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**Memorandum**

TO: Planning and Environmental Commission

FROM: Community Development Department

DATE: September 11, 2017

SUBJECT: 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, to allow for reconfiguration of existing accommodation units, fractional fee units and dwelling units, located at 1 Vail Road/Lots A-C, Vail Village Filing 2 (Four Seasons Resort), and setting forth details in regard thereto. (PEC17-0038)

Applicant: Four Seasons, represented by Braun Associates, Inc.  
Planner: Matt Panfil

**I. SUMMARY**

The applicant, Four Seasons, represented by Braun Associates, Inc., is requesting a recommendation to the Vail Town Council for a major amendment to Special Development District (SDD) No. 36, Four Seasons, pursuant to Section 12-9A-10, Amendment Procedures, Vail Town Code, to allow for the reconfiguration of existing accommodations units (AUs), fractional fee units (FFUs), and dwelling units (DUs), located at 1 Vail Road.

Based upon staff's review of the criteria outlined in Section VII of this memorandum and the evidence and testimony presented, the Community Development Department recommends the Planning and Environmental Commission (PEC) forward a **recommendation of approval** of the major amendment to SDD No. 36, Four Seasons, subject to the findings noted in Section VIII of this memorandum.

**II. DESCRIPTION OF REQUEST**

The applicant, Four Seasons, represented by Braun Associates, Inc., is requesting a major amendment to SDD No. 36, Four Seasons (Ord. No. 20, Series of 2005), in order to change the unit mix within the resort. Per Section 12-2-2, Vail Town Code, the definition of *special development district, major amendment* includes any proposal to

change the number of DUs or AUs. In addition to the change in the unit mix, the applicant is also proposing renovations to the resort including upgrading of common areas and guest rooms and minor exterior alterations such as new windows, deck improvements, and sidewall flues for new fireplaces. Said renovations will require a Town of Vail Design Review Board (DRB) application, but are not germane to this major amendment request.

In order to operate most efficiently and effectively, the applicant has established the following goals

- Increase the number of standard sized hotel rooms / AUs;
- Reduce the number of suites;
- Repurpose thirteen (13) FFUs that remain unsold since the building’s construction;
- Create additional for-sale real estate; and
- Provide an incentivized rental program via the addition of attached accommodation units (AAUs) / “lock-offs.”

In order to achieve these goals, the applicant proposes the following changes to the existing unit mix:

| Existing Unit Mix | Proposed Unit Mix                | Net Change          |
|-------------------|----------------------------------|---------------------|
| 122 AUs           | 130 AUs                          | +8 AUs              |
| 16 DUs            | 28 Dwelling Units (with 18 AAUs) | +12 DUs / + 18 AAUs |
| 19 FFUs           | 6 FFUs                           | -13 FFUs            |
| 28 EHU            | 28 EHU                           | ---                 |

The applicant has deemed it necessary to repurpose the thirteen (13) FFUs for two (2) primary reasons:

- The project was approved in 2001, but did not open as the Four Seasons until 2010. The applicant states that the luxury lodging industry changed significantly over this time period and fractional fee units had fallen out of favor with the market.
- The property was owned and operated by a bank between 2011 until the applicant purchased the property in November, 2016. As the applicant states, financial institutions are not well suited to operate luxury properties and there was a lack of a long-term vision for the property.

The applicant has deemed it necessary to decrease the number of suites and increase the number of standard-sized AUs based on a comparison to the industry standards.

Currently, 28% of the Four Seasons' rooms are suites, compared to 4-9% at resorts such as the Park Hyatt in Beaver Creek, Ritz-Carlton Bachelor Gulch, and the Sonnenalp.

In regards to creating the proposed unit mix, the applicant proposes the following:

- Convert three (3) suites to three (3) DUs. The three (3) DUs will include eight (8) AAUs;
- Convert nine (9) FFUs to nine (9) DUs. The nine (9) DUs will include ten (10) AAUs;
- Convert four (4) FFUs to sixteen (16) AUs; and
- Convert two (2) suites to four (4) AUs.

As all of the conversions occur within the existing structure; there are no changes to development standards such as setbacks, building height, site coverage, and landscaping. The resulting unit mix also does not result in any new gross residential floor area (GRFA), thus no inclusionary zoning fees apply. However, the proposed change to the unit mix of the resort does impact two (2) specific regulations: parking and commercial linkage.

**Parking:**

The existing SDD (Ord. No. 20, Series of 2005) requires a minimum of 211 parking spaces. Currently, the Four Seasons has a total of 215 parking spaces, which are all managed by a 24-hour concierge service. As demonstrated by the applicant on page nine to ten of the project narrative (Attachment B), the reconfiguration of units results in an increased demand of 19 parking spaces. The applicant is unable to create new space for parking, but has managed to provide an additional 20 parking spaces by restriping some of the standard-sized vehicle parking spaces to compact-sized vehicle parking spaces.

**Commercial Linkage:**

Section 12-23-4, Redevelopment, Vail Town Code, specifies that commercial linkage fees apply for any increase in the number of accommodation units in the redevelopment. In order to calculate the applicable commercial linkage fees, the employee generation and mitigation rates must be identified for each conversion of DUs or FFUs into new AUs:

- The conversion of four (4) FFUs to sixteen (16) AUs results in a net increase of sixteen (16) AUs:

$$16 \times 0.7 = 11.2 \text{ employees}$$

Per Section 12-23-2, Employee Generation and Mitigation Rates, a commercial redevelopment shall mitigate its impact on employee housing by providing EHUs for 20% of the employees generated:

$$11.2 \text{ employees} \times 0.2 = 2.24 \text{ employees}$$

As the applicant mention in the narrative (page 11, Attachment B), four (4) FFUs are lost in the conversion and their associated employee housing impact should be deducted. This is difficult as the employee housing mitigation associated with FFUs is determined by the inclusionary zoning formula, which is based on square feet, not employees generated. While comparing the employee housing impact for AUs versus FFUs is essentially comparing apples to oranges, the applicant has provided an analysis that is logical in its approach:

- Employee housing impact for FFUs is based on square footage. The square footage of the four (4) FFUs lost in the conversion to AUs totals 10,312 square feet.
- Section 12-24-2, Employee Housing Requirements, Vail Town Code, requires a mitigation rate of ten percent (10%) of the total new GRFA. Therefore, in this analysis, the applicant would be responsible for mitigating 1,031.2 square feet.
- Section 12-24-3, Building Requirements, Vail Town Code, establishes a minimum square footage for different types of EHUs. The smallest type of unit, dormitories, requires a minimum 250 square feet of GRFA.
- If the 1,031.2 square feet is divided into dormitory space, the result would be four (4) dormitory units required as mitigation for the four (4) FFUs. At a minimum, the four (4) dormitory units would house four (4) employees.
- The number of employees generated by the sixteen (16) new AUs (2.24) is less than that required by the previously existing four (4) FFUs, which, by comparison, generated a minimum of four (4) employees. There is therefore no net increase, but an actual decrease in 1.48 employees generated by the conversion of four (4) FFUs to sixteen (16) AUs. Therefore, the applicant believes there is no mitigation necessary.
- The conversion of two (2) AU suites to four (4) standard AUs results in a net increase of two (2) AUs. Per Table 23-1, Employee Generation Rates by Type of Commercial Use, the employee generation rate for AUs is 0.7 employee per net new units:

$$2 \times 0.7 = 1.4 \text{ employees}$$

$$1.4 \times 0.2 = 0.28 \text{ employees}$$

As the total number of employees generated is less than one, the applicant may provide a payment of fees in lieu of providing on-site employee housing:

0.28 employees x \$177,733 (fee per employee generated) = \$49,765.24

Instead, the applicant has voluntarily proposed to purchase and place a deed restriction on a two-bedroom DU in excess of 788 square feet. By comparison, a 788 square foot two-bedroom DU could accommodate 2.25 employees. Therefore, the proposed employee housing mitigation is 1.97 employees more than required.

In addition to the previously referenced narrative (Attachment B), a vicinity map (Attachment A), an undated plan set (Attachment C), and Ord. No. 20, Series of 2005 (Attachment D) are attached for review.

### III. BACKGROUND

The subject property was once occupied by a 120 room Holiday Inn hotel and a gas station. Ordinance No. 14, Series of 2001 established SDD No. 36, Four Seasons. SDD No. 36, Four Seasons, was subsequently amended to alter the unit mix in 2003 (Ord. No. 9, Series of 2003) and 2005 (Ord. No. 20, Series of 2005). The changes that occurred throughout this process are as follows:

|                    | <b>2001</b> | <b>2003</b> | <b>2005</b> | <i>2017</i>           |
|--------------------|-------------|-------------|-------------|-----------------------|
| <b>AUs</b>         | 116         | 118         | 122         | <i>130</i>            |
| <b>DUs</b>         | 15          | 18          | 16          | <i>28 (+ 18 AAUs)</i> |
| <b>FFUs</b>        | 40          | 22          | 19          | <i>6</i>              |
| <b>EHUs*</b>       | 4,971 SF    | 34          | 28          | <i>28</i>             |
| <b>Total Units</b> | 171 + EHUs  | 192         | 185         | <i>210</i>            |

\* *The property was developed prior to the Town of Vail codifying EHU requirements.*

Though approved in 2001, construction did not begin until 2006 and the project did not open as the Four Seasons until 2010. While there have been changes to the internal programming of the building, no other significant changes have been made to the resort since its opening.

### IV. APPLICABLE PLANNING DOCUMENTS

Staff finds that the following provisions of the Vail Town Code are relevant to the review of this proposal:

#### **Title 12, Zoning Regulations, Vail Town Code**

*Chapter 2, Section 2: Definitions of Words and Terms (in part)*

##### **ACCOMMODATION UNIT:**

*Any room or group of rooms without "kitchen facilities", as defined herein, which are designed for temporary occupancy by visitors, guests, individuals, or families on a*

*short term rental basis, and accessible from common corridors, walks, or balconies without passing through another accommodation unit, limited service lodge unit, fractional fee club unit or dwelling unit. An accommodation unit is not intended for permanent residency and shall not be subdivided into an individual condominium unit, pursuant to title 13, "Subdivision Regulations", of this code.*

**ACCOMMODATION UNIT, ATTACHED:**

*A room, without kitchen facilities, connected to a dwelling unit within a multiple-family building designed for or adapted to occupancy by guests which is accessible from a common corridor, walk, or balcony without passing through another accommodation unit, attached accommodation unit, or dwelling unit.*

**DWELLING UNIT:**

*Any room or group of rooms in a two-family or multiple-family building with kitchen facilities designed for or used by one family as an independent housekeeping unit.*

**FRACTIONAL FEE:**

*A tenancy in common interest in improved real property, including condominiums, created or held by persons, partnerships, corporations, or joint ventures or similar entities, wherein the tenants in common have formerly arranged by oral or written agreement or understanding, either recorded or unrecorded, allowing for the use and occupancy of the property by one or more cotenants to the exclusion of one or more cotenants during any period, whether annually reoccurring or not which is binding upon any assignee or future owner of a fractional fee interest or if such agreement continues to be in any way binding or effective upon any cotenant for the sale of any interest in the property.*

**SPECIAL DEVELOPMENT DISTRICT, MAJOR AMENDMENT:**

*Any proposal to change uses; increase gross residential floor area; change the number of dwelling or accommodation units; modify, enlarge or expand any approved special development district (other than "minor amendments" as defined in this section), except as provided under section 12-15-4, "Interior Conversions", or 12-15-5, "Additional Gross Residential Floor Area (250 Ordinance)", of this title.*

**Chapter 7, Article A. Public Accommodation (PA) District (in part)**

**12-7A-1: PURPOSE:**

*The public accommodation district is intended to provide sites for lodges and residential accommodations for visitors, together with such public and semipublic facilities and limited professional offices, medical facilities, private recreation, commercial/retail and related visitor oriented uses as may appropriately be located within the same zone district and compatible with adjacent land uses. The public accommodation district is intended to ensure adequate light, air, open space, and other amenities commensurate with lodge uses, and to maintain the desirable resort qualities of the zone district by establishing appropriate site development standards.*

*Additional nonresidential uses are permitted as conditional uses which enhance the nature of Vail as a vacation community, and where permitted uses are intended to function compatibly with the high density lodging character of the zone district.*

**12-7A-2: PERMITTED USES:**

*The following uses shall be permitted in the PA district:*

*Employee housing units, as further regulated by chapter 13 of this title.*

*Lodges, including accessory eating, drinking, or retail establishments located within the principal use and not occupying more than ten percent (10%) of the total gross residential floor area of the main structure or structures on the site; additional accessory dining areas may be located on an outdoor deck, porch, or terrace.*

**12-7A-3: CONDITIONAL USES:**

*The following conditional uses shall be permitted in the PA district, subject to issuance of a conditional use permit in accordance with the provisions of chapter 16 of this title:*

*Fractional fee club units, as further regulated by subsection 12-16-7-A-8 of this title.*

*Lodges, including accessory eating, drinking, or retail establishments located within the principal use and occupying between ten percent (10%) and fifteen percent (15%) of the total gross residential floor area of the main structure or structures on the site.*

*Private parking structures.*

**12-7A-12: EXTERIOR ALTERATIONS OR MODIFICATIONS:**

- A. Review Required: The construction of a new building or the alteration of an existing building shall be reviewed by the design review board in accordance with chapter 11 of this title. However, any project which adds additional dwelling units, accommodation units, fractional fee club units, any project which adds more than one thousand (1,000) square feet of commercial floor area or common space, or any project which has substantial off site impacts (as determined by the administrator) shall be reviewed by the planning and environmental commission as a major exterior alteration in accordance with this chapter and section 12-3-6 of this title. Complete applications for major exterior alterations shall be submitted in accordance with administrative schedules developed by the department of community development for planning and environmental commission and design review board review.*

#### 12-7A-14: MITIGATION OF DEVELOPMENT IMPACTS:

*Property owners/developers shall also be responsible for mitigating direct impacts of their development on public infrastructure and in all cases mitigation shall bear a reasonable relation to the development impacts. Impacts may be determined based on reports prepared by qualified consultants. The extent of mitigation and public amenity improvements shall be balanced with the goals of redevelopment and will be determined by the planning and environmental commission in review of development projects and conditional use permits. Substantial off site impacts may include, but are not limited to, the following: deed restricted employee housing, roadway improvements, pedestrian walkway improvements, streetscape improvements, stream tract/bank restoration, loading/delivery, public art improvements, and similar improvements. The intent of this section is to only require mitigation for large scale redevelopment/development projects which produce substantial off site impacts.*

#### Chapter 9, Article A. Special Development (SDD) District (in part)

##### 12-9A-1-A: PURPOSE:

*The purpose of the special development district is to encourage flexibility and creativity in the development of land in order to promote its most appropriate use; to improve the design character and quality of the new development with the town; to facilitate the adequate and economical provision of streets and utilities; to preserve the natural and scenic features of open space areas; and to further the overall goals of the community as stated in the Vail comprehensive plan. An approved development plan for a special development district, in conjunction with the property's underlying zone district, shall establish the requirements for guiding development and uses of property included in the special development district.*

##### 12-9A-4: DEVELOPMENT REVIEW PROCEDURES:

- A. Approval Of Plan Required: Prior to site preparation, building construction, or other improvements to land within a special development district, there shall be an approved development plan for said district. The approved development plan shall establish requirements regulating development, uses and activity within a special development district.*
- B. Preapplication Conference: Prior to submittal of a formal application for a special development district, the applicant shall hold a preapplication conference with the department of community development. The purpose of this meeting shall be to discuss the goals of the proposed special development district, the relationship of the proposal to applicable elements of the town's comprehensive plan, and the review procedure that will be followed for the application.*



- C. *PEC Conducts Initial Review: The initial review of a proposed special development district shall be held by the planning and environmental commission at a regularly scheduled meeting. Prior to this meeting, and at the discretion of the administrator, a work session may be held with the applicant, staff and the planning and environmental commission to discuss special development district. A report of the department of community development staff's findings and recommendations shall be made at the initial formal hearing before the planning and environmental commission. Within twenty (20) days of the closing of a public hearing on a proposed amendment, the planning and environmental commission shall act on the petition or proposal. The commission may recommend approval of the petition or proposal as initiated, may recommend approval with such modifications as it deems necessary to accomplish the purposes of this title, or may recommend denial of the petition or rejection of the proposal. The commission shall transmit its recommendation, together with a report on the public hearing and its deliberations and findings, to the town council.*
- D. *Town Council Review: A report of the planning and environmental commission stating its findings and recommendations, and the staff report shall then be transmitted to the town council. Upon receipt of the report and recommendation of the planning and environmental commission, the town council shall set a date for hearing within the following thirty (30) days. Within twenty (20) days of the closing of a public hearing on a proposed SDD, the town council shall act on the petition or proposal. The town council shall consider but shall not be bound by the recommendation of the planning and environmental commission. The town council may cause an ordinance to be introduced to create or amend a special development district, either in accordance with the recommendation of the planning and environmental commission or in modified form, or the council may deny the petition. If the council elects to proceed with an ordinance adopting an SDD, the ordinance shall be considered as prescribed by the Vail town charter.*

**12-9A-8: DESIGN CRITERIA AND NECESSARY FINDINGS:**

- A. *Criteria: The following design criteria shall be used as the principal criteria in evaluating the merits of the proposed special development district. It shall be the burden of the applicant to demonstrate that submittal material and the proposed development plan comply with each of the following standards, or demonstrate that one or more of them is not applicable, or that a practical solution consistent with the public interest has been achieved:*
1. *Compatibility: Design compatibility and sensitivity to the immediate environment, neighborhood and adjacent properties relative to architectural design, scale, bulk, building height, buffer zones, identity, character, visual integrity and orientation.*

2. *Relationship: Uses, activity and density which provide a compatible, efficient and workable relationship with surrounding uses and activity.*
  3. *Parking And Loading: Compliance with parking and loading requirements as outlined in chapter 10 of this title.*
  4. *Comprehensive Plan: Conformity with applicable elements of the Vail comprehensive plan, town policies and urban design plans.*
  5. *Natural And/Or Geologic Hazard: Identification and mitigation of natural and/or geologic hazards that affect the property on which the special development district is proposed.*
  6. *Design Features: Site plan, building design and location and open space provisions designed to produce a functional development responsive and sensitive to natural features, vegetation and overall aesthetic quality of the community.*
  7. *Traffic: A circulation system designed for both vehicles and pedestrians addressing on and off site traffic circulation.*
  8. *Landscaping: Functional and aesthetic landscaping and open space in order to optimize and preserve natural features, recreation, views and function.*
  9. *Workable Plan: Phasing plan or subdivision plan that will maintain a workable, functional and efficient relationship throughout the development of the special development district.*
- B. Necessary Findings: Before recommending and/or granting an approval of an application for a special development district, the planning and environmental commission and the town council shall make the following findings with respect to the proposed SDD:*
1. *That the SDD complies with the standards listed in subsection A of this section, 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.*

**12-9A-9: DEVELOPMENT STANDARDS:**

*Development standards including lot area, site dimensions, setbacks, height, density control, site coverage, landscaping and parking shall be determined by the town council as part of the approved development plan with consideration of the recommendations of the planning and environmental commission. Before the town council approves development standards that deviate from the underlying zone district, it should be determined that such deviation provides benefits to the town that outweigh the adverse effects of such deviation. This determination is to be made based on evaluation of the proposed special development district's compliance with the design criteria outlined in section 12-9A-8 of this article.*

**12-9A-10: AMENDMENT PROCEDURES:**

**B. Major Amendments:**

1. *Requests for major amendments to an approved special development district shall be reviewed in accordance with the procedures described in section 12-9A-4 of this article.*
2. *Owners of all property requesting the amendment, or their agents or authorized representatives, shall sign the application. Notification of the proposed amendment shall be made to owners of all property adjacent to the property requesting the proposed amendment, owners of all property adjacent to the special development district, and owners of all property within the special development district that may be affected by the proposed amendment (as determined by the department of community development). Notification procedures shall be as outlined in subsection 12-3-6C of this title.*

**Chapter 10, Off Street Parking and Loading (in part)**

**12-10-4: ADDITIONS OR CHANGES:**

*For additions or enlargements of any existing building or change of use that would increase the total number of parking spaces required, the additional parking shall be required only for such addition, enlargement or change and not for the entire building or use.*

**12-10-7: STANDARDS; AUTHORITY TO ADJUST:**

*Parking standards shall be those provided in title 14 of this code. The standards set out in title 14 of this code shall govern the design and construction of all off street parking and loading facilities, whether required by this chapter or provided in addition to the requirements of this chapter. Minor adjustments of the dimensions prescribed in this chapter may be authorized by the administrator if consistent with generally recognized design standards for off street parking and loading facilities.*

**12-10-12: CREDIT FOR MULTIPLE USE PARKING FACILITIES:**

*Where a single parking facility serves more than one use, the total parking requirement for all uses may be reduced in accordance with the following schedule:*

| <i>Total Requirement Determined Per Section 12-10-10:</i> | <i>Permitted Reduction To Determine Multiple Use Parking Requirement:</i> |
|---|---|
| <i>201 to 300 spaces</i>                                  | <i>5.0 percent</i>  |

**Chapter 23, Commercial Linkage (in part)**

**12-23-1: PURPOSE AND APPLICABILITY:**

- A. The purpose of this chapter is to ensure that new commercial development and redevelopment in the town provide for a reasonable amount of employee housing to mitigate the impact on employee housing caused by such commercial development and redevelopment.*
- B. Except as provided in section 12-23-5 of this chapter, this chapter shall apply to all new commercial development and redevelopment located within the following zone districts:*
  - 2. Public accommodation (PA);*
  - 16. Special development (SDD).*

**12-23-2: EMPLOYEE GENERATION AND MITIGATION RATES:**

- A. The employee generation rates found in table 23-1, "Employee Generation Rates By Type Of Commercial Use", of this section, shall be applied to each type of use in a commercial development. For any use not listed, the administrator shall determine the applicable employee generation rate by consulting the town's current nexus study.*

Table 23-1, Employee General Rates by Type of Commercial Use

| <u>Type of Use</u>                              | <u>Employee Generation Rate</u> |
|---|---------------------------------|
| Accommodation unit / limited service lodge unit | 0.7 employee per net new units  |

- C. Each commercial development or redevelopment shall mitigate its impact on employee housing by providing EHUs for twenty percent (20%) of the employees generated, pursuant to table 23-1 of this section, or the nexus study, in accordance with the requirements of this chapter.

12-23-4: REDEVELOPMENT:

Employee housing impacts need only be mitigated for a redevelopment that results in a greater number of employees generated from an increase in net floor area, or an increase in the number of accommodation units or limited service lodge units in the redevelopment; provided however, that if any existing EHUs are to be removed, an equal amount of EHUs shall be replaced in addition to the other requirements of this chapter.

## Vail Land Use Plan

### Chapter II – Land Use Plan Goals / Policies (in part)

- 1.1 Vail should continue to grow in a controlled environment, maintaining a balance between residential, commercial and recreational uses to serve both the visitor and the permanent resident.
- 1.3 The quality of development should be maintained and upgraded whenever possible.
- 1.12 Vail should accommodate most of the additional growth in existing developed areas (infill areas).
- 3.1 The hotel bed base should be preserved and use more efficiently.
- 5.4 Residential growth should keep pace with the market place demands for a full range of housing types.

### Chapter VI – Proposed Land Use

#### 4. Proposed Land Use Categories

RAS Resort Accommodations and Service

This area includes activities aimed at accommodating the overnight and short-term visitor to the area. Primary uses include hotels, lodges, service stations,

and parking structures (with densities up to 25 dwelling units or 50 accommodation units per buildable acre).

5. "Preferred Plan" Land Use Pattern

B. Commercial Uses

3. Resort Accommodation Services

*This area has been designated for the area which extends from the Lionshead hotel / accommodation unit area east along the Frontage Road to Vail Road. Cascade village has also been designated as Resort Accommodation. These are the areas where hotel uses will be concentrated during the planning period, reflecting the community goals to concentrate hotels within the core areas. These areas total 52 acres, or about 2% of the land area studied.*

**V. ZONING AND SDD NO. 36, FOUR SEASONS RESORT & RESIDENCES ANALYSIS**

Address: 1 Vail Road  
 Legal Description: Vail Village Filing 2, Lot A - C  
 Existing Zoning: Public Accommodation (PA)  
 Existing Land Use Designation: Resort Accommodations and Services  
 Mapped Geological Hazards: Steep Slope > 40% (Man-Made)  
 View Corridor: None

| Development Standard | Allowed / Required   | Existing   | Proposed  | Change  |
|----------------------|--|--|---|---|
| Site Area            | 10,000 SF  | 2.32 acres (101,140 SF)  |   | No Change   |
| Setbacks             | As set forth in the Approved Development Plan referenced in Section 4 of Ord. No. 20, Series of 2005, Four Seasons SDD |  |   | No Change   |
| Building Height      | 89'  | N/A  |   | No Change   |
| Density              |  | AUs: 122<br>DUs: 16<br>FFUs: 19<br>EHUs: 28                    | AUs: 130<br>DUs: 28 (+18 AAUs)<br>FFUs: 6<br>EHUs: 28 | AUs: +8<br>DUs: +12 (+18 AAUs)<br>FFUs: - 13<br>EHUs: No Change |
| GRFA                 |  | 177,609 SF   |   | No Change   |
| Retail SF            |  | 2,386 SF   |   | No Change   |
| Restaurant SF        |  | 5,946 SF   |   | No Change   |
| Conference SF        |  | 11,139 SF  |   | No Change   |
| Health Club          |  | 18,577 SF  |   | No Change   |
| Site Coverage        |  | 85,091 SF (71%) (Below Grade)<br>70,150 SF (59%) (Above Grade) |   | No Change   |
| Landscaping          |  | 35,268 SF (30%)  |   | No Change   |
| Parking & Loading    | 230 Spaces   | 215 Spaces   | 235 Spaces  | + 20 Spaces   |

## VI. SURROUNDING LAND USES AND ZONING

|        | <u>Existing Land Use:</u>                   | <u>Zoning District:</u>  |
|--------|---|--|
| North: | Public / Semi-Public                        | General Use (GU)   |
| South: | Medium Density Residential Transition Area  | Two-Family Residential (R)<br>High Density Multiple-Family (HDMF)<br>General Use (GU)<br>Public Accommodation (PA) |
| East:  | Village Master Plan                         | Public Accommodation (PA)<br>Commercial Service Center (CSC)   |
| West:  | Resort Accomm. and Services Transition Area | High Density Multiple-Family (HDMF)  |

## VII. SDD REVIEW CRITERIA

Before acting on an SDD application, the PEC and Town Council shall consider the following factors with respect to the proposed SDD:

- 1. Compatibility: Design compatibility and sensitivity to the immediate environment, neighborhood and adjacent properties relative to architectural design, scale, bulk, building height, buffer zones, identity, character, visual integrity and orientation.**

The proposed major amendment involves only the reconfiguration of existing interior space and will not impact the immediate environment or neighborhood or adjacent properties relative to architectural design, scale, bulk, building height, buffer zones, identity, character, or visual integrity and orientation.

