



PLANNING AND ENVIRONMENTAL COMMISSION

September 11, 2017, 1:00 PM
Vail Town Council Chambers
75 S. Frontage Road - Vail, Colorado, 81657

1. Call to Order

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

Absent: Brian Gillette

Site Visits:

1. Vail Workforce Housing Rezoning – 3700 North Frontage Road East

2. The purpose of this work session is to discuss issues relating to the Town's commercial ski storage regulations, and to present a draft of possible text amendments to Title 12.

Applicant: Town of Vail
Planner: Chris Neubecker

Neubecker provided an update of potential changes to the Vail Town Code. It was decided that horizontal zoning is working, but certain areas of the code require clarification and a refocus on regulations based on time, place, and manner. Neubecker discussed potential changes and their impact on outdoor display (both on town and private property), use of easements, aesthetics, and hours of operation/storage. Neubecker discussed special provisions for ground floor storage available to hotels and resorts. Separate definitions are to be created for ski storage lockers, ski clubs, and ski storage.

Rediker – Asked the purpose of separating the definition of ski clubs. Neubecker responded that it is proposed to be separated because they are two (2) distinct uses. Rediker asked how businesses will be prevented from mislabeling themselves as ski clubs in order to avoid regulations.

Stockmar – Asked why 9 PM was the proposed end time for ski storage. Neubecker responded that this was based on feedback from local businesses in the ski and lodging industry.

Hopkins – Asked what will happen if First Tracks programs increase and require the hours of operation to begin prior to 7 AM. Neubecker responded that the hours of operation for storage can be evaluated.

Rediker – Stated that he requires more time to reflect on the proposed text amendments. Asked for an additional work session on September 25, 2017.

Perez – Asked if non-ski businesses were considered in establishing the hours of operation for ski storage. Neubecker responded that the proposed hours were based on the premise of allowing ski storage businesses to operate their retail business during traditional hours.

Tom Higgins, American Ski Exchange – Stated his opposition to ski clubs as they can avoid regulations by simply offering a minimal amount of food and beverage. He also stated that he feels there have not been a lot of problems related to ski storage, but just a small group of businesses that do not follow existing regulations.

Cheryl Ann Peter – Stated concerns that proposed changes could negatively impact local residents.

Jeff Babb, Vail Resorts – Stated that the chamber of commerce was included in the task force so that they could relay information to other businesses. The impetus for the project was not to debate ski clubs, but to address changes that have occurred in the ski service industry. The purpose of the task force is to focus on improving the guest experience.

Dr. Penny Wilson – Stated that she has a locker at American Ski Exchange. When the second level ski club businesses are busy they create congestion and make it difficult to access the mountain base. Encouraged the PEC to consider regulations that keep skis less visible and out of the way.

Tom Neyens, Ski Valet – Has operated a ski storage business in Vail since 1988. Encouraged the PEC to maintain basement level as the only permissible level for ski storage. Feels that storing skis overnight on ground level, inside a retail shop may represent a fire hazard. Wants clarity as to what is and what is not allowed on the ground level.

Stockmar – Is not sure what is proposed will resolve the issue. Is unable to provide any recommendations on how it should be addressed.

Kurz – Stated that the changes proposed are reasonable and in line with changes in the ski service industry. Wants additional clarification provided based on the comments provided. Any rule we come up with is only as good as our enforcement of the code.

Perez – Thinks the definition of ski storage needs to be clearly defined. Stated that the display of bicycles has become a similar issue within the town and wants bicycles to be included in the discussion, too.

Hopkins – Needs additional time to review proposed text amendments.

Lockman – Agrees with Commissioner Kurz in that the amendments seem minor, but wants additional time to review them. Would like to hear more from the Task Force.

Rediker – Agreed that additional time for PEC review of the proposed text amendments is required.

3. A request for the review of an amendment to a Conditional Use Permit, pursuant to Section 12-9C-3, Conditional Uses; Public and private schools, Vail Town Code, in

accordance with the provisions of Section 12-16-10, Amendment Procedures, Vail Town Code, to allow for a renovation and addition to the existing Red Sandstone Elementary School, a conditional use permit, pursuant to Section 12-9C-3, Conditional Uses, Public parking structure, in accordance with Title 12, Chapter 16, Conditional Use Permits, Vail Town Code, to allow for the construction of a public parking structure, and a request for the review of a variance from Section 14-6-7, Retaining Walls, Vail Town Code, in accordance with the provisions of Title 12, Chapter 17, Variances, Vail Town, to allow for the construction of a retaining wall with an exposed face height greater than six feet (6'), located at 551 North Frontage Road West/Lots 8, Block 2, Vail Potato Patch Filing 1, and setting forth details in regard thereto. (PEC17-0031)

Applicant: TAB Associates
Planner: Matt Panfil

Motion for a Conditional Use Permit for a Public Parking Structure

Motion: Approve, with three (3) conditions
First: Stockmar **Second:** Kurz **Vote:** 5-1-0

Conditions:

1. The conditional use permit approval is contingent upon the applicant obtaining Town of Vail approval of an associated design review application;
2. The applicant shall revise the submitted plans to depict a minimum twenty foot (20') wide drive aisle, instead of the currently depicted twelve foot (12') wide drive aisle, along the southwest part of the access drive and in the general direction of the southwestern crosswalk and the access point for the second level of the public parking structure; and
3. The applicant shall reconfigure the proposed landscape island, located south of the proposed entrance to RSES and in the Pre-K Parking Area, to allow for a complete turn by Fire Department equipment.

Motion for a Variance from Section 14-6-7, Retaining Walls, Vail Town Code

Motion: Approve
First: Lockman **Second:** Stockmar **Vote:** 5-1-0 (Rediker)

Panfil summarized the concerns expressed by the PEC at the last meeting on August 28, 2017. Panfil then described the revisions and additional information that has been provided by the applicant. There are 3 approvals as part of the original application: 1.) amended conditional use permit for Red Sandstone Elementary School; 2.) conditional use permit for a public parking structure; and 3.) a variance for the construction of a retaining wall greater than six feet (6') in height.

At the last meeting, the PEC asked for more information on safety measures for pedestrians, ADA parking, proposed signage, and impacts to public health based on

vehicle exhaust near the students.

Level 1 of the public parking structure now has 30 standard parking spaces, five (5) ADA parking spaces, and two (2) electric vehicle charging spaces. Special ADA parking permits will be available that will allow access to the first level regardless of the time of day. ADA parking spaces for the school will be surface spaces, not in the parking structure. Level 2 and 3 will each have 39 parking spaces. Level 3 parking passes can be assigned to employees that arrive early. Level 4 is restricted to school/faculty use, but public parking will be allowed on Level 4 when school is not in session. Stair towers will have an open design to maintain better visibility. The majority of students are accompanied by staff, and should not be in the stair towers without an adult. As requested by the PEC, a flashing crosswalk sign has been added near the main vehicular entrance off of the North Frontage Road. Turning simulations have been provided for each level, based on the size of a Chevrolet Suburban.

Perez – It was indicated that all students would be accompanied by staff. Does that include students that arrive by public transit? Panfil indicated that the applicant would answer that question.

Rediker – Asked if the proposed flashing signs are similar to those located in the crosswalks at the town's roundabouts. Panfil confirmed.

Stockmar – Stated that the location of the parking level occupancy sign does not make sense. Panfil asked if it would be better located on the east side of the Level 1 entrance rather than the west side. Stockmar confirmed.

Lockman – Asked for clarification as to the timing for access to parking structure, and when it would be open to the public. Panfil reviewed the proposed hours of operation for each level.

Stockmar – Stated the retaining wall makes sense for air circulation, but wanted to know what type of protection system is in place for the space. Panfil responded that the applicant can confirm, but he believes there will be grating or other security measures.

Greg Macik, TAB Associates – There is no intent for Level 3 to be closed all day. Until 7:30 AM, only Level 3 will allow public access, in order to fill it early in the day, prior to RSES student and faculty arrival. From 8:30 AM - 2:30 PM all levels will be open. It is anticipated that Level 3 will get very little use during these hours as it is the least desirable level based on its location. Push button flashing yield signs are proposed on each side of the crosswalk. In regards to on-site vehicle exhaust, the applicant team researched the topic. Every year there are new, stricter, regulations on vehicle exhaust. The applicant can also install "No Idling" signs and they will look at additional filtering methods for the exhaust from the parking structure as well as additional filtering options for the air intake at the school. In regards to the gap between the public parking structure and retaining wall, the design intent is that there is no gap from the top level of the parking structure down the retaining wall. The applicant is further refining their design to see if this is possible.

Perez – Asked to confirm that people with ADA parking passes will be able to access Level 1 at any time. Macik confirmed.

There was no public comment.

Lockman – This has been a thorough process, and well done by staff and the applicant. The focus is on student safety and believes parking will be managed well with the automated system. Responses to our questions were provided. Supports the proposed project.

Hopkins – Agreed with Lockman.

Perez – Staff and applicant have done an impressive job in responding to the PEC's questions and concerns.

Kurz – This applicant has been hammered by the PEC about safety and circulation. All the members of the Commission feel responsible for the safety of children at the school. As a result, it is a better project than we saw many weeks ago. He has no issue with height of the wall as it is not visible except from the structure itself. He is in favor of moving forward with the project.

Stockmar – Thanked the applicant for all the changes made to the project. He supports the project.

