



Memorandum

TO: Planning and Environmental Commission

FROM: Community Development Department

DATE: October 23, 2017

SUBJECT: A request for a recommendation to the Vail Town Council on an application to establish Special Development District No. 42 (Vail Mountain View Residences), pursuant to Section 12-9(A), Special Development Districts, Vail Town Code, to allow for the development of a mixed use building consisting of 15 dwelling units with 20 attached accommodation units (lock-offs) and 15 employee housing units, located at 430 and 434 South Frontage Road/Lot 1, Vail Village Filing 5 and setting forth details in regard thereto. (PEC17-0006)

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

FOREWORD

The Town of Vail failed to meet the notification requirements of the Vail Town Code, specifically Section 12-3-6(C)(2), that requires notification of all individual owners for certain types of applications, including the establishment of Special Development Districts. The Vail Town Code does allow the notification of adjacent properties that are condominiums or are otherwise held under joint ownership to occur via notification of the managing agent, registered agent or any member of the board of directors but all onsite owners must be notified individually. Proper notice has now been mailed to all individual owners within the proposed Special Development District (Mountain View Residences Phase 1) in addition to the re-notification of all adjacent properties. Failure to meet the notification requirement effectively nullifies all previous meetings held in regard to this application. For this reason, staff encourages the Planning and Environmental Commission to regard this application as a new application. Staff apologizes to the Commission, the applicant and the community for this regretful error.

I. SUMMARY

The applicant, Lunar Vail LLC, represented by Mauriello Planning Group, is requesting a recommendation to the Vail Town Council to establish Special Development District No. 42, pursuant to Section 12-9(A), Special Development Districts, Vail Town Code, to allow for the development of a mixed use building consisting of 15 dwelling units with 20 attached accommodation units (lock-offs) and 15 employee housing units, located at 430 and 434 South Frontage Road/Lot 1, Vail Village Filing 5.

The applicant is requesting a final recommendation from the PEC to the Town Council at this meeting. The PEC may recommend the Town Council approve, approve with modifications, or deny the applicant's request. The PEC may also table the item to a future meeting to request additional information or resolution of an identified concern.

Per Section 12-9A-1, Vail Town Code, the purpose of a Special Development District (SDD) is:

To encourage flexibility and creativity in the development of land in order to promote its most appropriate use; 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.

The PEC shall review the proposed application and plans, and evaluate the merits of the proposed SDD based on the criteria in Section VIII of this memo, the impact of the proposal, and the public benefits in regards to furthering overall goals of the community.

Based upon staff's review of the plans and the criteria outlined in Section VII of this memorandum and the evidence and testimony presented, the Community Development Department recommends the PEC forward a recommendation of **approval, with conditions**, of this application subject to the findings in Section VIII of this memorandum.

Staff has received considerable correspondence from groups and individuals concerning this application. Some of this correspondence posed questions concerning process and other elements of the Vail Town Code. In these instances, responses were provided either by the Community Development Department or by the Town Attorney. All correspondence received to date, including responses from town staff, are included as Attachment E. The most recent correspondence received, a letter of support from the Vail Mountain View Residences on Gore Creek Owners' Association, Inc (Phase 1), is included at the beginning of the attachment and a summation of the correspondence received is included as a cover page.

II. DESCRIPTION OF REQUEST

The applicant, Lunar Vail, represented by Mauriello Planning Group, is requesting a recommendation to the Vail Town Council to establish Special Development District No. 42, pursuant to Section 12-9(A), Special Development Districts, Vail Town Code, to allow for the development of a mixed use building consisting of 15 dwelling units with 20 attached accommodation units (lock-offs) and 15 employee housing units, located at 430 and 434 South Frontage Road/Lot 1, Vail Village Filing 5. A vicinity map (Attachment A), the revised project narrative (Attachment B), plan set (Attachment C), relevant selections from the Vail Village Master Plan (Attachment D, and public comments (Attachment E) are attached for review.

The project is composed of the following components:

Employee Housing Units (EHUs)

The proposed fifteen (15) EHUs will be deed-restricted rental units, limited to residents working at least thirty (30) hours per week in Eagle County. The proposed EHUs range in size from approximately 439 square feet to 1,194 square feet and include eight (8) two-bedroom units, five (5) one-bedroom unit and two (2) studio. The EHUs are located on the first and second floors above the parking garage in the proposed structure. The total floor area of the fifteen (15) units totals 13,922 square feet. EHUs, per the Vail Town Code, are not considered Gross Residential Floor Area (GRFA) and are thus not deducted from a development's available GRFA. In addition, Type III EHUs do not contribute to the calculation of dwelling units for purposes of calculating allowable units per acre.

Dwelling Units

The applicant is proposing fifteen (15) for sale dwelling units to be located on the third, fourth and fifth (dormer) floors of the structure. These units range in size from 1,174 square feet to 2,622 square feet, exclusive of the Attached Accommodation Units. The units proposed are a mixture of 2, 3 and 4 bedroom layouts. The total proposed GRFA of the dwelling units inclusive of the Attached Accommodation Units is 32,687 square feet.

Attached Accommodation Units (Lock Offs)

The applicant is proposing twenty (20) Attached Accommodation Units or lock-offs attached to all fifteen (15) of the dwelling units. Five (5) of the dwelling units have two (2) Attached Accommodation Units. These units may be rented separately and have direct access from common areas without necessitating passing through a dwelling unit. These units range in size from 194 square feet to 461 square feet and are located on the third and fourth levels of the proposed structure. The total proposed GRFA for the Attached Accommodation Units is included in the GRFA calculations for the dwelling units. Attached accommodation units do not contribute to the calculation of dwelling units for purposes of calculating allowable units per acre.

Existing Parking

As part of Phase 1 of the Mountain View Residences, discussed in greater detail in the background section below, a 112 space parking structure was built in 2006 along the northern portion of the property. This three level structure, located predominately below grade, provides required parking for the 23 dwelling units located in the Mountain View Residences Phase 1 building and the required parking for the proposed Phase 2 building. No additional parking is proposed. The total number of parking spaces has been reduced from 112 to 111 due to an increase in mechanical equipment.

Proposed Deviations

Through the Special Development District process, the applicant is requesting deviations from the following required dimensional standards of the underlying High Density Multiple-Family (HDMF) District:

- Setbacks: The applicant proposes a fifteen foot (15') side setback on the east side where twenty feet (20') is required.
- Building Height: The applicant is proposing an overall maximum height of 70' where the maximum for a structure with a sloped roof in the HDMF district is 48'.
- Density Control: The maximum density in DUs/Acre in the HDMF district is 25 units per acre which equates to an allowable density of 32 units on the subject parcel. The applicant is proposing 38 units or 29.3 DU/acre, 119% of the allowable.
- Density Control: Per the HDMF zone district, a maximum of one Attached Accommodation Unit is permitted per DU. As proposed, five (5) of the dwelling units include a second Attached Accommodation Unit.
- GRFA: The allowable GRFA in the HDMF district is 76/100 square feet of buildable site area or 42,871 square feet of GRFA for the 56,410 square foot parcel. Phase 1 of the development utilized 42,593 square feet of GRFA, leaving only 278 square feet remaining. The proposed Phase 2 includes an additional 32,687 square feet of GRFA for a total of 75,280 square feet of GRFA for the parcel or 176% of the allowable.
- Site Coverage: The applicant is proposing site coverage of 70.07% where the maximum allowable is 55%. Although the application makes a distinction between above and below grade site coverage, Ordinance No. 14, Series of 2004 amended the Vail Town Code's definition of site coverage to include both above and below ground improvements.

III. BACKGROUND

The subject parcel, together with the adjacent Apollo Park parcel to the east, comprised Tract D of Vail Village Fifth Filing, approved by the Eagle County Planning Commission in November of 1965, prior to the incorporation of the Town of Vail in 1966. In the mid 1970s the Apollo Park development was constructed with 89 dwelling units in four buildings. An aerial view of this development can be found on page 5 of the applicant's narrative, included as Attachment B. In 2006 the Town of Vail Design Review Board (DRB) approved the replacement of buildings C and D of the Apollo Park development with a new structure, Mountain View Residences Phase 1, and the associated parking structure. Subsequent to this approval, Tract D was split through the Minor Subdivision process into two parcels. This subdivision was recorded in 2008 with the Eagle County

Clerk and Recorder. The eastern parcel contains the remaining Buildings A and B of the original Apollo Park Development, containing 40 dwelling units functioning predominately as a timeshare development, while the western parcel contains the Mountain View Residences Phase 1 structure, and the associated parking structure.

IV. APPLICABLE PLANNING DOCUMENTS

Staff finds that the following provisions of the Vail Town Code are relevant to the review of this proposal. Please see Attachment D for relevant excerpts from the Vail Village Master Plan.

Title 12 – Zoning Regulations, Vail Town Code

Chapter 1 – Title, Purpose, and Applicability (in part)

12-1-2: PURPOSE:

- A. General: These regulations are enacted for the purpose of promoting the health, safety, morals, and general welfare of the town, and to promote the coordinated and harmonious development of the town in a manner that will conserve and enhance its natural environment and its established character as a resort and residential community of high quality.*
- B. Specific: These regulations are intended to achieve the following more specific purposes:*
- 1. To provide for adequate light, air, sanitation, drainage, and public facilities.*
 - 2. To secure safety from fire, panic, flood, avalanche, accumulation of snow, and other dangerous conditions.*
 - 3. To promote safe and efficient pedestrian and vehicular traffic circulation and to lessen congestion in the streets.*
 - 4. To promote adequate and appropriately located off street parking and loading facilities.*
 - 5. To conserve and maintain established community qualities and economic values.*
 - 6. To encourage a harmonious, convenient, workable relationship among land uses, consistent with municipal development objectives.*
 - 7. To prevent excessive population densities and overcrowding of the land with structures.*

8. *To safeguard and enhance the appearance of the town.*
9. *To conserve and protect wildlife, streams, woods, hillsides, and other desirable natural features.*
10. *To assure adequate open space, recreation opportunities, and other amenities and facilities conducive to desired living quarters.*
11. *To otherwise provide for the growth of an orderly and viable community.*

Chapter 6, Article H, High Density Multiple-Family (HDMF) District

12-6H-1: PURPOSE:

The high density multiple-family district is intended to provide sites for multiple-family dwellings at densities to a maximum of twenty five (25) dwelling units per acre, together with such public and semipublic facilities and lodges, private recreation facilities and related visitor oriented uses as may appropriately be located in the same zone district. The high density multiple-family district is intended to ensure adequate light, air, open space, and other amenities commensurate with high density apartment, condominium and lodge uses, and to maintain the desirable residential and resort qualities of the zone district by establishing appropriate site development standards. Certain nonresidential uses are permitted as conditional uses, which relate to the nature of Vail as a winter and summer recreation and vacation community and, where permitted, are intended to blend harmoniously with the residential character of the zone district. (Ord. 29(2005) § 23: Ord. 37(1980) § 6: Ord. 30(1977) § 6: Ord. 8(1973) § 6.100)

12-6H-2: PERMITTED USES:

The following uses shall be permitted in the HDMF district:

Employee housing units, as further regulated by [chapter 13](#) of this title.

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

Multiple-family residential dwellings, including attached or row dwellings and condominium dwellings. (Ord. 1(2008) § 9)

12-6H-3: CONDITIONAL USES:

The following conditional uses shall be permitted in the HDMF district, subject to issuance of a conditional use permit in accordance with the provisions of [chapter 16](#) of this title:

Bed and breakfasts, as further regulated by section [12-14-18](#) of this title.

Communications antennas and appurtenant equipment.

Dog kennels.

Funiculars and other similar conveyances.

Home child daycare facilities, as further regulated by section [12-14-12](#) of this title.

Private clubs and civic, cultural and fraternal organizations.

Private parking structures.

Private unstructured parking.

Public and private schools.

Public buildings, grounds and facilities.

Public park and recreation facilities.

Public parking structures.

Public transportation terminals.

Public unstructured parking.

Public utility and public service uses.

Religious institutions.

Ski lifts and tows.

Timeshare units. (Ord. 2(2016) § 6: Ord. 12(2008) § 9)

12-6H-4: ACCESSORY USES:

The following accessory uses shall be permitted in the HDMF district:

Home occupations, subject to issuance of a home occupation permit in accordance with the provisions of section [12-14-12](#) of this title.

Private greenhouses, toolsheds, playhouses, attached garages or carports, swimming pools, or recreation facilities customarily incidental to permitted residential and lodge uses.

Other uses customarily incidental and accessory to permitted or conditional uses, and necessary for the operation thereof. (Ord. 29(2005) § 23: Ord. 8(1973) § 6.400)

12-6H-5: LOT AREA AND SITE DIMENSIONS:

The minimum lot or site area shall be ten thousand (10,000) square feet of buildable area, and each site shall have a minimum frontage of thirty feet (30'). Each site shall be of a size and shape capable of enclosing a square area eighty feet (80') on each side within its boundaries. (Ord. 12(1978) § 3)

12-6H-6: SETBACKS:

The minimum front setback shall be twenty feet (20'), the minimum side setback shall be twenty feet (20'), and the minimum rear setback shall be twenty feet (20'). (Ord. 50(1978) § 2)

12-6H-7: HEIGHT:

For a flat roof or mansard roof, the height of buildings shall not exceed forty five feet (45'). For a sloping roof, the height of buildings shall not exceed forty eight feet (48'). (Ord. 37(1980) § 2)

12-6H-8: DENSITY CONTROL:

Not more than seventy six (76) square feet of gross residential floor area (GRFA) shall be permitted for each one hundred (100) square feet of buildable site area. Total density shall not exceed twenty five (25) dwelling units per acre of buildable site area. Each accommodation unit shall be counted as one-half ($\frac{1}{2}$) of a dwelling unit for purposes of calculating allowable units per acre.

A dwelling unit in a multiple-family building may include one attached accommodation unit no larger than one-third ($\frac{1}{3}$) of the total floor area of the dwelling. (Ord. 14(2004) § 9: Ord. 31(2001) §§ 3, 5: Ord. 50(1978) § 19: Ord. 12(1977) § 2)

12-6H-9: SITE COVERAGE:

Site coverage shall not exceed fifty five percent (55%) of the total site area. (Ord. 17(1991) § 6: Ord. 8(1973) § 6.507)

12-6H-10: LANDSCAPING AND SITE DEVELOPMENT:

At least thirty percent (30%) of the total site area shall be landscaped. The minimum width and length of any area qualifying as landscaping shall be fifteen feet (15') with a minimum area not less than three hundred (300) square feet. (Ord. 19(1976) § 7: Ord. 8(1973) § 6.509)

12-6H-11: PARKING AND LOADING:

Off street parking and loading shall be provided in accordance with [chapter 10](#) of this title. At least seventy five percent (75%) of the required parking shall be located within the main building or buildings and hidden from public view or shall be completely hidden from public view from adjoining properties within a landscaped berm. No parking shall be located in any required front setback area. (Ord. 19(1976) § 7: Ord. 8(1973) § 6.510)

Chapter 9 – Special and Miscellaneous Districts (in part)

12-9A-1: PURPOSE AND APPLICABILITY:

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-6: DEVELOPMENT PLAN:

An approved development plan is the principal document in guiding the development, uses and activities of special development districts. A development plan shall be approved by ordinance by the town council in conjunction with the review and approval of any special development district. The development plan shall be comprised of materials submitted in accordance with section 12-9A-5 of this article. The development plan shall contain all relevant material and information necessary to establish the parameters with which the special development district shall develop. The development plan may consist of, but not be limited to, the approved site plan, floor plans, building sections and elevations, vicinity plan, parking plan, preliminary open space/landscape plan, densities and permitted, conditional and accessory uses.

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-11: RECREATION AMENITIES TAX:

A recreation amenities tax shall be assessed on all special development districts in accordance with title 2, chapter 5 of this code at a rate to be determined by the town council. This rate shall be based on the rate of the underlying zone district or the rate which most closely resembles the density plan for the zone district, whichever is greater.

V. ZONING / SDD NO. 42 ANALYSIS

Address: 430 and 434 South Frontage Road E
 Legal Description: Vail Village Filing 5, Lot 1, a resubdivision of Tract D
 Existing Zoning: High Density Multiple-Family (HDMF) District
 Existing Land Use Designation: Vail Village Master Plan
 Mapped Geological Hazards: Steep Slopes >40% (result of prior development)

Standard	Allowed / Required HDMF	Existing (Phase 1)	Proposed Phase 2***	Mountain View Phase 1 and 2***
Site Area	Min. 10,000 sq. ft.	56,410 sq. ft. (1.295 acres)	No Change	56,410 sq. ft. (1.295 acres)
Setbacks	Front – 20’ Side – 20’ Rear – 20’	Front – 20’ Side(W) – 20’ Side(E) – 20’ Rear – 20’	Front – 20’ Side(W) – 20’ Side(E) – 15’ Rear – 20’	Front – 20’ Side(W) – 20’ Side(E) – 15’ Rear – 20’
Height	Flat or Mansard Roof – 45’ Sloping Roof – 48’	Sloping Roof – 48’	Sloping Roof – 70’	Sloping Roof – 70’
Density	25 DUs/ per acre of buildable site area, or 32 units on a 1.295 acre parcel.	23 DUs 17.8 DU/acre	15 DUs w/ 20 lock-offs 15 EHUs (not counted towards density) Total=15 DUs	38 DUs 29.3 DU/acre
GRFA*	Max. 76/100 Buildable Site Area or 42,871 sq. ft.	42,593 sq. ft.	32,687 sq. ft.	75,280 sq. ft. or 176% of allowable GRFA