Staff finds the proposal complies with this criterion.

- 2. Relationship: Uses, activity and density which provide a compatible, efficient and workable relationship with surrounding uses and activity.**

The proposed major amendment involves primarily the reallocation of different unit types and introduces AAUs to the SDD. The added density in terms of additional units is offset by the commercial linkage requirements. In fact, the applicant has provided more employee housing mitigation than required.

Staff finds the proposal complies with this criterion.

**3. Parking and Loading: Compliance with parking and loading requirements as outlined in Title 12, Chapter 10, Off Street Parking and Loading, Vail Town Code.**

The proposed major amendment generates a demand for nineteen (19) new parking spaces. The applicant has addressed the need for additional parking by restriping several standard-vehicle sized parking spaces to compact-vehicle sized parking spaces. Per Section 14-5-1, Minimum Standards, Vail Town Code, up to 25% of required parking in lots with more than fifteen (15) parking spaces may be of a compact design (8' x 16'). The applicant has proposed a total of fifty (50) compact parking spaces, or 21.3%

Staff finds the proposal complies with this criterion.

**4. Comprehensive Plan: Conformity with applicable elements of the Vail comprehensive plan, town policies and urban design plans.**

The proposed major amendment conforms to the following elements of the Vail comprehensive plan, town policies, and urban design plans:

Vail Land Use Plan

*Chapter II – Land Use Plan Goals / Policies (in part)*

- 1.1 *Vail should continue to grow in a controlled environment, maintaining a balance between residential, commercial and recreational uses to serve both the visitor and the permanent resident.*
- 1.3 *The quality of development should be maintained and upgraded whenever possible.*
- 1.12 *Vail should accommodate most of the additional growth in existing developed areas (infill areas).*
- 3.1 *The hotel bed base should be preserved and use more efficiently.*
- 5.4 *Residential growth should keep pace with the market place demands for a full range of housing types.*

Staff finds the proposal complies with this criterion.

**5. Natural and/or Geologic Hazard: Identification and mitigation of natural and/or geologic hazards that affect the property on which the special development district is proposed.**



The subject property is not located within any natural or geologic hazard.

Staff finds the proposal complies with this criterion.

**6. Design Features: Site plan, building design and location and open space provisions designed to produce a functional development responsive and sensitive to natural features, vegetation and overall aesthetic quality of the community.**

The proposal does include any changes to the site plan, building design or location, or open space provisions.

Staff finds the proposal complies with this criterion

**7. Traffic: A circulation system designed for both vehicles and pedestrians addressing on and off site traffic circulation.**

The proposed major amendment involves only interior changes to a limited number of the overall units located within the resort. The Town of Vail Public Works staff estimates that the increased number of units will generate eight (8) net new P.M vehicle trips. The payment of a traffic impact fee to offset the increased traffic has been included as a condition of approval.

Staff finds the proposal complies with this criterion.

**8. Landscaping: Functional and aesthetic landscaping and open space in order to optimize and preserve natural features, recreation, views and function.**

The proposed major amendment does not include any changes to the landscaping or open space on the site.

Staff finds the proposal complies with this criterion.

**9. Workable Plan: Phasing plan or subdivision plan that will maintain a workable, functional and efficient relationship throughout the development of the special development district.**

The proposed major amendment only pertains to interior changes to a limited number of the overall units located within the resort. No phasing or subdivision plan is necessary.

Staff finds the proposal complies with this criterion.

## VIII. STAFF RECOMMENDATION

Based upon the review of the criteria outlined in Section VII of this memorandum and the evidence and testimony presented, the Community Development Department recommends the PEC forwards a recommendation of **approval, with conditions**, to the 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, to allow for 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.

Should the PEC choose to forward a recommendation of **approval, with conditions**, for this request, the Community Development Department recommends the Commission pass the following **motion**:

*“The Planning and Environmental Commission forwards a recommendation of approval, with conditions, to the Town Council for a major amendment to Special Development District No. 36, Four Seasons, pursuant to Section 12-9A-10, Amendment Procedures, Vail Town Code, 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.”*

Should the PEC choose to forward a recommendation of **approval, with conditions**, for this request, the Community Development Department recommends the following **conditions**:

1. *“The exterior building changes associated with this major amendment to SDD No. 36, Four Seasons, are contingent upon the applicant obtaining Town of Vail approval of an associated design review board application for all exterior changes to the property;*
2. *Prior to issuance of any building permit for altering the unit mix and/or unit count in the subject property, the applicant shall record with the Eagle County Clerk and Recorder a Town of Vail employee housing deed restriction for a minimum two-bedroom dwelling unit of at least 788 square feet, located within the Town of Vail;*
3. *Prior to issuance of any building permit for altering the unit mix and/or unit count in the subject property, the applicant shall pay to the Town of Vail a traffic mitigation fee, the amount of which is yet to be determined, per net new P.M. peak hour vehicular trip.*

Should the PEC choose to forward a recommendation of **approval, with conditions**, for this request, the Community Development Department recommends the PEC makes the following **findings**:

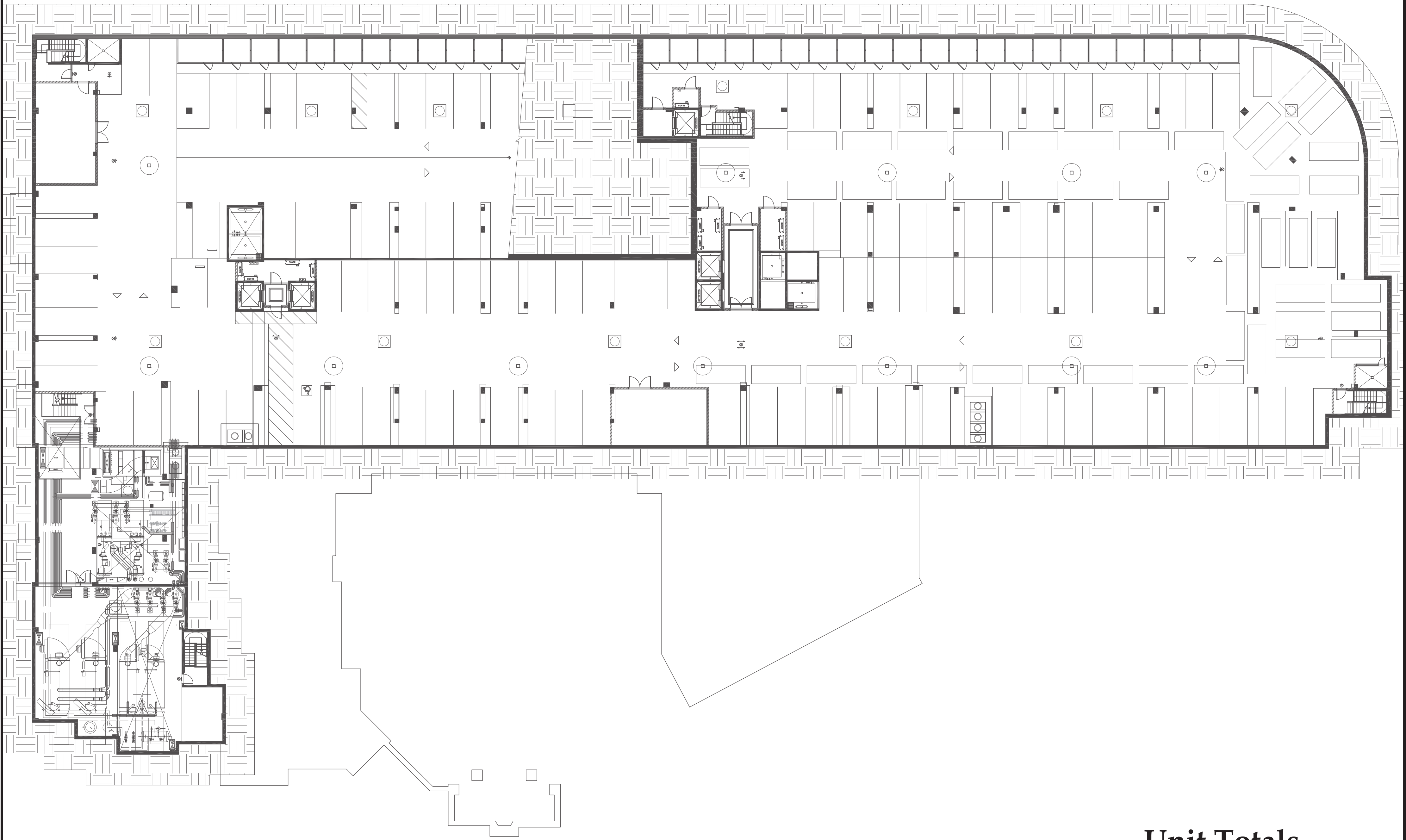
*“Based upon the review of the criteria outlined in Section VII of the Staff Memorandum to the Planning and Environmental Commission dated September 11, 2017, and the evidence and testimony presented, the Planning and Environmental Commission finds:*

- 1. That the SDD complies with the standards listed in Section 12-9A-8-A, Vail Town Code, or the applicant has demonstrated 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;*
- 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.”*

## **IX. ATTACHMENTS**

- A. Vicinity Map
- B. Project Narrative
- C. Plan Set
- D. Ordinance No. 20, Series of 2005

# Level 1 - Existing Condition



## Existing Project Totals

122 - AU's  
 16 - DU's  
 19 - FFU's  
 0 - Lock Offs

## Unit Totals

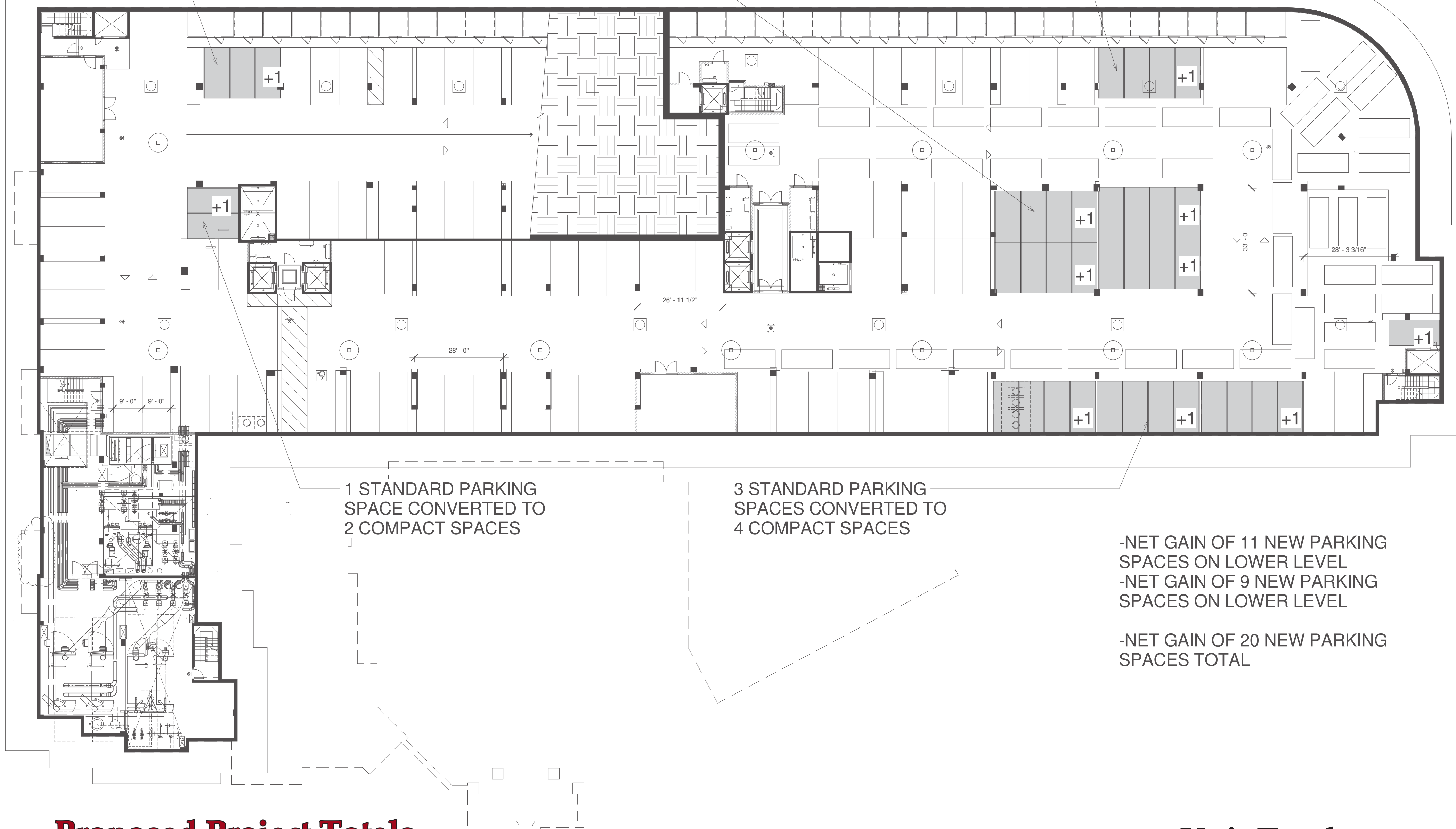
0 - AU's  
 0 - DU's  
 0 - FFU's  
 0 - Lock Offs

# Level 1 - Proposed Condition

2 STANDARD PARKING SPACES CONVERTED TO 3 COMPACT SPACES

3 STANDARD PARKING SPACES CONVERTED TO 4 COMPACT SPACES

3 STANDARD PARKING SPACES CONVERTED TO 4 COMPACT SPACES



1 STANDARD PARKING SPACE CONVERTED TO 2 COMPACT SPACES

3 STANDARD PARKING SPACES CONVERTED TO 4 COMPACT SPACES

-NET GAIN OF 11 NEW PARKING SPACES ON LOWER LEVEL  
 -NET GAIN OF 9 NEW PARKING SPACES ON LOWER LEVEL

-NET GAIN OF 20 NEW PARKING SPACES TOTAL

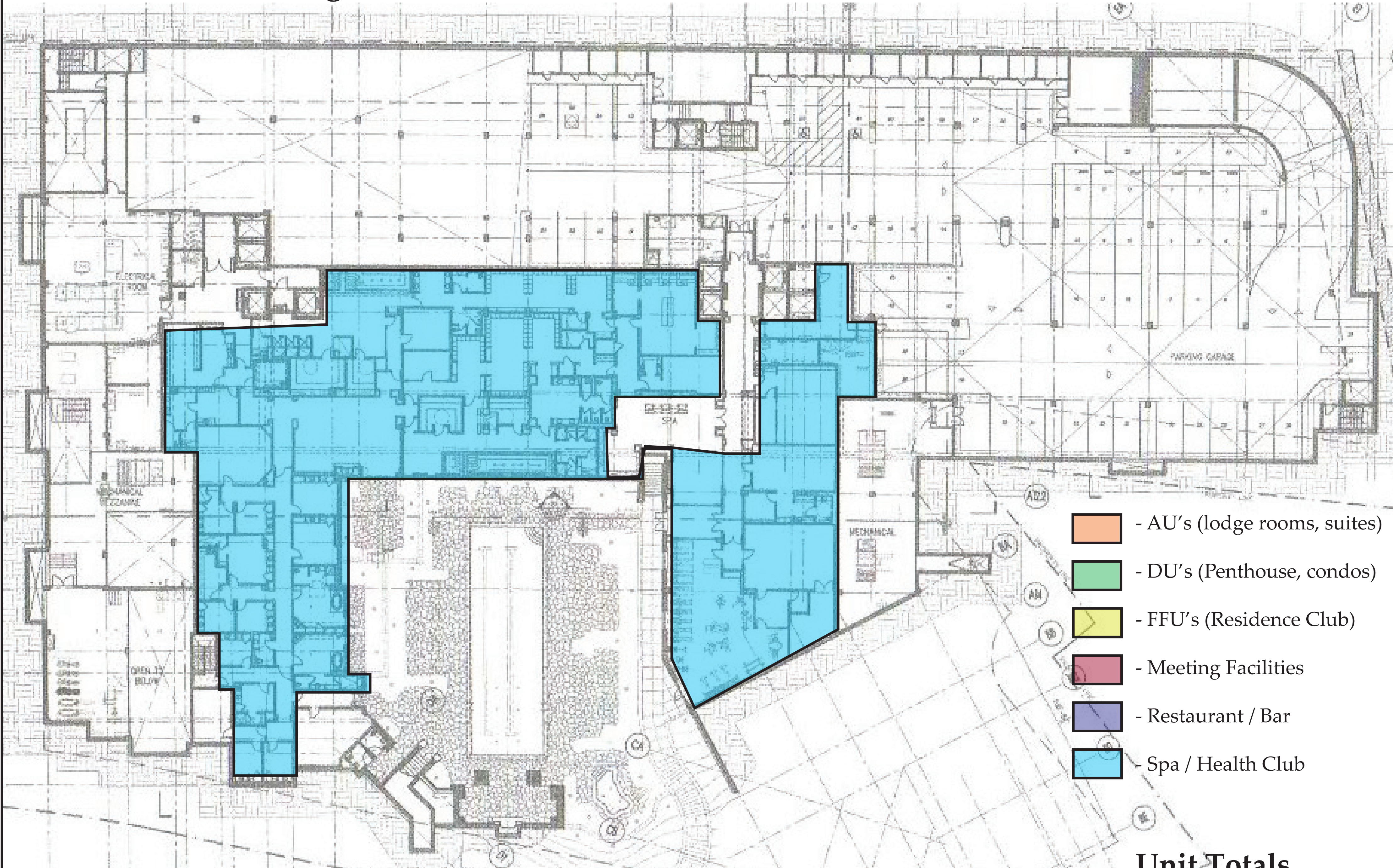
## Proposed Project Totals

130 - AU's  
 28 - DU's  
 6 - FFU's  
 18 - Lock Offs

## Unit Totals

0 - AU's  
 0 - DU's  
 0 - FFU's  
 0 - Lock Offs

# Level 2 - Existing Condition



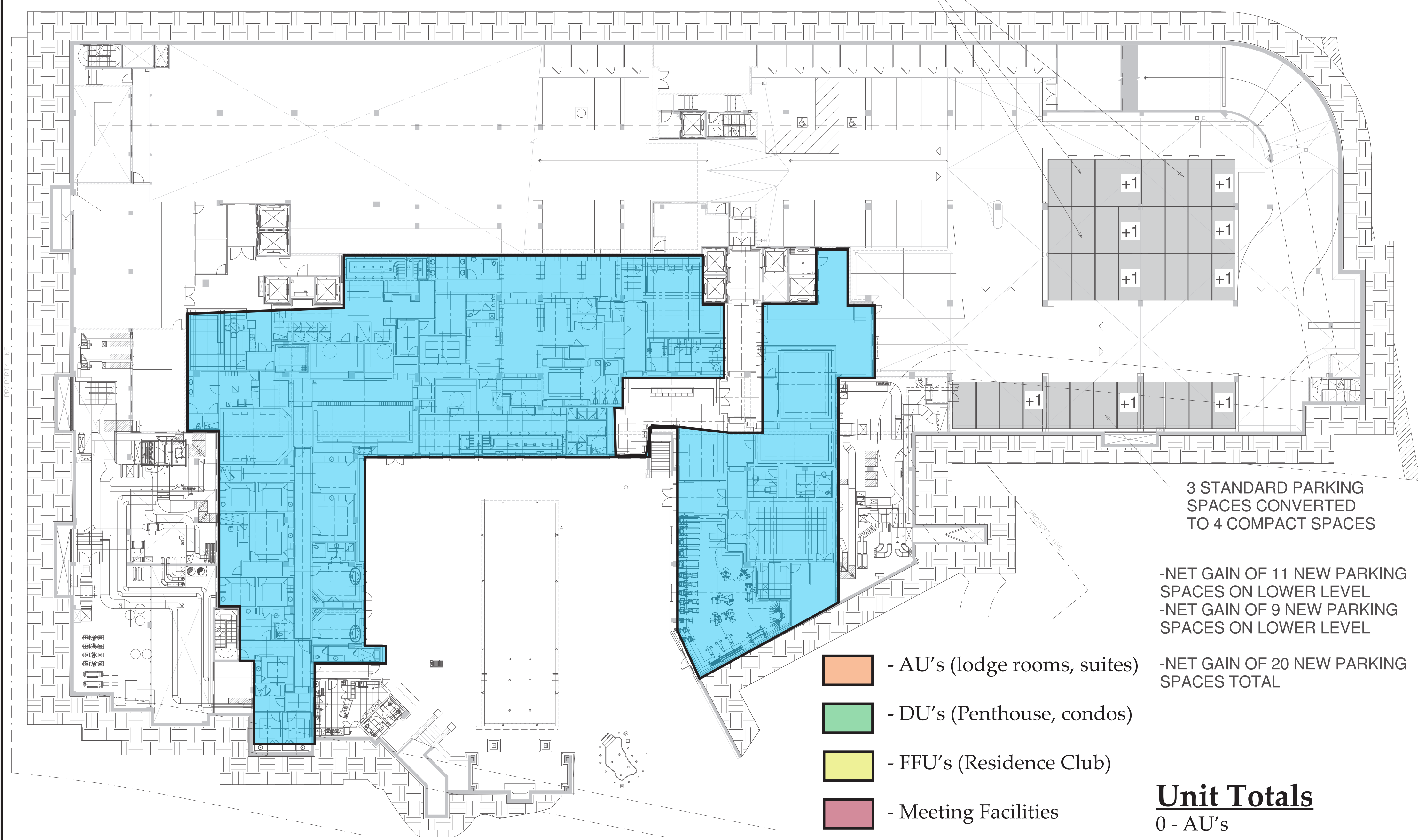
- AU's (lodge rooms, suites)
- DU's (Penthouse, condos)
- FFU's (Residence Club)
- Meeting Facilities
- Restaurant / Bar
- Spa / Health Club

## Unit Totals

0 - AU's  
 0 - DU's  
 0 - FFU's  
 0 - Lock Offs

# Level 2 - Proposed Condition

SPACES CONVERTED  
TO 4 COMPACT SPACES



- AU's (lodge rooms, suites)
- DU's (Penthouse, condos)
- FFU's (Residence Club)
- Meeting Facilities
- Restaurant / Bar
- Spa / Health Club

3 STANDARD PARKING SPACES CONVERTED TO 4 COMPACT SPACES

-NET GAIN OF 11 NEW PARKING SPACES ON LOWER LEVEL  
 -NET GAIN OF 9 NEW PARKING SPACES ON LOWER LEVEL

-NET GAIN OF 20 NEW PARKING SPACES TOTAL

## Unit Totals

0 - AU's  
 0 - DU's  
 0 - FFU's  
 0 - Lock Offs

# Level 3 - Existing Condition



# Level 3 - Proposed Condition



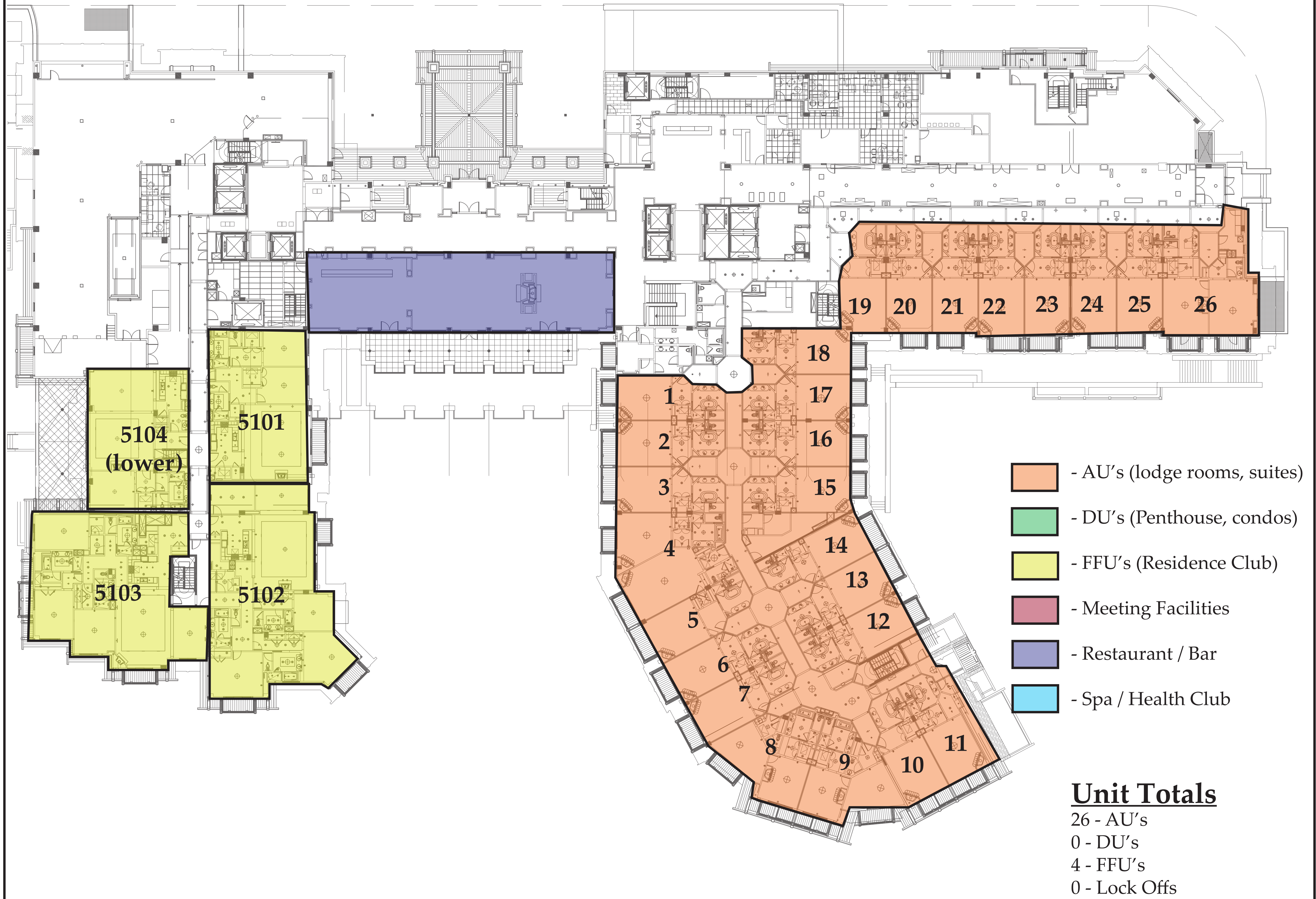
# Level 4 - Existing Condition



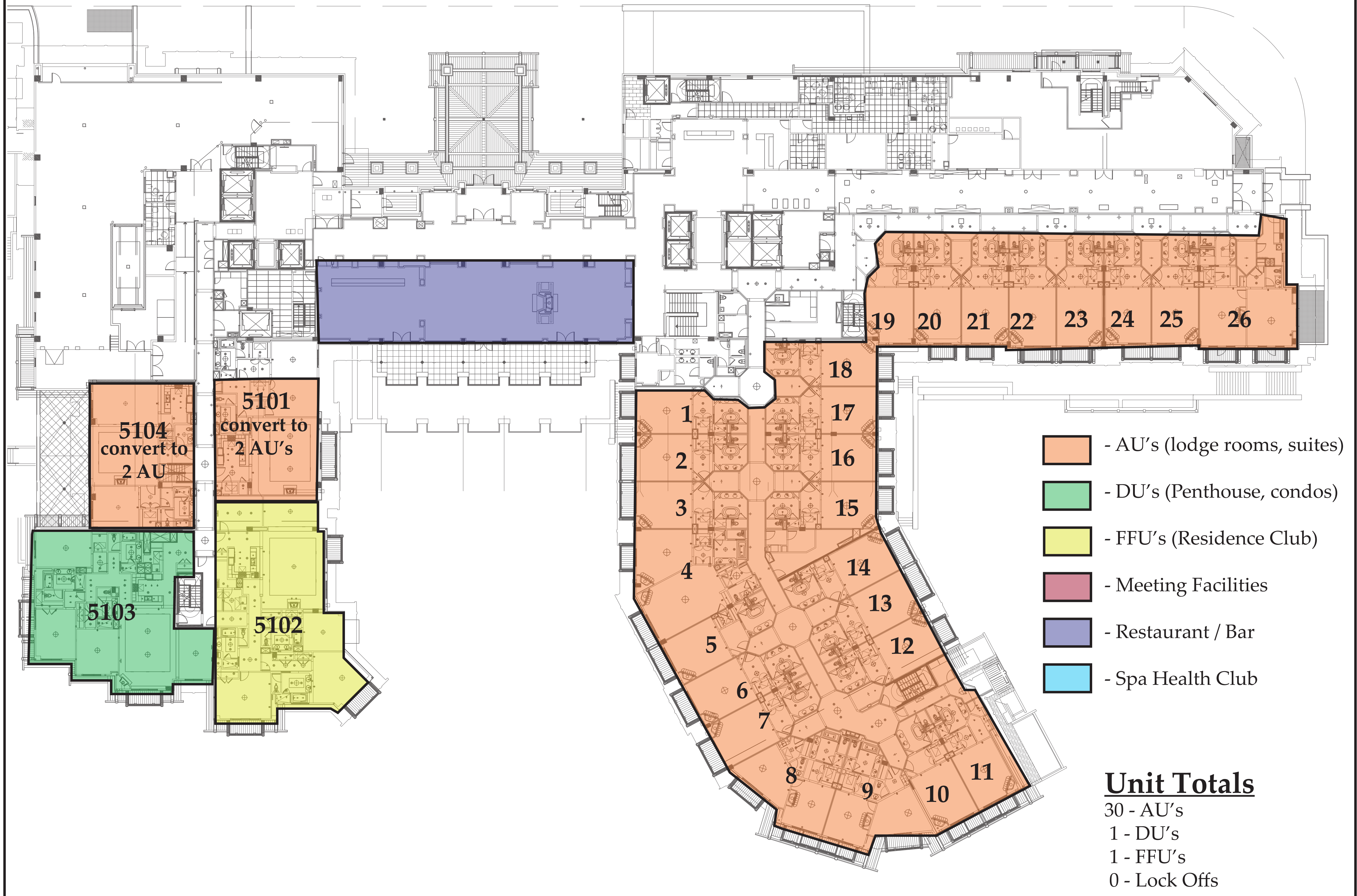
# Level 4 - Proposed Condition



# Level 5 - Existing Condition



# Level 5 - Proposed Condition





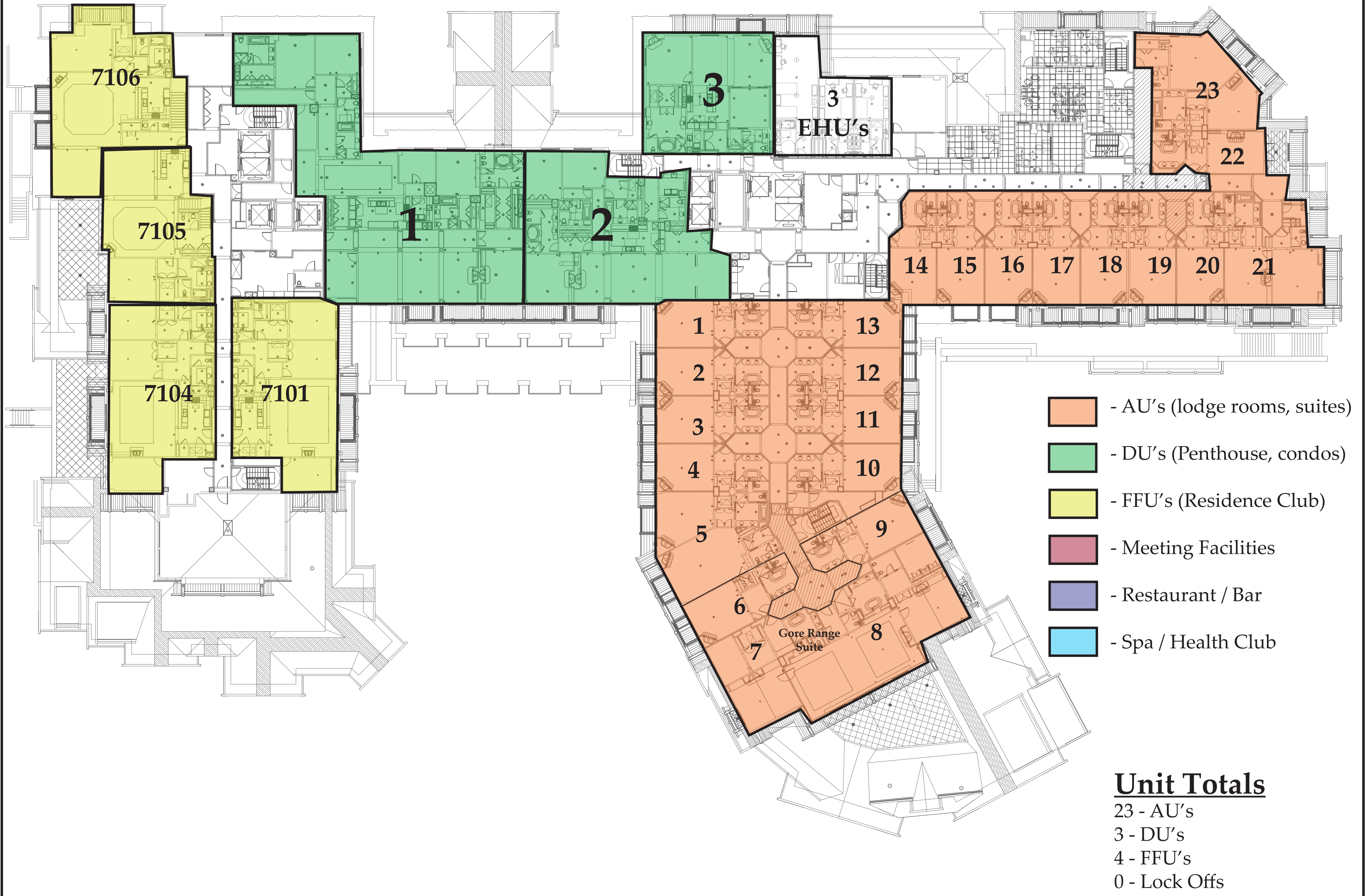
# Level 6 - Existing Condition



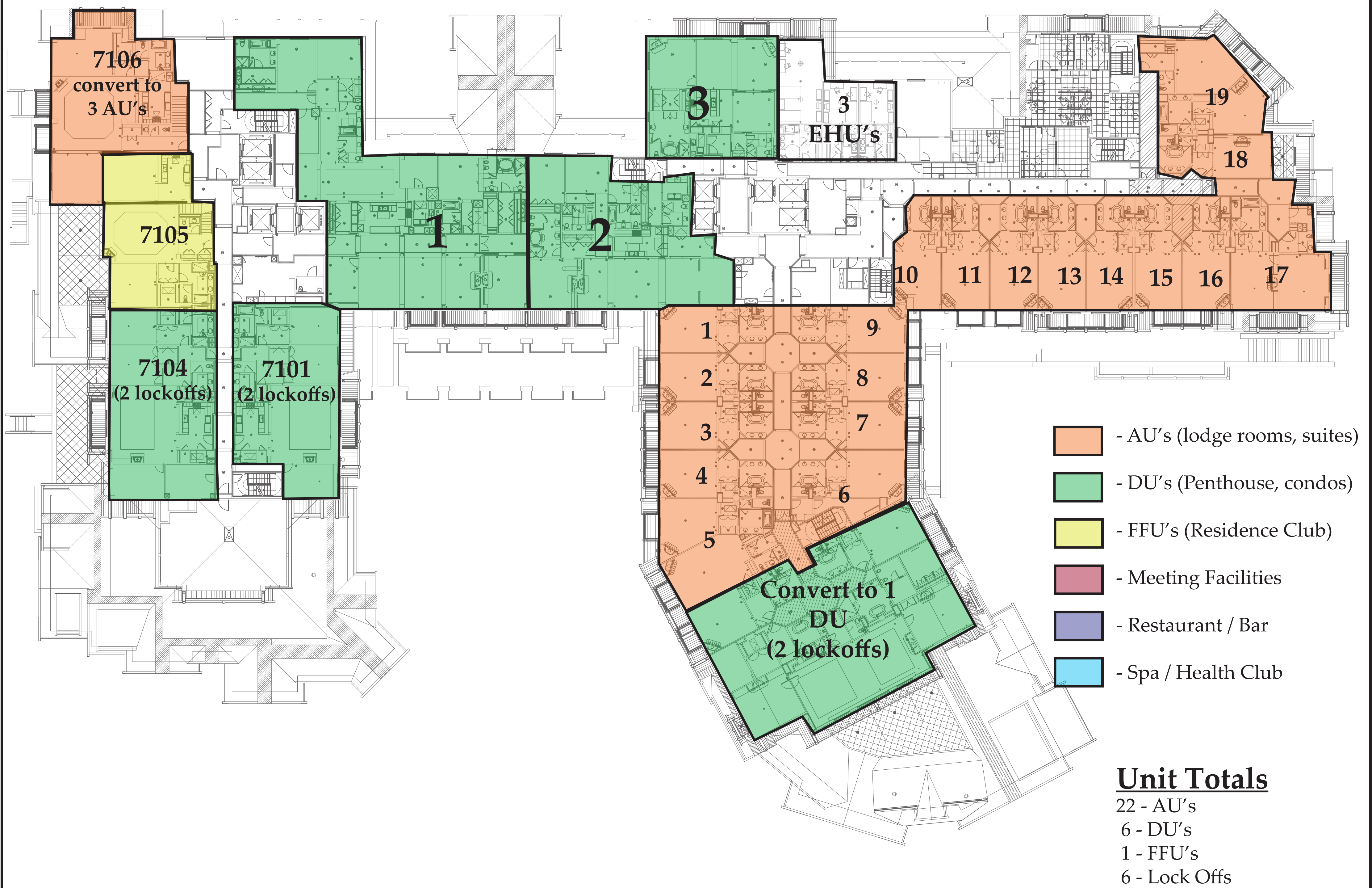
# Level 6 - Proposed Condition



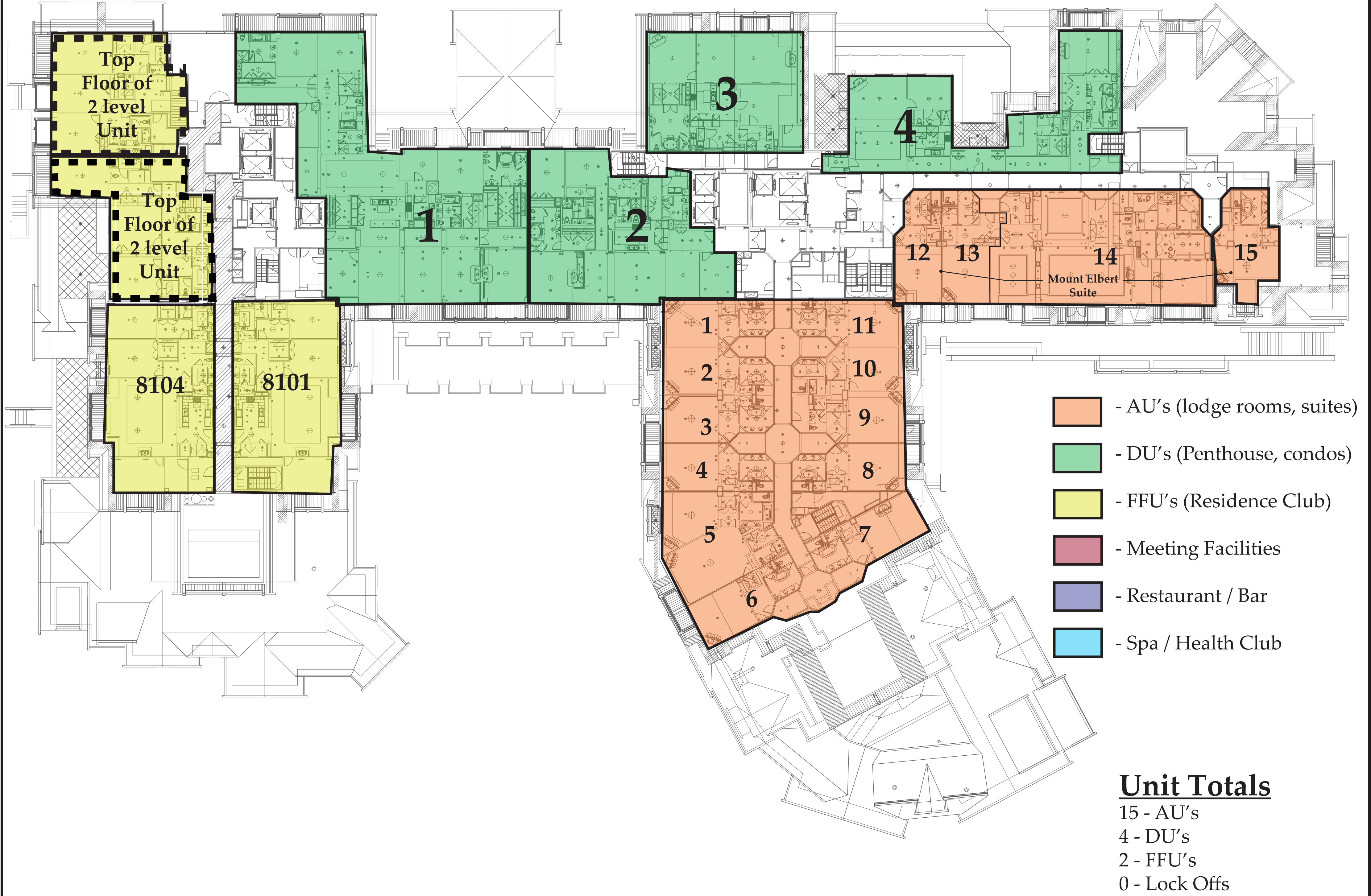
# Level 7 - Existing Condition



# Level 7 - Proposed Condition



# Level 8 - Existing Condition



# Level 8 - Proposed Condition



# Level 9 - Existing Condition



- AU's (lodge rooms, suites)
- DU's (Penthouse, condos)
- FFU's (Residence Club)
- Meeting Facilities
- Restaurant / Bar
- Spa / Health Club

**Unit Totals**  
 0 - AU's  
 5 - DU's  
 0 - FFU's  
 0 - Lock Offs

# Level 9 - Proposed Condition



- AU's (lodge rooms, suites)
- DU's (Penthouse, condos)
- FFU's (Residence Club)
- Meeting Facilities
- Restaurant / Bar
- Spa / Health Club

**Unit Totals**  
 0 - AU's  
 5 - DU's  
 0 - FFU's  
 0 - Lock Offs

# Level 10 - Existing Condition



# Level 10 - Proposed Condition

