, Vail Town Code to allow Lodge, Mixed-Residential as a conditional use within the Public Accommodation (PA) District; (3) Section 12-7J-3, Conditional Uses, Vail Town Code to allow Lodge, Mixed-Residential as a conditional use within the Public Accommodation-2 (PA-2) District; and (4) Section 12-16-7, Use Specific Criteria and Standards, Vail Town Code, to add Item A-17, Lodge, Mixed-Residential, and setting forth details in regard thereto. (PEC17-0052)

**Applicant:** Braun Associates, Inc.  
**Planner:** Matt Panfil

**Withdrawn.**

- 4.5 A request for a final recommendation to the Vail Town Council on a major amendment to Special Development District No. 36, Four Seasons, pursuant to Section 12-9A-10, Amendment Procedures, Vail Town Code, for a conditional use permit for a Lodge, Mixed-Residential, pursuant to Section 12-7A-3, Conditional Uses, in accordance with the provisions of Section 12, Chapter 16, Conditional Use Permits, to allow for the reconfiguration of existing accommodation units, fractional fee units, and dwelling units, located at 1 Vail Road/Lots A-C, Vail Village Filing 2, and setting forth details in regard thereto. (PEC17-0053)

**Applicant:** Ex Vail LLC Extell Development, represented by Braun Associates, Inc.  
**Planner:** Matt Panfil

**Withdrawn.**

- 4.6 A request for a recommendation to the Vail Town Council, pursuant to Section 12-3-7, Amendment, Vail Town Code, for prescribed regulations amendments to Title 12, Zoning Regulations, Vail Town Code, related to vegetation removal for wildfire mitigation purposes, and setting forth details in regard thereto. (PEC17-0043)

**Applicant:** Town of Vail  
**Planner:** Jonathan Spence

**Motion:** Approve  
**First:** Stockmar                      **Second:** Hopkins                      **Vote:** 6-0-0

Spence introduced the proposed text amendment by describing the three (3) different ways in which trees can be removed within the Town: 1.) abatement, 2.) Design Review Board (DRB) approval, or 3.) Wildfire Assessment conducted by the Fire Department. The Town is working together to make sure all tree removal requests follow the same criteria. The text amendment is a clean-up of existing language that is necessary to make sure the code is consistent across tree removal processes.

Rediker opened the hearing for public comment. There was no public comment.

There was support from all of the members of the PEC. Rediker stated that the proposed text amendment complied with all review criteria.

5. Approval of Minutes

5.1 October 23, 2017 PEC Results

**Action: Approve**  
**First: Kurz Second: Stockmar Vote: 6-0-0**

6. Adjournment

**Action: Adjourn**  
**First: Kurz Second: Perez Vote: 6-0-0**

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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 meeting time.