Site Coverage**	Max. 55% of total site area (31,026 sq. ft.)	22.35%=12,599 sq. ft. above grade 69.91%=39,424 sq. ft. including below grade	14,511 sq. ft. above grade 102 sq. ft. Below grade	48.06%=27,111 sq. ft. above grade 70.07%=39,880 sq. ft. including below grade
Parking/Loading	Per Chapter 10	49 Required 112 Provided 1 Loading Space Provided/Required	Additional 63 Spaces	109 Required 111 Provided*** 1 Loading Space Provided/Required
Landscaping	Min. 30% of total site area (16,923 sq. ft.)	63.62% (35,881 sq. ft.)	40.07% (22,996 sq. ft.) Site in Total)	40.07% (22,996 sq. ft.)

* Although the EHUs total 13,922 square feet in floor area, they do not count towards GRFA.

** The existing site coverage became nonconforming with the subdivision of the property in 2006

*** The reduction from 112 to 111 parking spaces is the result of added mechanical equipment.

VI. SURROUNDING LAND USES AND ZONING

<u>Existing Land Use</u>	<u>Zoning District</u>
North: I-70 ROW	None
East: High Density Residential	High Density Multiple-Family (HDMF) District
South: Gore Creek Streamtract	Natural Area Preservation (NAP)
West: High Density Residential	High Density Multiple-Family (HDMF) District

VII. SPECIAL DEVELOPMENT DISTRICT DESIGN CRITERIA

Before acting on a special development district application, the Planning and Environmental Commission and Town Council shall consider the following factors with respect to the proposed special development district.

- 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.**

Staff has worked closely with the applicant through a series of revisions that have brought the proposal more in line with the character of the neighborhood and Vail in general. The mass, scale, and bulk of the structure is larger than that of the surrounding structures; however, the proposed architectural treatments such as a variety of roof forms and increased horizontal and vertical articulation serve to visually break up the mass, bulk, and scale of the building and help make the design more compatible with Phase 1. The proposed building material and color palettes may be consistent with the identity and character of Vail as a mountain community.

The subject property is located on a development site in the HDMF zone district, which allows for a maximum 48 foot building height. Many of the Town's taller buildings are located along the frontage road, which buffer surrounding area from the noise and aesthetics of the highway. Though the proposed building height is greater than those in the surrounding area, the applicant has demonstrated that the height is consistent, in general, with the recommended heights of the Vail Village Master Plan and is necessary to meet the development objectives of the town.

Staff finds the proposal meets this criterion.

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

The proposed mix of uses, including EHUs, DUs, AUs and AAUs, is an appropriate program for this location. Located along the frontage road on the periphery of Vail Village, the site allows the density and related height necessary to meet the development objectives of the applicant and the town. Although the proposed building is significantly taller than the adjacent Tyrolean, the building's mass steps down in acknowledgment. The applicant professes that it would not be appropriate to lower the building further as the Tyrolean Condominiums is not developed to its potential, under existing zoning.

The proposed project is primarily residential in nature, similar to surrounding uses which are also residential, including Apollo Park and the Tyrolean. It is not anticipated that there will be any adverse impacts resulting from the operation of the project.

Staff finds that the proposal meets this criterion.

3. Parking and Loading: Compliance with parking and loading requirements as outlined in chapter 10 of this title.

The parking dimensions and number of parking spaces provided comply with Vail Town Code. In addition, the proposed loading space meets the requirement in terms of size and number.

Staff finds the proposal meets this criterion.

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

Staff has reviewed the Vail Comprehensive Plan and found the following documents and associated goals, objectives, statements applicable to this proposal:

Vail Land Use Plan (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).

5.1 Additional residential growth should continue to occur primarily in existing, platted areas and as appropriate in new areas where high hazards do not exist.

5.3 Affordable employee housing should be made available through private efforts, assisted by limited incentives, provided by the Town of Vail, with appropriate restrictions.

5.4 Residential growth should keep pace with the market place demands for a full range of housing types.

5.5 The existing employee housing base should be preserved and upgraded. Additional employee housing needs should be accommodated at varied sites throughout the community.

Vail 20/20 Strategic Action Plan (in part)

Land Use and Development:

Goal #4: Provide for enough deed-restricted housing for at least 30 percent of the workforce through policies, regulations and public initiated development.

Housing:

Goal: The Town of Vail recognizes the need for housing as infrastructure that promotes community, reduces transit needs and keeps more employees living in the town, and will provide for enough deed-restricted housing for at least 30 percent of the workforce through policies, regulations and publicly initiated development.

Actions / Strategies:

- Research parking requirements for employee housing and consider reducing requirements for employee housing developments.
- Expand the number of employee beds in the Town of Vail.

- Consider increasing incentives in performance zoning for property owners who build EHUs.

Vail Economic Development Strategic Plan (in part)

Policies:

Goal #4: Provide support for a quality workforce delivering world-class service to positively impact Vail's economy.

Objective 4.1: Work with the business community, Eagle County and other municipalities to address future workforce housing needs.

Objective 4.3: Work with the business community and Eagle County to address parking and transportation issues for workers and guests.

Chapter VII. Evaluation and Analysis, Weaknesses:

Inefficient Facilities: Older lodging accommodations

Vail Housing 2027 (in part)

Mission:

We create, provide, and retain high quality, affordable, and diverse housing opportunities for Vail residents to support a sustainable year round economy and build a vibrant, inclusive and resilient community. We do this through acquiring deed restrictions on homes so that our residents have a place to live in Vail.

Policy Statement:

We acknowledge that the acquisition of deed restrictions on homes for Vail residents is critical to maintaining community. Therefore, we ensure an adequate supply and availability of homes for residents and recognize housing as infrastructure in the Town of Vail; a community support system not unlike roads, bridges, water and sewer systems, fire, police, and other services of the municipal government.

Ten Year Goal:

The Town of Vail will acquire 1,000 additional resident housing unit deed restrictions by the year 2027. These new deed restrictions will be acquired for both existing homes as well as for homes that are newly constructed by both the Town of Vail and private sector developers.

The proposed development of EHUs realizes several community goals, especially the Vail Housing 2027 Ten Year Goal of acquiring 1,000 deed restrictions. It is important to note that the requirements of inclusionary zoning and commercial linkage are not enough to close the gap in the employee housing deficit in Vail. The proposal to add 15 Type III deed-restricted EHUs will make a contribution toward the goals of providing workforce housing in the town. The significance of providing local workforce housing is critical to reduce the number of employees driving to and parking in town. By doing so, numerous policies of the Vail Economic Development Strategic Plan are realized, such as Goal Number 4, "Provide support for a quality workforce delivering world-class service to positively impact Vail's economy."

The proposal specifically addresses Goals 1.1, 1.12, 5.4, and 5.5 in the Vail Land Use Plan in that they speak to the importance of infill redevelopment and meeting employee housing demands.

The proposal also speaks to the Vail 20/20 Strategic Action Plan's statement that the Town recognizes the need for housing as infrastructure that promotes community, reduces transit needs and keeps more employees living in the town.

The proposal is representative of a rare infill-development opportunity in Vail that will accommodate a mix of desirable uses consistent with the development objectives of the town.

Staff finds that the proposal meets 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.

No natural or geologic hazards are present on the subject site.

Staff finds that the proposal meets 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 architectural approach emblematic of Vail and consistent with Phase 1. While open space is minimal, the applicant has attempted to provide appropriate landscaping. The applicant has provided a high quality design in regards to the site plan and building appearance and has attempted to balance elements such as open space and landscaping with other important community goals that would help improve the overall quality of the community.

Staff finds the proposal meets this criterion.

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

The provided Traffic Impact Analysis has determined that the existing access point is suitable with no necessary modifications to serve the development. The applicant has worked closely with the Public Works Department to accommodate a replacement sidewalk for not only the property's frontage but continuing to the west to Vail Valley Drive. Along the project's frontage will be a 10' detached heated concrete sidewalk that will allow increased snow storage for the South Frontage Road, an improvement over the existing attached sidewalk condition. The sidewalk continuing to the west will also be detached if the Town of Vail is successful in obtaining an easement from the adjacent properties. If an easement is not granted, the sidewalk will be replaced in its current location with a new, heated 10' concrete sidewalk.

In addition to the relocated sidewalk, the applicant is providing the Town an easement for a future sidewalk closer to the building if, and when, the Frontage Road is increased to four lanes.

To offset the community impacts of traffic generated by the development, the applicant has agreed to pay the Traffic Mitigation Fees for the net new increase in development traffic, which has been calculated at 14.00 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.

Staff finds the proposal meets this criterion.

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

The location of the existing garage and the minimum setbacks proposed limit the area remaining for landscaping. The Vail Village Master Plan has identified the area between the proposed structure and South Frontage Road for robust landscaping. As conditioned, the continued evolution of the landscape plan is encouraged with input and assistance from Town of Vail staff and the Design Review Board.

Staff finds the proposal, as conditioned, meets 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 proposal is intended to be constructed in one phase. Staging for any construction related activity will be reviewed by staff to ensure impacts to public rights-of-way and adjacent properties are minimized. It is anticipated that the use of the South Frontage Road right-of-way may be necessary. This right-of-way is controlled by the Colorado Department of Transportation (CDOT) and will require all appropriate review and permits from CDOT prior to the start of construction.

Staff finds the proposal meets this criterion.

VIII. STAFF RECOMMENDATION

SDDs are an opportunity to allow flexibility in design to a property owner while advancing the goals and objectives of the Town comprehensive plan. Balancing the impact of the development on the surrounding area with benefits to the broader community through the achievement of said goals and objectives is an extremely difficult task. Based on the most recent revisions, staff finds that the proposal has successfully balanced these oftentimes competing interests and that the public benefit outweighs the deviations, as conditioned.

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 Planning and Environmental Commission forwards a recommendation of **approval, with conditions**, to the Town Council for the applicant's request to establish Special Development District No. 42, Vail Mountain View Residences.

Motion for Approval – Special Development District:

Should the Planning and Environmental Commission choose to forward a recommendation of **approval, with conditions**, to the Vail Town Council for the establishment of Special Development District No. 42, Vail Mountain View Residences, the Community Development Department recommends the Commission passes the following **motion**:

“The Planning and Environmental Commission forwards the Vail Town Council a recommendation of approval for an application to establish Special Development District No. 42 (Vail Mountain View Residences), pursuant to Section 12-9(A), Special Development Districts, Vail Town Code, to allow for the development of a mixed use building consisting of 15 dwelling units with 20 attached accommodation units (lock-offs), and 15 employee housing units, located at 430 and 434 South Frontage Road/Lot 1, Vail Village Filing 5 and setting forth details in regard thereto.”

Should the Planning and Environmental Commission choose to forward a recommendation of **approval, with conditions**, to the Vail Town Council for the establishment of Special Development District No. 42, Vail Mountain View Residences, the Community Development Department recommends the following **conditions**:

1. *Approval of an associated Design Review Board ("DRB") application.*
2. *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.*
3. *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.*
4. *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 plan sheet C1.01 dated September 14, 2017, and shall be submitted to the Town and 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 on or adjacent to the Property, and prior to issuance of the first certificate of occupancy for the project, 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 prior to issuance of the first certificate of occupancy for the project, the Applicant shall execute the Town's standard snowmelt operations reimbursement agreement for that portion of the sidewalk and snowmelt system.*
5. *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, 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.*
6. *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.*
7. *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.

- 8. 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.*
- 9. 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.*
- 10. Prior to obtaining any building permit application 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.*

Should the Planning and Environmental Commission choose to forward a recommendation of **approval, with conditions**, to the Vail Town Council for the establishment of Special Development District No. 42, Vail Mountain View Residences, the Community Development Department recommends the Commission makes the following **findings**:

"Based upon the review of the criteria outlined in Section VIII of the Staff memorandum to the Planning and Environmental Commission dated October 23, 2017, and the evidence and testimony presented, the Planning and Environmental Commission finds:

- 1. The SDD complies with the standards listed in Section VIII of this memorandum, or the applicant has demonstrated that one or more of the standards is not applicable;*
- 2. 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. The SDD is compatible with and suitable to adjacent uses and appropriate for the surrounding areas; and*
- 4. 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, September 14, 2017
- C. Plan Set, September, 2017
- D. Vail Village Master Plan (in part)
- E. Correspondence received to date