

**ORDINANCE NO. 9
SERIES 2017**

**AN ORDINANCE ESTABLISHING SPECIAL DEVELOPMENT DISTRICT
NO. 42, VAIL MOUNTAIN VIEW RESIDENCES, PURSUANT TO
ARTICLE A, CHAPTER 9, TITLE 12 OF THE VAIL TOWN CODE**

WHEREAS, Article A, Chapter 9, Title 12 of the Vail Town Code outlines the procedure for establishing a special development district ("SDD");

WHEREAS, Lunar Vail LLC, represented by Mauriello Planning Group (the "Applicant"), is the owner of the property legally described as Vail Village Filing 5, Lot 1, a resubdivision of Tract D (the "Property");

WHEREAS, on March 27, 2017, the Applicant submitted an application to the Town to establish SDD No. 42, Vail Mountain View Residences, on to facilitate the development of a mixed-use project including deed restricted employee housing units, dwelling units and attached accommodation units (the "Application");

WHEREAS, on October 23, 2017, the Planning and Environmental Commission (the "PEC") held a public hearing on the Application;

WHEREAS, the PEC forwarded to the Town Council a recommendation of denial of the Application, with conditions, by a vote of 5-2; and

WHEREAS, after consideration of the testimony and evidence presented at the public hearing, the comments of Town staff and the recommendation of the Planning Commission, the Town Council wishes to approve the Application, with conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VAIL, COLORADO, THAT:

Section 1. Findings. The Town Council hereby finds and determines as follows:

- a. The Application complies with the standards set forth in Section 12-9A-8.A. of the Vail Town Code;
- b. The Application is consistent with the adopted goals, objectives and policies outlined in the Comprehensive Plan and compatible with the development objectives of the Town;
- c. The Application is compatible with and suitable to adjacent uses and appropriate for the surrounding areas; and
- d. The Application 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.

Section 2. District Established. Based on the foregoing findings, Special Development District No. 42, Vail Mountain View Residences ("SDD No. 42"), is hereby established, and shall be reflected as such on the Town's Official Zoning Map. The underlying zoning for the Property is High Density Multiple-Family ("HDMF").

Section 3. Development Plan.

a. The following plan sheets prepared by 359 Design, entitled "Vail Mountain View Residence Development Plan Set" and dated September 14, 2017 shall constitute the Development Plan for SDD No. 42:

Sheet #:	Title:
A0.0	COVER
A1.00	PLAN-ARCHITECTURAL SITE
A2.0.01	GARAGE LEVEL 1
A2.0.02	GARAGE LEVEL 2
A2.0.03	GARAGE LEVEL 3
A2.01	OVERALL LEVEL 1 (8226'-0")
A2.02	OVERALL LEVEL 2 (8236'-6")
A2.03	OVERALL LEVEL 3 (8247'-0")
A2.04	OVERALL LEVEL 4 ((8258'-0")
A2.05	OVERALL DORMER LEVEL (8269'-0")
A2.06	GRFA PLANS - Garage
A2.07	GRFA PLANS- Building
A2.08	GRFA PLANS - Building
A2.10	SITE COVERAGE
A2.10B	SITE COVERAGE
A2.11	LANDSCAPE COVERAGE
A2.12	ROOF HEIGHT
A2.13	HISTORIC GRADE MAP
A4.00	3D MASSING
A4.02	OVERALL BUILDING ELEVATIONS
A4.03	OVERALL BUILDING ELEVATIONS
A4.04	OVERALL BUILDING ELEVATIONS
A4.05	OVERALL BUILDING ELEVATIONS
A9.11	LIGHTING PLAN
A9.16	SITE SECTIONS
C1.01	GRADING
C1.02	PLAN - UTILITY
C1.03	DETAILS
C1.04	FIRE STAGING & LADDER TRUCK SIMULATION PLAN
L1.1	LANDSCAPE PLAN

b. The Town Council finds that the Development Plan for SDD No. 42 complies with each of the requirements set forth in Sections 12-9A-5 and 12-9A-6 of the Vail Town Code, and hereby approves the Development Plan, subject to all other provisions of this Ordinance.