Rediker – Stated that the applicant did a great job responding to PEC concerns, though he is not overly excited about the congestion that will occur between 7:30 AM – 8:30 AM during school days as it will lead to more congestion on that road, especially during pickup. He stated he does not support the idea of adding two more stories on top of the parking structure and he encouraged the other commissioners to address that in any motion that is made. He still is concerned about installing a parking garage right next to a school and he has read studies that show exposure to tailpipe emission, even in small amounts, can have negative health impacts to children.

Stockmar – Asked staff to clarify that the PEC is not being asked to approve Level 5 and 6 at this time.

Panfil – Panfil confirmed and stated that if Levels 5 and 6 were to be built, the project would need to return to the PEC for an amendment to a conditional use.

4. A request for a recommendation to the Vail Town Council of an application establishing 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, and related uses and improvements, located at 430 and 434 South Frontage Road (Vail Mountain View Residences on Gore Creek)/ Lot 1, Vail Village Filing 5, formerly known as part of Lot 1, a Resubdivision of Tract D, 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 September 25, 2017

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

Staff requests that PEC17-0006 be tabled to September 25, 2017.

5. 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 a parcel of land located at 3700 North Frontage Road East/Unplatted. The rezoning will change the Zone District from Two-Family Residential (R) district to Housing (H) district and Natural Area Preservation (NAP) district, and setting forth details in regard thereto. (PEC17-0039)

Applicant: The Vail Corporation (Vail Resorts), represented by Mauriello Planning Group

Planner: Chris Neubecker

Motion: Approve

First: Stockmar

Second: Kurz

Vote: 6-0-0

Referencing a PowerPoint presentation, Neubecker introduced the project by summarizing the nature of the zoning request from Two-Family Residential (R) district to Housing (H) and Natural Area Preservation (NAP) districts. As the subject property is currently zoned Two-Family Residential (R), the entire site could be developed with two-family residences. The applicant is proposing to set aside a large portion of the site for Natural Area Preservation (NAP) to focus development on a smaller area of the western portion of the site.

Neubecker described the location of the site, the relevant criteria for a rezoning, and the PEC's role in making a recommendation to the Town Council for a rezoning application. Neubecker discussed the relationship between the master plan / comprehensive plan, land use plan, and zoning ordinance. If the rezoning were approved, a development plan would need to be submitted and reviewed by the PEC prior to any development occurring. An environmental impact report would also be required at that time. Neubecker reviewed the anticipated timeline for the project.

Rediker – Asked about the recommendation in the staff memo to continue the item until the next PEC meeting. Neubecker responded that information from Colorado Parks and Wildlife and Colorado Geological Survey was expected, but the departments will not provide comment without a specific development plan, and thus the PEC could approve today, if it meets the criteria.

Rediker asked how many two-family residential lots would fit on the subject property as currently zoned. Neubecker replied approximately 10-15 lots, but the applicant will confirm. Rediker asked how many EHUs could be provided based on the size of the proposed Housing (H) district parcel. Neubecker stated that there is no limit and that the number of units is subject to PEC discretion and review of the development plan.

The applicant's representative, Dominic Mauriello of Mauriello Planning Group, provided a PowerPoint presentation and introduced the rest of the applicant's team.

Chris Jarnot, Vail Resorts, discussed the need for employee housing and Vail Resorts' commitment to developing new employee housing. Jarnot discussed how the proposal could help to achieve the goals and vision of the Vail Housing Strategic Plan.

Mauriello described the process required for the proposal. The proposed rezoning and plat for the subdivision are the first step in the process. The Housing (H) district requires a development plan to be approved by the PEC. According to Mauriello, the Vail Local Housing Authority (VLHA) supports the request. Mauriello then described the location of the site and its proximity to other significant development and other key features within the town. The subject property has been owned by Vail Resorts since 1961 and was annexed into the town in 1975. There has been past confusion over ownership of the parcel that influenced town planning documents. Mauriello reviewed what is currently permitted on the parcel due to its two-family residential (R) zoning. Mauriello stated that approximately 10-15 lots, with 2-3 units per lot, could be established.

Mauriello described the size of the two (2) proposed zone districts and where the proposed division line of the districts will be located. It is approximately 100' from the southeast corner of the proposed Housing (H) parcel to the nearest bus stop on the North Frontage Road. Mauriello reviewed the purpose of the Housing (H) district being for employee housing.

A development plan would be required to be approved by the PEC prior to any development of the site. The PEC can determine density/number of units, GRFA, and building height. Setbacks, site coverage, and landscape are established within the development standards of the Housing (H) district. Mauriello also reviewed the uses permitted and associated standards for the Natural Area Preservation (NAP) district.

Mauriello emphasized that they are not currently requesting anything that would constitute a vested right because there is no specific development plan at this point. He also emphasized that the proposal is not a "Development vs. No Development" scenario. Development will occur on this property, it is up to the PEC to determine the type of development. Mauriello referenced several housing studies and plans that have demonstrated a need for employee housing within the area.

Mauriello stated that wildlife and rockfall hazard were environmental characteristics specifically review by consultants. The subject property is located within a high rockfall hazard area and has slopes greater than 40%. Although an environmental impact report is not yet required, the applicant performed a geologic hazard study. The study concluded that the rockfall hazard can be mitigated. A certified wildlife biologist, Rick Thompson, has also reviewed the proposal in regards to its potential impact on wildlife. Rick Thompson explained that the study focused on the four (4) species of greatest concern: bighorn sheep, elk, peregrine falcon, and black bear.

Thompson explained the range of the bighorn sheep in the area and stated that the Bighorn sheep winter range overlaps the subject property. While development of the site would result in a further loss of winter habitat, the location of the subject property is in an area whose habitat effectiveness has been reduced by existing human disturbance and development. There should be a minimal impact on the bighorn sheep habitat area associated with the development of the Housing (H) parcel. Thompson stated that the situation for elk is similar to bighorn sheep. For peregrine falcons, there should be no meaningful impact to the nesting cliff above the subject property. In regards to black bear, Thompson stated that bears are currently using the property, especially to feed in late summer. The development of the subject property may impact the black bear population, but may be addressed through wildlife mitigation plan. Thompson concluded

by stating that wildlife will be impacted by any development on the subject property and the question is which type of development would minimize said impact. It is his opinion that rezoning to the Housing (H) and Natural Area Preservation (NAP) districts would minimize any negative impact to wildlife.

Mauriello reviewed the applicant's responses to the rezoning criteria, including: 1.) compliance with the Vail Land Use Plan, Comprehensive Open Lands Plan, Vail 20/20 Plan, and Employee Housing Strategic Plan, 2.) suitability with the existing and potential land uses on the site and surrounding land uses, 3.) a harmonious and convenient, workable relationship among land uses, 4.) orderly growth of a viable community that serves the best interests of the community as a whole, 5.) the ability to mitigate any adverse impacts on the natural environment, 6.) consistency with the purpose statements of the proposed zone districts, and 7.) the change in conditions since the original zoning designation warrant the proposed zone district changes.

Kurz – Asked what factors went into the determination of the size of the two (2) proposed zone districts. Mauriello responded that the decision was made based on geography and topography.

Stockmar – Asked if the property remained Two-Family Residential (R) and went through the proper process, the subject property could be fully developed with houses and roads? Mauriello confirmed. Hopkins opposed the statement based on her belief the steep slopes would limit the amount of development on the subject property. Mauriello stated that the Two-Family Residential (R) district does not restrict construction on steep slopes. In the Housing (H) district, development cannot occur on steep slopes.

Hopkins – Asked Rick Thompson about mountain goats or mountain lions. Thompson responded that mountain goats do not descend that low in elevation and mountain lions range may cover the area.

Rediker asked for clarification of the source of information in determining the range for bighorn sheep. Thompson stated he relies upon Colorado Parks and Wildlife map, which was updated in the fall of 2016.

Lockman asked what the secondary impact may be of the development on wildlife. Thompson stated that there may be some reduction in range as wildlife stays further away from development beyond the area of the subject property. Pets and occupant behavior could also impact the wildlife.

Rediker – Stated his belief that a lot of the questions from the public will pertain to what will happen on the site and asked if there is any intention to include a free market component of the development of the site. Mauriello responded that there is no intent, unless there was a creative idea as to how such development could be incorporated.

Hopkins – Asked if the applicant is considering any commercial use. Mauriello responded that they are not considering commercial uses at this time, but a developer has not yet been selected.

Perez – Asked if there is an estimate for a total number of employee housing units available. Mauriello responded that it is premature, but at minimum one could assume the same number of units that would be allowed by right under existing zoning.

Rediker – Asked for clarification of the steep slopes on the subject property.

Rediker opened the item for public comment.

Julie Hansen, Board President, Falls at Vail – Concerned with the lack of a master plan for the east Vail area as there is development opportunity within the four corners of the Interstate-70 interchange. Asked if the Natural Area Preservation (NAP) district is a permanent designation. Expressed concern with flooding into the bus stop area. There are also moose in the area that were not addressed in the wildlife study.

Bill Eggers – Is concerned about the impact on the Booth Falls neighborhood, which is already congested with traffic. Stated his belief that most of the people that support Vail Resorts' request live down valley. Expressed his displeasure with the amount of vehicles parked for the Booth Falls trail.

Molly Morales, Vail Local Housing Authority – Expressed VLHA's support for the proposed rezoning.

Dr. Penny Wilson – The Bald Mountain Road neighborhood is also impacted by the existing level of traffic congestion. Opposed to creating more traffic in the area. Disagreed with Thompson's statement that bighorn sheep do not come down to the North Frontage Road during the winter. Believes that the proposed rezoning may be the lesser of two (2) evils.

Lauren Phillips, Vail Ski Patrol – Supports the rezoning of the property to allow for Vail Resorts' employees to be part of the community.

Jeff Wiles – Believes something must be done to help keep employees in town or else Vail will no longer be a world class resort community.

Alan Danson – Opposes the proposal due to the location of the proposal. Employee housing needs to be addressed, but not through this proposal. Suggests the town-owned property east of Solar Vail and west of Middle Creek be swapped with the subject property.

Richard Leslie – Wants the PEC to deny the rezoning, but does not deny that employee housing is a town need. Believes that the applicant knows the number of units and building height that will be proposed. A development plan should be attached to any rezoning approval.

Pam Stenmark – Is not necessarily against the rezoning or employee housing, but is concerned about approval without any development plan. Concerns about impacts on bus service and wildlife and the ability of the neighborhood to support a large development.

Susan Bird – Is concerned that this proposal, if approved, will set a precedent for other areas of town.

Alison Wadey, Vail Chamber & Business Association - Expressed the board's support for the rezoning. The serious discussion about housing is now. Don't kick this down the

road just because its a hard decision.

Mike Steimle – Mentioned his previous experience with rezoning with the Vail Mountain School. Feels threatened by employee housing to the east and west of his property and would like the subject property to remain as is. There are too many unknowns associated with this proposal.

Lee Kuhlke – Opposes the proposal. East Vail's character is completely residential and this proposal would change that. Opposes another megastructure like those to the west of the subject property. Is concerned about setting a precedent for other areas in town.

Pati Marsh – Opposes the proposal. Believes it is important to maintain the existing zoning. Does not deny the need for employee housing, but this is not a reasonable solution. Believes alternative locations exist that are better for employee housing.

Kim Bell Williams, Eagle County Housing Director – Eagle County is short 4,500 homes. Expressed Eagle County's support for the proposal. Believes that it is important towards creating a sense of community.

Carl Cocchiarella – Believes that there is a strong sense of community as evidenced by the turnout for the public hearing. Is concerned about the impact on wildlife. Suggested Ever Vail as a better location for employee housing.

Mary McDougall, member of the VLHA – VLHA is fully vested in trying to create community and has been aggressive in trying to obtain employee housing because of the danger to the community that a lack of housing represents. Expressed the need for available land and a willing private partner to create employee housing. Supports the proposal.

Joe Joyce – Employee housing is critical to the town, and the proposal is a benefit to the town and the people that live and work in town.

Doug Scofield – Believes that this is an essential development for the town and is a step in the right direction.

Bobby Lipnick – Supports the rezoning request. Acknowledges that people do not like employee housing in their backyard. The proposal will help with the survival of the community for the next 50 years. While there is no perfect solution to the housing problem, this is a commitment to workforce housing. Recommends the applicant consider a percentage of the development be market-rate housing. Feels it is important in creating a sense of community.

Michael Hazard – Believes that should the request be approved, the PEC should strongly evaluate the potential character of any housing development to ensure that it creates a sense of community.

Gina Grisafi – Discussed her experience with subdividing a lot and being told that her proposal would increase density too much. Asked why Vail Resorts should be allowed to do something to improve their financial position when she was not.

Brian Eggleton – As a resident of Minturn that works year-round for Ski and Snowboard

Club of Vail, he supports the proposal as it will provide more affordable and employee housing within the town. Approving the proposal would allow for more of a balance between mountain and resort community.

Jason Plante – Is concerned about the impact on wildlife. Does not trust just the wildlife study in making a decision.

Kirk Dwyer, Ski and Snowboard Club of Vail – Supports the proposal as employee housing is a necessity within the County. Zoning needs to adapt to the conditions and be able to house young professionals.

Wolf Mueller – Believes Vail Resorts should increase their employee compensation so that employees can help solve the housing problem on their own.

Becky Vickers – Discussed her experience commuting from Eagle-Vail to a job with Vail Resorts. Is concerned about the impact of the proposal on bighorn sheep.

John Bailey – Is concerned about the impact on wildlife, but trusts the expert studies presented. Believes there are positives associated with the proposal and supports the proposal.

Public comment was closed.

Stockmar – Emphasized that there is no development plan associated with the rezoning request. Discussed the issue of the potential duplex or single-family development that could be built by right on the whole parcel versus a limited area of employee housing with the guarantee of a large area of open space. Any development would require a thorough review process as the next step.

Kurz – Concurs with Commissioner Stockmar. Added that he lives in the neighborhood and is familiar with the issues. The affordable housing issue is critical to the long term survival of the community.

Perez – Have to find a balance between wildlife preservation, addressing density concerns, and providing employee housing. Believes there is a transparency issue created by the applicant in not specifying the number of units proposed, building height, etc.

Hopkins – Stated that she believes the process the applicant will have to go through in order to get any development approved will result in a benefit to the town.

Lockman – Thanked the public for their input. In regards to the request, he concurs with Commissioner Stockmar that there is no specific project associated with this request and that the PEC will have the ability to control the specifics of the project as it moves forward. Believes that the proposal meets all of the criteria required for a rezoning request.

Rediker – Thanked the public for their input and urged them to continue to be involved in PEC meetings. Concurred with Commissioners Stockmar, Lockman, and Kurz and believes the project complies with the rezoning criteria. Rediker cited specific ways in which the proposal meets said criteria. Understands the concerns regarding potential

density and impact on wildlife and encourages the public to maintain their interest as the project moves forward to make sure these concerns are addressed. Agrees that it is odd that an applicant can request a rezoning without a development plan, but if that is a problem, it is up to the Town Council to change the rezoning procedures.

6. 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

Planer: Jonathan Spence

Motion: Approve, with twelve (12) conditions

First: Kurz

Second: Stockmar

Vote: 6-0-0

Conditions:

- 1. This Conditional Use approval is contingent upon the applicant obtaining Town of Vail approval of an associated design review application(s);**
- 2. VVMC provides a construction management plan for review and approval by town staff prior to the issuance of building permit for the East Wing;**
- 3. Prior to the issuance of a building permit for the East Wing, the applicant shall provide an updated drainage study for review and approval;**
- 4. Prior to the issuance of a building permit for the East Wing, the applicant shall provide an updated Traffic memo for review and approval;**
- 5. Prior to the issuance of the first certificate of occupancy for the East Wing, the applicant shall demonstrate compliance with the required employee generation mitigation;**
- 6. Prior to the issuance of the first certificate of occupancy for the East Wing, the applicant shall provide the town with the necessary easement or other legal instrument for public access through the property from the South Frontage Road to West Meadow Drive (the north/south pedestrian connection). A public easement for those portions of the West Meadow drive public walk that extend onto VVMC's property shall also be provided;**
- 7. During the restoration of the W. Meadow Drive paver sidewalk, the Art Flow Line shall be restored back to its original configuration and alignment. A detailed survey of the flow line shall be completed prior to demolition, so that the flow line can be restored in the exact alignment and width. Contact Public Works department prior to reinstalling the Art Flow Line;**
- 8. Prior to the occupancy or use of any of the identified shell space, the**

applicant shall have obtained an amendment to this conditional use permit, per 12-16-10, Amendment Procedures, Vail Town Code;

9. Prior to the issuance of a building permit for the East Wing, the applicant shall amend the existing development agreement with the Town of Vail to:

- Outline roles and responsibilities of VVMC related to the South Frontage Road improvements including:
 - The snow melting, operation and maintenance of the South Frontage Road and West Meadow Drive sidewalks with a recognition that the snow melting in front of the MPB may be delayed until its redevelopment;
 - All improvements shown on the provided plans related to improvements to the South Frontage Road that are located south of, and including, the new curb and gutter including sidewalk, concrete bus pull out, landscaping, irrigation and lighting;
 - A \$15,000.00 contribution towards the construction of a bus stop structure;
 - The construction of or the payment for a maximum of two storm water inlets and 75' of associated storm sewer piping immediately adjacent to the property within the South Frontage Road ROW; and
 - The construction of a right turn lane if determined to be necessary through consultation with the Town of Vail and CDOT.
- Update traffic fee mitigation requirements to reconcile the Transportation Impact Fee for the 118 net new trips or 110,225 net new square feet of development, in accordance with the pending new Vail Transportation Impact Fee;
- Require an employee generation audit for the East Wing; and
- Address obsolete or unnecessary provisions.

10. The applicant shall adhere to the Plan for Managed Parking Program, August, 2017, in all matters referenced unless amended per 12-16-10, Amendment Procedures, Vail Town Code; and

11. The applicant shall adhere to the management plan for the operation of the loading facility, included on pages 20-22 of the application narrative, unless amended per 12-16-10, Amendment Procedures, Vail Town Code. Specifically, as outlined in the VVMC Site Specific Redevelopment Master

Plan (pages 19-21), the allowance of loading and delivery utilizing West Meadow Drive is allowable only under a certain set of conditions. Principal among these conditions is that under no circumstances will vehicles be allowed to back in or out of the loading facility. Any vehicle unable to meet this required condition, due to size or other characteristics, shall use the West parking lot and shall at no times be permitted to access the loading facility.

12. Prior to the issuance of a Building Permit for the East Wing, the applicant shall obtain title to Lot 2E-1, Vail/Lionshead, Second Filing, Block 1, a resubdivision of Lot 2W, according to the plat to be recorded in Eagle County, Colorado.

Spence introduced the application. This is the fifth, and hopefully final, hearing on this application. The Master Plan identifies the development objectives for the expansion of the hospital, 10 of the objectives are relevant to the East Wing phase. The proposal meets the development objectives of the Master Plan and the Town Code. Applicant requests a Condition of Approval contingent upon the applicant obtaining title to the adjacent property.

Tom Braun, Braun Associates – We worked long and hard to identify the development objectives. These objectives made our job easier. We told you we would come back to identify the employee housing. We will buy units for deed restriction. We have identified how we meet the review criteria. A bike share program is proposed to allow and guests employees to run errands. We propose to add landscaping up on the second level, with taller trees. We will add more plantings between road and sidewalk. We will work with town staff to determine the actual size, and also working on more detail for the railing on the second floor deck.

Lockman – How will the bike share be managed? Braun indicated that they will need to work on how that will happen.

Rediker – Parking for contractor and workers during construction, will this be a real concern, and what are the solutions? Braun – Peak time will be 250 people working. We expect about 60 people in the first year, then about double that in year 2. Then the peak will be when we have all trades working on site. We cannot tell you there will be no parking in Lionshead, but we will direct workers where they should park. Many contractors bring their employees in shuttle vans.

Public Comment –

Gwen Scalpello – Asked at the last meeting of the impact of traffic on Meadow Drive. We have ambulances on Meadow Drive. Some loading and delivery will be moved to Mountain Plaza; that sounds like a good thing. Request that we get more detail on deliveries from semi-trucks. We should find out the total impact of traffic on Meadow Drive.

Commissioner Comments –

Lockman – Applaud applicant. Each item has been addressed as needed. Vail Health is an asset in Community. This will be a great project. I will always have concerns about

parking in community. But applicant has a good plan to address parking.

Hopkins – Agree. Staff will make sure the restaurant looks great.

Perez- I did not see if the parking plan is part of the conditions (Spence, construction management plan is part of the conditions.)

Kurz – Appreciate the new landscaping, I know it's in a narrow corridor, but it will enhance that area. Traffic management will be difficult, but this applicant can handle it.

Stockmar – Appreciate the work that staff and applicant have performed. The contingency space will ensure that it will be a long time before we do this again. It will be an excellent project

Rediker – Impress upon staff, prior to building permit, we need to address contractor parking. That is my concern, we cannot blow it off. We can't allow them to take up parking in the parking garage; we need those spaces for our guests.

Spence handed out a revised condition #9, and a new condition #12.

Rediker – Read revised Condition #9, regarding the concrete pull out at South Frontage Road, to add clarification language. He also read a new Condition #12, concerning obtaining Title and ownership to Lot 2B-1.

7. 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, and setting forth details in regard thereto. (PEC17-0038)

Applicant: Braun Associates, Inc.

Planner: Matt Panfil

Motion: Approve, with conditions

First: Kurz

Second: Lockman

Vote: 6-0-0

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 certificate of occupancy for any unit associated with the altering of the unit mix and/or unit count in the subject property, the applicant shall cause an offsite Town of Vail deed restriction to be recorded with the Eagle County Clerk and Recorder for an employee housing unit, with a minimum of two-bedrooms and 788 square feet, located within the Town of Vail; and**
- 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.

Panfil began by instructing the PEC that if any motion for approval were to be made, condition of approval number two (2) on Page 18 of the staff memo, should be changed to read, "prior to issuance of any certificate of occupancy" instead of, "prior to issuance of any building permit." The request is for a major amendment to the SDD due to the proposed change in the unit mix. There may be some minor exterior alterations which will require Design Review Board review, but they are not relevant to this specific request.

Panfil reviewed the current mix of fractional fee units (FFUs), dwelling units (DUs), accommodation units (AUs), and employee housing units (EHUs) on site. The applicant is proposing to: 1.) add eight (8) AUs to increase the total number of AUs from 122 to 130; 2.) add twelve (12) DUs to increase the total number of DUs from 16 to 28; and 3.) reduce the number of FFUs from 19 to six (6).

To achieve the proposed unit mix, the applicant will: 1.) convert three (3) suites to three (3) DUs; 2.) convert nine (9) FFUs to nine (9) DUs; 3.) convert four FFUs to 16 AUs; and 4.) convert two (2) suites to four (4) AUs. A total of 18 AAUs / lockoffs will be added to the twelve new DUs.

There are no changes to development standards such as setbacks and building height. There is no increase in GRFA, therefore there are no inclusionary zoning fee required. However, the amendment does increase the parking demand by 19 spaces, from 211 to 230 parking spaces. The applicant is proposing 20 additional parking spaces. The additional parking spaces will be created by restriping of the parking spaces to allow for compact vehicle spaces. Said compact vehicle spaces are permitted by Town Code. There is no physical construction associated with the new parking spaces.

Panfil stated that based on the change in unit mix, the commercial linkage formula generates 0.28 new employees. The applicant has proposed to deed restrict a minimum two-bedroom unit at least 788 square feet in size.

Lockman – Asked about the existing 28 deed restricted units on site. Panfil responded that the 28 EHUs were negotiated as part of the original SDD agreement, prior to the existing town requirements.

Tom Braun, Braun Associates, Applicant's Representative – Braun explained that since purchasing the property in November 2016, the new owners, Extell, have a new vision for the property. Braun described the history of the property, back to its former use as a Holiday Inn. He explained how the SDD, especially the proposed unit mix, has changed over time; Fractional Fee Units have been reduced multiple times. The current proposal is for 130 AUs, 28 AUs, and 6 FFUs. There is a hotel suite that is 5,000 sq. ft. in size. Someone thought that was a good idea when this was first built. Extell has a lot of data on the types of rooms in demand, and how much their guests spend in the restaurant. Fractional Fee Units were the buzz in the 90s and in response the town added FFUs as listed in the late 90s. Some Four Seasons have had successful sales of Fractional Fee Units, but some are still available for sale. In Scottsdale, they only sold one-third of the units. The reality is there are 13 unsold units at this site. There are also more suites

than needed. This property has 37 suites, which is far too many. The owners want to increase unit count and bed count in order to be able to generate funds to add revenue to a capital improvement fund. What is good for the owners is also good for the Town of Vail. The proposal works within the units on site and where changes can be made. The owners have evaluated what they want to accomplish, but also what they could achieve based on current floor plans, code considerations, and carrying capacity of the resort. There are also cost and efficiencies to consider.

Braun continued by stating that there is no exterior expansion proposed. He discussed the expansion of number of parking spaces. The resort has valet parking that allows minor deviations to the standards. They will accommodate employee housing for 2.25 people, which is above and beyond the 0.28 required by code. The average AU size is approximately 500 square feet.

Rediker – Asked for clarification on the new parking spaces. Braun responded that the proposal is to restripe the existing parking garage to create 20 new parking spaces.

Panfil – Added that the Town Code allows 25% of parking spaces to be compact spaces. Staff calculated 21.3% of the spaces will be compact.

Kurz – Asked if the layout of the garage allows for restriping without constructing spaces while still meeting code and if the applicant had data pertaining to the usage of the parking lot. Braun confirmed that the layout of the garage allows you to restripe and meet code without any additional construction. He stated that there have been days when the hotel was at 99% occupancy, such as on the Fourth of July, when there were 158 of the existing 211 parked spaces occupied. That is the most intense utilization.

Kurz – Asked the applicant to define their premise of “what’s good for the applicant is good for the town.”

Braun – The applicant is providing almost two (2) more EHUs than required. The resort will have a higher occupancy rate with the new unit mix, and that is good for the town.

Rediker – Asked if the AAUs / lockoffs will be required to be offered for rent or at the option of the owner.

Braun – The applicant cannot require participation in renting the unit, but they will provide incentives. At the very least, the town is assured of eight (8) new hotel rooms.

Rediker – Asked for further clarification of the unit mix.

Tom Noonan, Extell – Some of the Fractional Fee Units will be converted to dwelling units.

Perez – Asked for clarification as the language on page 14 of the staff memo. She wanted it made clear where the new deed restricted EHU will be located, on or off site. She suggested a change to the language for the second condition of approval.

Public Comment –

Gwen Scalpello, HOA President at 9 Vail Road – There are easements between the two

properties. One is specific to parking on the Four Seasons property for 9 Vail Road residents. There is a requirement for Four Seasons to provide six (6) parking spaces for 9 Vail Road residents. She added that when the Four Seasons was first approved, increasing the number of hot beds was an issue and she understands that part of this request.

Panfil – Described the existing and required parking, as well as the additional parking.

Braun – Until now the six (6) spaces have been included within the garage. The applicant is adding 20 spaces. He does not believe that the requirement to accommodate parking for 9 Vail Road will be impacted.

Stockmar – Asked to confirm whether or not 9 Vail Road’s access to parking will be impacted by the proposed changes.

Gwen Scalpello – They were valet parking, and should be accommodated.

Stockmar – This project makes sense economically

Kurz – Agrees.

Perez – Agrees.

Hopkins – Agrees.

Lockman – Agrees.

Rediker – Fractional fee units are not being productive. It is a benefit to the town to add accommodation units. He supports the application.

8. Approval of Minutes
August 28, 2017 PEC Results

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

9. Adjournment

Motion: **Adjourn**
First: **Stockmar** **Second:** **Kurz** **Vote: 6-0**

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 meeting time.