Section 4. Development Standards. The development standards for SDD No. 42 are as follows:

a. Uses: The permitted, conditional, and accessory uses allowed in SDD No. 42 shall be the same as the permitted, conditional and accessory uses in the HDMF District.

b. Lot Area: The minimum lot area shall be 56,410 square feet (1.295 acres).

c. Setbacks: The minimum setbacks shall be those setbacks shown on the Development Plan approved in Section 3 hereof.

d. Height: The maximum allowable building height shall be as indicated on the Development Plan approved in Section 3 hereof.

e. Density: The maximum allowable gross residential floor area ("GRFA") shall be 75,280 square feet. The maximum allowable unit count shall be 38 for-sale dwelling units ("Dus"), 15 Type-III deed-restricted employee housing units ("EHUs") and 20 attached accommodation units ("AAUs").

f. Site Coverage: The maximum allowable site coverage shall be 71%, or 39,880 square feet of the total lot area.

g. Landscaping and Site Development: At least 30% of the total site area shall be landscaped. The minimum width and length of any area qualifying as landscaping shall be 15', with a minimum area of 300 square feet. The landscaping plan and site development shall be as shown on the Development Plan approved in Section 3 hereof.

h. Parking and Loading: Off-street parking and loading shall be provided in accordance with Title 12, Chapter 10 of the Vail Town Code. At least seventy-five percent (75%) of the required parking shall be located within the main building or buildings and hidden from public view. No at grade or above grade surface parking or loading shall be located in any required front setback area. The minimum number of loading berths shall be one (1) and shall be indicated on the Development Plan approved in Section 3 hereof.

Section 5. Conditions of Approval. The approval of SDD No. 42 is expressly contingent upon the Applicant's satisfaction of all of the following conditions:

a. Approval of an associated Design Review Board ("DRB") application.

b. Prior to submittal of the DRB application, the Applicant shall work with Town staff to increase the number and size of the new landscape plantings to meet the recommendations of the Vail Village Master Plan concerning planted buffers.

c. Prior to the issuance of the first certificate of occupancy for the project, the Applicant shall execute and record, in a form approved by the Town Attorney, a pedestrian easement on the east side of the applicant's property for the existing paved path and stairs from the South Frontage Road right-of-way to the Town's recreational path.

d. Prior to issuance of the first certificate of occupancy for the project, the Applicant shall design and construct a continuous 10'-wide separated concrete sidewalk along the South Frontage Road from Vail Valley Drive to the easternmost boundary of the Property. All necessary easements for the sidewalk west of the Property shall be acquired by the Town within 11 months of issuance of the first building permit for the project. The sidewalk shall be designed in general accordance with Plan Sheet C1.01 dated September 14, 2017, and shall be approved by the Town prior to construction. The Applicant shall grant a pedestrian/roadway easement on the Property to the Town as shown on plan sheet C1.01 dated September 14, 2017. In such sidewalk, the Applicant shall install a snowmelt system, including the heat source and all necessary components, in compliance with Town standards,. The Applicant shall be responsible for the cost of maintenance and operation of the sidewalk and snowmelt system, and the Applicant shall execute the Town's standard snowmelt maintenance agreement. The Town will be responsible for the maintenance and operation of the sidewalk and snowmelt system that is west of the Property, and the Applicant shall execute the Town's standard snowmelt operations reimbursement agreement for that portion of the sidewalk and snowmelt system.

e. Prior to issuance of the first building permit for the project, the Applicant shall pay the Traffic Mitigation Fees for the net new increase in development traffic generated by the project, which has been calculated at 14 PM Peak Hour trips, after taking a multi-modal reduction and excluding the EHUs. The Traffic Mitigation Fees shall be \$11,200 per net new PM Peak Hour trip, which results in a total fee of \$156,800.

f. Prior to issuance of the first building permit for the project, the Applicant shall provide a construction staging plan and parking plan to demonstrate that the construction will not impact public parking or adjacent properties.

g. Within 90 days after the issuance of the first building permit for the project, the Applicant shall engage the Town's Art in Public Places Board on the determination of an acceptable public art installation. The minimum value of the public art installation shall be \$50,000.

h. Prior to the issuance of the first building permit for the project, the Applicant shall pay the recreational amenities tax as required by Section 12-9A-11 of the Vail Town Code.

i. Prior to the issuance of the first certificate of occupancy for the project, the Applicant shall execute and record deed restrictions, in a form approved by the Town Attorney, for the EHUs.

j. Prior to obtaining any building permit for the project, the Applicant shall obtain approval from the Colorado Department of Transportation ("CDOT") for all proposed work within the CDOT right-of way, and shall submit evidence of such approval to the Town.

Section 5. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 6. The Town Council hereby finds, determines, and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town and the inhabitants thereof.

Section 7. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this 5th day of December, 2017 and a public hearing for second reading of this Ordinance set for the 19th day of December 2017, at 6:00 PM in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED
this 19th day of December, 2017.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk