



Application for the Establishment of a Special Development District

# Vail Mountain View Residences Phase 2 Special Development District



Submitted to the Town of Vail:  
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## Update for September 2017

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Gore Creek Group LLC has been working with the owners in Phase 1 and the neighbors to develop a plan that is beneficial to all parties involved. This submittal reflects our analysis of the alternative proposal agreed to by the Phase 1 owners. As a result, there have been some proposed programming changes to Phase 2. The following provides a comparison of the original program (that programming recommended by the PEC in June of 2017) to the program proposed today:

Use	Original Proposal	September 2017 Proposal	Change
<b>Dwelling Units GRFA</b>	12 du 27,356 sq. ft.	15 du 32,687 sq. ft.	+3 du +5,331 sq. ft.
<b>Lock Off Units</b>	15 lo (attached to 11 dwelling units)	20 lo (attached to 15 units)	+5 lo
<b>Employee Housing Units GRFA</b>	10 eh 10,544 sq. ft.	15 eh 13,992 sq. ft.	+5 eh +3,448 sq. ft.
<b>Accommodation Units GRFA</b>	19 au 7,344 sq. ft.	0 au 0 sq. ft.	-19 au -7,344 sq. ft.

This document has been updated to reflect the proposed changes.

## Introduction

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Gore Creek Group LLC is requesting an application for the establishment of a new Special Development District (SDD) for Vail Mountain View Residences to facilitate the construction of a new mixed-use building located at 430 S. Frontage Road. The new building is referred to as Phase 2 of Vail Mountain View Residences, which is proposed to be constructed above the existing parking structure. Phase 1, the existing 23 residential condominiums, is proposed to be included in the SDD, but the condominium building will not be modified with this application. The proposed Phase 2 consists of deed-restricted employee housing, residential condominiums and dwelling unit lock-off units. The project furthers three key identified community goals: the provision of employee housing, the provision of live beds, and encouragement of in-fill development. Numerous changes have been made to the scale of the building, the articulation and architecture of the building, and the mix of uses within the building based on comments from the Planning and Environmental Commission, Town staff, Design Review Board, comments from Phase 1 owners, and comments from Tyrolean representatives over the multiple meetings since May of 2017. The result of the changes is a better project overall despite the loss of accommodation units.

The existing Phase 1 Building was completed in 2008 under the High Density Multiple Family (HDMF) zone district and included the following uses:

- 23 for-sale condominiums with approximately 42,593 sq. ft. of GRFA
- 112 parking space parking structure

- Leasing of excess parking was approved by the Town in 2010

The alternative proposed Phase 2 building includes the following:

- 15 for-sale dwelling units with approximately 32,687 sq. ft. of GRFA, to be included in a voluntary rental management program
- 20 lock-offs to all 15 of the dwelling units (five dwelling units have 2 lock-offs)
- 15 employee housing units with approximately 13,992 sq. ft. of floor area
- Parking to accommodate the proposed uses with a total of 111 parking spaces for the entire SDD with 49 spaces designated and controlled by Phase 1
- A dedicated loading and delivery space to serve both phase 1 and 2

To facilitate the development of Phase 2, a Special Development District is proposed to be established, with the underlying zoning of HDMF. The SDD designation will apply to the entirety of Vail Mountain View Residences property, including the already completed Phase 1. A Phase 2 project was always contemplated on the parcel as evidenced in the HOA documents recorded against the project. The only practical method to achieve the Phase 2 project as contemplated in the HOA documents is an SDD or a comprehensive amendment to the zone district affecting properties throughout the Town of Vail due to the fact that nearly all development potential under the HDMF Zoning was exhausted when Phase 1 was constructed. The HOA documents for Phase 1 put all purchasers on notice that a second phase was contemplated and could have densities of up to 300 units, a number that could never be practically reached but to ensure there was clear understanding about the future.

Vail Mountain View Residences presents a unique opportunity for redevelopment within Vail Village. It is adjacent to the pedestrian core, but vehicular access is taken from South Frontage Road, allowing for development to occur with minimal impacts to the Village. As an infill site, with the proposed Phase 2 building constructed upon an existing parking structure that was designed to allow for such development, there are minimal impacts to the natural environment.

Public Benefits of the Project:

- Employee housing far in excess of requirements, all on-site and near the major employment center, addressing one of the documented critical needs of the Town (42.7% of the free-market unit floor area is provided for employee housing versus the 10% required by code) with 100% on-site without public subsidy
- All EHUs are highly functional and livable dwelling within the core employment center of Vail for single and/or double occupancy
- Provision of short-term lodging units (dwelling units in a voluntary rental program and lock-off units) within Vail Village, enhancing revenues and vitality
- Redevelopment of an infill site within Vail Village as suggested by the Vail Village Master Plan
- Land being donated to the Town (approximately 878 sq. ft.) as requested by the Public Works Department for future roadway improvements east of Vail Valley Drive
- Paved access path and stairs through the property allowing pedestrians to walk from the South Frontage Road to the recreation path along Gore Creek

- Reconstructing and heating sidewalk to Vail Valley Drive in front of the neighboring Tyrolean and Public Service properties at no cost to the Town or adjacent properties
- Pursuing Green Globes Certification, which ensures energy efficiency by exceeding code standards. In addition, the project will exceed the 2015 IECC code and providing two electric car charging stations and energy management system for accommodation units
- Public art piece still to be determined of a value up to \$50,000
- Economic vitality and enhanced public and private revenues to Vail Village as a result of new residential and lodging facilities



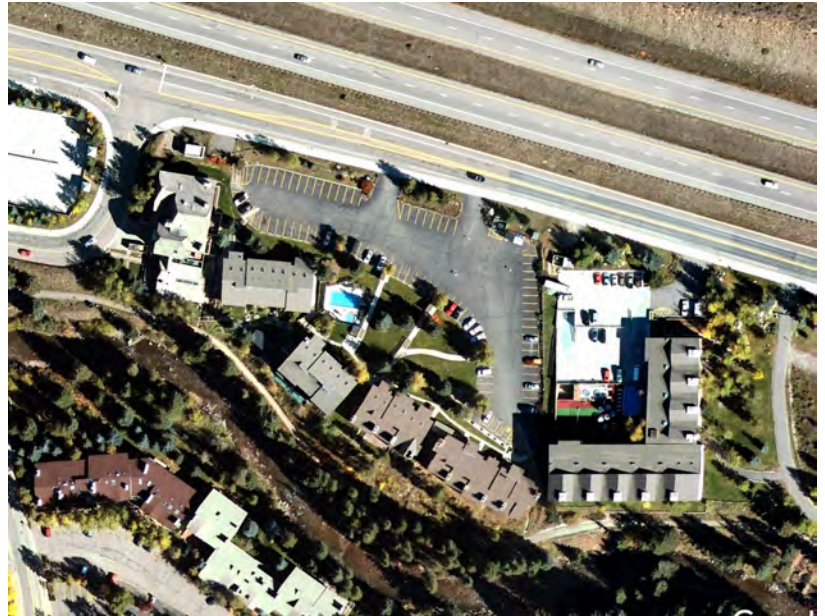
Example of the two-bedroom EHU layout. There are 8 two-bedroom units, 2 studio units and 5 one-bedroom units.

# Background

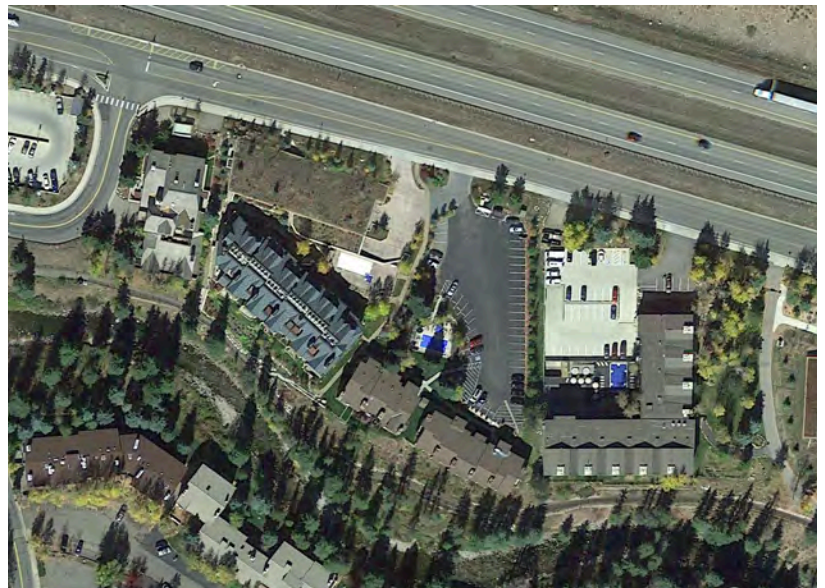
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Vail Mountain View Residences was originally part of Apollo Park, an apartment, condominium, and timeshare project. Apollo Park was originally developed on Tract D, Vail Village 5th Filing as one large project. Apollo Park included 89 dwelling units. In 1978, Buildings A & B were condominiumized, creating a property line between A & B and C & D. The A & B buildings were subsequently sold as timeshare units. In 2006, the 49 dwelling units in Buildings C & D of Apollo Park were demolished and Mountain View Phase 1 was constructed on the western portion of Tract D, which was resubdivided to Lot 1, a portion of the original Tract D, following the historical property line. Apollo Park, Buildings A and B, remain on Tract D, with a total 40 units developed on the site. Mountain View Phase 1 was constructed under HDMF zoning, requiring review only by the Design Review Board.. As part of Phase 1, a parking structure of 112 parking spaces was constructed in anticipation of a potential future development phase. Following the completion of the parking structure, the excess parking spaces were leased for public consumption.

When the Vail Village Master Plan (VVMP) was adopted in 1990, it recognized that the HDMF zoning was out of sync with the existing development patterns and the potential for future growth. The VVMP recommended that the zoning be updated. However, no substantial modifications to the HDMF zone district have occurred since 1990, therefore causing the need to redevelop this property as a Special Development District. The surrounding properties, the Wren and Apollo Park, are also non-conforming with respect to density and GRFA. The Tyrolean Condominiums does not comply with



2004 Google Earth Image of Apollo Park, Buildings A, B, C, and D.



2015 Google Earth Image of Mountain View Phase 1 and Apollo Park, Buildings A and B.

setbacks, GRFA, and site coverage based on variances granted. The adjoining Tyrolean project exceeds the development standards of the HDMF with limited public benefits provided to offset the variances and deviations provided.

# Zoning Analysis

Location: 430 South Frontage Road / Lot 1, A Resubdivision of Tract D, Vail Village 5th  
 Parcel: 210108246023  
 Lot Size: 1.295 acres / 56,410.2 sq. ft.  
 Existing Zoning: High Density Multiple Family (HDMF)  
 Proposed Zoning: Special Development District with underlying zoning of HDMF

Development Standard	Allowed by HDMF	Existing Phase 1	Alternative Proposed Phase 2	Mountain View Phase 1 and 2
<b>Lot Area</b>	10,000 sq. ft.	1.295 acres / 56,410 sq. ft.	No change	1.295 acres / 56,410 sq. ft.
<b>Setbacks</b>				
<b>Front</b>	20 ft.	20 ft.	20 ft.	
<b>Side</b>	20 ft.	20 ft.	20 ft.(w) & varies 15 ft.-20 ft.(e)	
<b>Rear</b>	20 ft.	20 ft.	20 ft.	
<b>Building Height (Maximum)</b>	48 ft. for sloping roof 45 ft. for flat roof	48 ft.	69.9 ft.	69.9 ft.
<b>Density</b>	25 du/acre = 32 du	23 du	15 du with 20 lock offs 15 ehu* = 0 Density = 15 units	38 units
<b>GRFA</b>	76% of lot area = 42,871 sq. ft.	42,593 sq. ft.	DU: 32,687 sq. ft. EHU*: 13,992 sq. ft. GRFA = 32,687 sq. ft.	75,280 sq. ft. = 133% of lot area
<b>Site Coverage</b>	55% of lot area = 31,026 sq. ft.	22.35% = 12,599 sq. ft. (above-grade only)  69.91% = 39,424 sq. ft. (includes below grade)	14,753 sq. ft. (above-grade only)	27,352 sq. ft. = 48.5% (above-grade)  39,880 sq. ft. = 70.07% (includes below grade)
<b>Landscape Area</b>	30% of lot area = 16,923 sq. ft.	63.62% = 35,881 sq. ft.	NA	22,996 sq. ft. = 40.07%

\*EHUs do not count towards density or GRFA.



## Deviations from Underlying Zoning

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Section 12-9A-9, Development Standards, provides the mechanism for deviating from the underlying zone district. It states:

*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.*

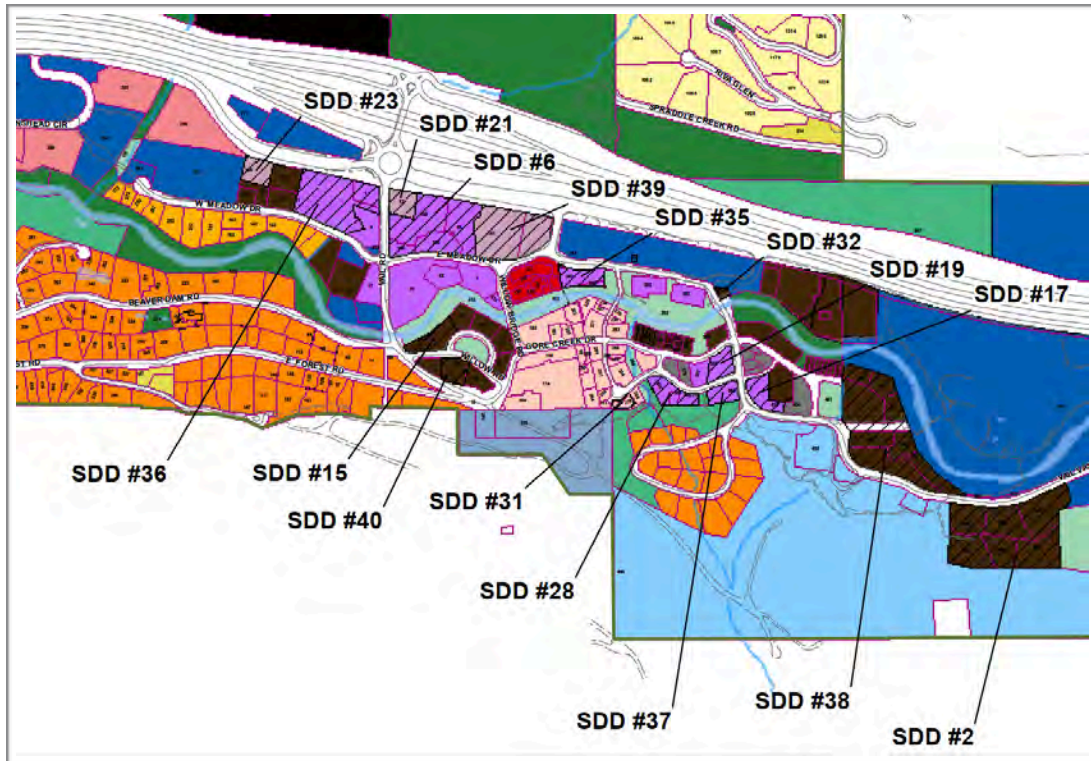
The Vail Mountain View Special Development District will deviate from the following development standards:

- **Setbacks:** The SDD complies with setbacks on the front, rear, and west side. On the east side, adjacent to the Apollo Park property, the proposed setback complies with the 20 ft. setback except for the two column locations which are 15 ft. to 20 ft. from the property line. At the entry level, the building itself is setback an additional 20 ft., for a total of 40 ft. from the property line. All other levels meet the 20 ft. setback requirement. As a result, the columns are the only encroachment into the 20 ft. setback, which is necessary to allow traffic circulation into the parking facilities. The location of the proposed building is adjacent to surface parking on the adjoining property.
- **Building Height:** The proposed building exceeds the height limitation of 48 ft. The existing Phase 1 building complies with the 48 ft. height limitation. Due to the structured parking below the proposed building, the building exceeds the height limit. The maximum height of the proposed building is 69.9 ft. which reflects a point on the peak of a gable roof form. The building height is necessary to accommodate the two floors + of public benefits in the building including employee housing, small leasable condominiums, and lock-offs (aka attached accommodation units).
- **Density:** The SDD will exceed the maximum density of 32 dwelling units. There are 23 dwelling units within the Phase 1 building. As proposed, Phase 2 includes 15 dwelling units and 15 EHUs (which do not count towards density). As a result, Phase 2 is 15 units, for a total of 38 units for the entirety of the project. This is actually a reduction of the previous development on the site that was demolished prior to Phase 1, which contained 49 units. In addition, the density limitation of HDMF includes the limitation of only one attached accommodation unit per dwelling unit. As proposed, 4 of the dwelling units actually include a second lock-off unit, increasing the potential for short-term rentals within the project.
- **GRFA:** The allowable GRFA within the HDMF zone district is 42,871 sq. ft. Phase 1 was constructed with approximately 42,593 sq. ft. of GRFA. Phase 2 is proposed at approximately 32,687 sq. ft. of GRFA, for a total of approximately 75,280 sq. ft. for the entirety of the SDD. EHUs do not count towards GRFA. Exceeding GRFA is not uncommon with most SDDs approved by the Town.

- Site Coverage: Mountain View Phase 1 currently exceeds allowable site coverage due to the underground parking structure. As a result, there is very little change to the site coverage for the entirety of the project, only an increase of 456 sq. ft., for a total site coverage calculation of approximately 70.07%. The allowable site coverage of HDMF is 55%. The project only exceeds the requirement due to the provision of below-grade parking. Above-grade site coverage actually complies with this restriction, at approximately 48.5% which has been common deviation granted to other projects with below grade parking facilities throughout the Town and Vail Village.

# Special Development Districts

Deviations such as the proposed are common among Special Development Districts, especially those located within the periphery of Vail Village. Special Development Districts are quite common throughout Vail Village, as indicated on the following map (striped areas indicate SDDs):



Below is a chart with an analysis of the more recent SDDs adopted by the Town of Vail in Vail Village. The chart includes the deviations from underlying zoning, along with the public benefits associated with the project. It should be noted that some of these SDDs were adopted prior to the change in the calculation for site coverage, which now includes below grade improvements, like parking, not previously counted as site coverage, and many would now likely deviate from site coverage requirements.

SDD	Underlying Zoning	Deviations from Underlying Zoning	Public Benefits
<b>Four Seasons (SDD #36)</b>	PA	Site Coverage - from 65% to 71% Height - from 48 ft. to 89 ft.	34 EHUs on-site (today most of these would have been required versus a benefit), contribution to streetscape, north-south walkway from Frontage Rd., improvements to Mayors Park, heated walk along Frontage Road, public art contribution (now a requirement)

SDD	Underlying Zoning	Deviations from Underlying Zoning	Public Benefits
<b>Tivoli Lodge (SDD #37)</b>	PA	Height - from 48 ft. to 56 ft. Reduction in landscape area Loading in front setback	1 EHU on-site, streetscape improvements
<b>Manor Vail (SDD #38)</b>	HDMF	Height - from 48 ft. to 57.4 ft. Density - from 133 to 141 units GRFA - 24,691 sq. ft. additional	1 EHU on-site, contribution to streetscape improvements, 430 sq. ft. parcel deeded to Town, stream bank improvements, installation of improved access path across site, sidewalk extension
<b>Solaris (SDD #39)</b>	CSC	Setback reduction Height - from 38 ft. to 99.9 ft. Density - from 47 to 75 units GRFA - 152,808 sq. ft. additional Site Coverage - 75% to 94% Landscape - increase in hardscape allowance	22 EHUs provided offsite, streetscape improvements including heating public streets, public easement over plaza, public ice skating rink, \$1.1 million in public art, bowling alley and movie theater, with deed restriction that requires there operation
<b>The Willows (SDD #40)</b>	HDMF	Setback reduction GRFA increase Site Coverage - 55% to 67%	Public art, streetscape improvements, reduction in density

As indicated in the chart, deviations such as those requested for the Vail Mountain View Special Development District are common. The underlying zoning of the SDD also has implications in the deviations sought. Many zone districts have been updated to reflect current building trends and requirements and in recognition of Town objectives and priorities like the provision of live beds.

Building height has been a sensitive subject in Vail from the very beginning of Vail's history. In 1990, with the adoption of the Vail Village Master Plan, it was recognized that taller structures were appropriate along the periphery of Vail Village, along the South Frontage Road. Taller buildings along the periphery help frame the context of the urban core area, provide relief from the impacts associated with Interstate 70, and utilize land area often as parking areas, thus removing unsightly views of parking facilities. The other benefit of encouraging additional building height along the South Frontage Road is that impacts to other private properties are substantially reduced. Private views, though not protected in Vail, are generally unaffected by taller buildings in this location due to the presence of the Frontage Road. Of course, there are impacts to the neighboring structures such as the Tyrolean Condominiums and Vail Mountain View Phase 1.

There are four examples of structures developed with additional building height along the periphery, all of which are above 71 ft. in height:

- Four Seasons - SDD #36 (~89 ft.)

- Sebastian Hotel (formerly the Vail Plaza Hotel) - SDD #6 (~77.25 ft.)
- Vail Village Inn Phase 3 - SDD #6 (~71 ft.)
- Solaris - SDD #39 (~99.9 ft.)

The pattern of taller buildings along the South Frontage Road has been well established with logical breaks to allow views to Vail Mountain at Vail Road, Village Center Road, the Vail Village Parking Structure, Vail Valley Drive (Blue Cow Chute) and Ford Park. Views over these properties from either direction of Interstate 70 are adequately maintained.

With the Town's 2007 adoption of the EHU requirements for Inclusionary Zoning and Commercial Linkage, the Town did not modify the development standards of the HDMF zone district. However, the provision of on-site employee housing units has an impact on development standards such as height, site coverage, parking, and even GRFA (as the cost of providing EHUs is often off-set through increasing the higher profit-making uses). In this case, the majority of the square footage on Levels 1 and 2 is dedicated to employee housing which clearly has an impact on the ability to meet the standards of the HDMF zone district. The provision of employee housing and short term accommodations in the form of condominiums with attached accommodation units clearly outweighs any deviations proposed through this SDD.

# Parking Analysis

## Phase 1

Use	Formula	Parking Required
<b>DU (17)</b>	If a dwelling unit's gross residential floor area is more than 500 square feet, but less than 2,000 square feet: 2 spaces	34
<b>DU (6)</b>	If a dwelling unit's gross residential floor area is 2,000 square feet or more: 2.5 spaces	15
<b>Total spaces for Phase 1</b>		<b>49</b>

## Phase 2

Use	Formula	Parking Required
<b>DU (7)</b>	If a dwelling unit's gross residential floor area is more than 500 square feet, but less than 2,000 square feet: 2 spaces	14
<b>DU (8)</b>	If a dwelling unit's gross residential floor area is 2,000 square feet or more: 2.5 spaces	20
<b>EHU (13)</b>	If a dwelling unit's gross residential floor area is more than 500 square feet, but less than 2,000 square feet: 2 spaces	26
<b>EHU (2)</b>	If a dwelling unit's gross residential floor area is 500 square feet or less: 1.5 spaces	3
<b>Total spaces for Phase 2</b>		<b>63</b>

## Parking Analysis for SDD

<b>Parking Requirement for Phase 2</b>	63
<b>Parking Requirement for Phase 1</b>	49
<b>Parking Requirement for SDD</b>	112
<b>Multi-Use Reduction of 2.5%</b>	-2.936
<b>Total Parking Requirement for SDD</b>	<b>109.064</b>
<b>Total Parking Spaces Proposed</b>	<b>111</b>

# Employee Housing Plan

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Section 12-23-8: Administration, of the Vail Town Code requires the submittal of an Employee Housing Plan for all projects subject to development review. The proposed project exceeds both the total requirement and the onsite requirement for employee housing.

**A. Calculation Method: The calculation of employee generation, including credits if applicable, and the mitigation method by which the applicant proposes to meet the requirements of this chapter;**

Applicant Analysis:

Inclusionary Zoning:

Use	GRFA	Mitigation Rate	EHU Sq. Ft. Required
DU	32,687	10%	3,268.7

The inclusionary requirement is 3,268 sq. ft. **As proposed, there is approximately 13,992 sq. ft. in 15 employee housing units, approximately 10,724 sq. ft. in excess of the requirement or 42% of the free-market dwelling unit floor area.**

**B. Plans: A dimensioned site plan and architectural floor plan that demonstrates compliance with section 12-23-3, "Size And Building Requirements", of this chapter;**

Applicant Analysis: A dimensioned site plan and architectural floor plan has been provided with this submittal. Units range from 439 sq. ft. up to 1,191 sq. ft. and consist of 2 studio units, 5 one-bedroom units, and 8 two-bedroom units.

**C. Lot Size: The average lot size of the proposed EHUs and the average lot size of other dwelling units in the commercial development or redevelopment, if any;**

Applicant Analysis: This is not applicable to this application.

**D. Schedules: A time line for the provision of any off site EHUs;**

Applicant Analysis: This is not applicable to this application.

**E. Off Site Units: A proposal for the provision of any off site EHUs shall include a brief statement explaining the basis of the proposal;**

Applicant Analysis: This is not applicable to this application.

**F. Off Site Conveyance Request: A request for an off site conveyance shall include a brief statement explaining the basis for the request;**

Applicant Analysis: This is not applicable to this application.

**G. Fees In Lieu: A proposal to pay fees in lieu shall include a brief statement explaining the basis of the proposal; and**

Applicant Analysis: This is not applicable to this application.

**H. Written Narrative: A written narrative explaining how the employee housing plan meets the purposes of this chapter and complies with the town's comprehensive plan.**

Applicant Analysis: Section 12-24-1: Purpose and Applicability, of the Vail Town Code provides the purpose of the Inclusionary Zoning Chapter:

*The purpose of this chapter is to ensure that new residential development and redevelopment in the town of Vail provide for a reasonable amount of employee housing to mitigate the impact on employee housing caused by such residential development and redevelopment.*

The mitigation rates were established by the Town of Vail Employee Housing Nexus study. These rates are based on a survey of various properties in mountain communities.

The Town Vail Land Use Plan offers the following goals with regard to employee housing:

*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.*

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

In 2008, the Town of Vail established the Employee Housing Strategic Plan, which brought together all of the Town's goals on employee housing into a single plan. It provides the following:

*In 2006, through the Vail 20/20 Focus on the Future process the community established a housing goal. It is as follows:*

*"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 enough deed-restricted housing for at least 30 percent of the workforce through policies, regulations and publicly initiated development."*



*Based upon the community's work, the Vail Town Council has confirmed the Town of Vail recognizes deed restricted employee housing as basic infrastructure. This type of housing allows employees to live within the town, promoting community, and improving the quality of our local workforce, thereby supporting the local economy, and reducing regional transit needs. The Employee Housing Strategic Plan (EHSP) seeks to meet the expectations established by the community and confirmed by the Town Council and provide enough deed-restricted housing for at least 30 percent of the community's workforce to live in the Town of Vail through a variety of policies, regulations and publicly initiated development projects.*

The Employee Housing Strategic Plan then outlines the various objectives and policies for implementing the plan. It provides a list of Town Initiatives, one of which is specifically applicable to this project:

*Incentive Zoning and Density Bonuses*

*The Town will consider workforce housing objectives in all review processes that permit discretion. This means that the Town will work actively with developers as a part of the Housing District, Special Development District review processes and requested changes in zoning to not only meet the requirements of existing code, but to look for opportunities to go beyond code requirements to encourage additional workforce housing to be created. As a part of these review processes the Town will work actively with developers to create incentives to develop housing that exceeds the minimal requirements contained in the code. Additional density may be granted in selected locations through the appropriate review processes, and fee waivers and subsidies may be considered. The Incentives Zoning and Density Bonuses help Vail to "catch up" with existing deficiencies and add to the overall percent of employees living within the Town of Vail.*

As indicated in this submittal, the proposal complies with and furthers the purposes and goals of the Town's employee housing requirements and master plans.

## Criteria for Review

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**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.**

Applicant Analysis: The architecture is consistent with the high quality found on Phase 1 of Mountain View Residences, and is typical of recent redevelopment projects within Vail Village, such as Solaris, the Four Seasons, and the Sebastian. The concept is to use natural materials, such as stone, wood composite siding, and metal panel or stucco, to create a project that is responsive to the environment and the surrounding neighborhood. Varying roof pitches and forms allow for visual interest. Before the redevelopment of the site, there was significant surface parking. The structured parking now allows the site to be redeveloped to the standards that Vail is accustomed to. The building facades, based on comments from the PEC have been highly articulated as demonstrated by the revised plans.

The maximum height of the proposed Phase 2 building is 69.9 ft., which exceeds the underlying zoning HDMF maximum height restriction of 48 ft. and is a requested deviation with the establishment of this SDD. Building height is a common deviation for SDDs in Vail Village, especially those located along the Frontage Road, including the Sebastian, Vail Village Inn Phase 3, Solaris, and the Four Seasons. Many older existing HDMF or PA zoned buildings also exceed the 48 ft. maximum height requirement such as the Mountain Haus building. The proposed Phase 2 building, similar to the Phase 1 building, is generally 4 stories with additional livable space in the roof through the use of dormers. Unlike the Phase 1 building, Phase 2 sits upon a parking structure which sits slightly above natural grade. As a result, the height exceeds 48 ft., but is similar in appearance of height to surrounding properties. When looking at compatibility it is necessary to not only look at the existing buildings on neighboring properties, but the relationship of those properties to current development standards. For example, the Tyrolean building is not developed to the full height that it is entitled to. If it were, the transition in building height would appear even more natural compared to the proposed building. Another aspect that has to be taken into consideration are the other aspects of a neighboring property that create impacts. For instance, the Tyrolean property was developed with variances for building setbacks, GRFA, and site coverage causing impacts without a required or apparent public benefit.

The Conceptual Building Height Plan found in the Vail Village Master Plan, shows this property as 4 stories along with the Tyrolean Building. This area is flanked to the east with a bubble suggesting 5-6 stories for The Wren and a portion of the Apollo Park property and a bubble to the west recommending 5 stories at the Village Parking Structure. The height diagram is conceptual in nature as indicated in the Vail Village Master Plan. Further proof of its conceptual nature is how the Town Council has implemented the plan for buildings along the South Frontage Road. Portions of the Sebastian property are shown at 3-4 stories where the

buildings were approved at 5-6 stories. Similarly, the Solaris property, is shown by the plan at 5-6 stories along the S. Frontage Road where it is 6-7 stories today.

Significant surface parking lots are a characteristic of the immediate neighborhood, which is not a very efficient use of land. It is likely (and in fact, a requirement of the Vail Village Master Plan) that when these properties redevelop, parking will be located within a below grade structure, similar to the proposed Phase 2 project. These existing surface lots dominate the area:



Surface parking lots at The Wren and Apollo Park. Future redevelopment of these sites will likely include below-grade parking, with buildings above.

The development of property in this neighborhood provides unique opportunities for buffer zones between developments. There is a path from the Frontage Road down to the Gore Creek path that was constructed as part of the Phase 1 building and which will be partially relocated with the Phase 2 building, which allows for a buffer zone between this project and the existing Apollo Park. Additionally, both the Phase 1 and Phase 2 projects provide the full 20 ft. buffer to the property line for the Tyrolean. The building has also been stepped back from the Tyrolean, building mass removed, and roof elements lowered to help provide additional setback and buffer to the property. These changes were made in May and June of 2017 during the prior hearing process.



Path from Frontage Road down to the Gore Creek path.

Vail Mountain View is compatible with and sensitive to the character of the immediate environment providing a welcome identity to the area, improving the character of the immediate area, improving the visual integrity of the area. The proposed SDD is consistent with this criterion.

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

Applicant Analysis: Vail Mountain View Residences is adjacent to the I-70 and South Frontage Road corridor to the north. To the south of the property is the Town of Vail stream tract, which is zoned NAPD. Properties further south of Gore Creek are residential developments, typically townhouse development, zoned HDMF. Surrounding properties, including the Tyrolean, Apollo Park, and The Wren are all zoned HDMF.

A brief description of the adjacent residential uses is provided below:



- The Tyrolean: There are 9 wholly owned units in the Tyrolean. The site is 0.368 acres. Parking is located within the building.
- Apollo Park, Buildings A & B: There are 40 units within Buildings A & B of Apollo Park. Of the 40 units, 34 units are in interval ownership and the remaining 6 units are wholly owned, and the buildings sit on a ground lease. The site is 1.292 acres. The units were originally constructed in the early 1970s and exceeds the density allowance of the HDMF zone district. There are 42 surface parking spaces.

The proposed uses are compatible with the surrounding residential uses, which include wholly owned condominiums, short-term rentals, and interval ownership/timeshare, which are similar in character to the uses proposed. The proposed density is similar to that of the surrounding properties and as would be anticipated by the Vail Village Master Plan (VVMP). The VVMP, adopted in 1990, anticipated that the proposed infill development on this site and adjoining properties would be developed above existing zoning limitations (it was recommended as infill with the knowledge that the properties already exceeded existing zoning limitations). As a result, Mountain View is compatible with the surrounding uses and activity and is consistent with this criterion.

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

Applicant Analysis: A parking analysis was provided in a previous section of the submittal. As that analysis provided, the entire project, both Phase 1 and 2 are in compliance with the parking requirements of Chapter 10. The parking being allocated for Phase 1 is shown within the garage plans for the project. The mixed use credit is only being implemented in the Phase 2 portion of the project so that Phase 1 has use of 49 total parking spaces.

Mountain View is required one loading berth to comply with Chapter 10 of the Town of Vail Zoning Regulations. The project complies with all loading requirements, including the size and location. Trash and recycle dumpsters will be stored in the garage and pulled out on collection day. Based on the recommendation from Vail Honeywagon, there will be two 3-yard trash dumpsters and two 3-yard recycle dumpsters picked up twice a week during low season and three times a week during high season.

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

Applicant Analysis: This property is subject to the Vail Village Master Plan. It is not subject to the Vail Village Urban Design Guide Plan. The Vail Village Master Plan provides both general and specific guidance on the redevelopment of this property. The Vail Village Master Plan provides the following overall goals, objectives, and policies:

*GOAL #2 TO FOSTER A STRONG TOURIST INDUSTRY AND PROMOTE YEAR-AROUND ECONOMIC HEALTH AND VIABILITY FOR THE VILLAGE AND FOR THE COMMUNITY AS A WHOLE.*

*Objective 2.3: Increase the number of residential units available for short term overnight accommodations.*

*Policy 2.3.1: The development of short term accommodation units is strongly encouraged. Residential units that are developed above existing density levels are required to be designed or managed in a manner that makes them available for short term overnight rental.*

*Objective 2.6: Encourage the development of employee housing units in Vail Village through the efforts of the private sector.*

*Policy 2.6.1: Employee housing units may be required as part of any new or redevelopment project requesting density over that allowed by existing zoning.*

*Policy 2.6.2: Employee housing shall be developed with appropriate restrictions so as to insure their availability and affordability to the local work force.*

*Policy 2.6.3: The Town of Vail may facilitate in the development of affordable housing by providing appropriate assistance.*

*Policy 2.6.4: Employee housing shall be developed in the Village when required by the Town's adopted Zoning Regulations.*

**GOAL #5 INCREASE AND IMPROVE THE CAPACITY, EFFICIENCY, AND AESTHETICS OF THE TRANSPORTATION AND CIRCULATION SYSTEMS THROUGHOUT THE VILLAGE.**

***Objective 5.1: Meet parking demands with public and private parking facilities***

***Policy 5.1.1: For new development that is located outside of the Commercial Core I Zone District, on-site parking shall be provided (rather than paying into the parking fund) to meet any additional parking demand as required by the zoning code.***

***Policy 5.1.5: Redevelopment projects shall be strongly encouraged to provide underground or visually concealed parking.***

The Vail Village Master Plan encourages an increase in the number of residential units, especially for short term overnight accommodation. The project includes 15 dwelling units and 20 lock-off units, all of which will be able to participate in a voluntary short term rental program. The units have been designed to encourage participation for the dwelling units and the lock-offs. With the proposed on-site management, participation in the short term rental program is anticipated to be high.



Example of quality of employee housing units proposed in Phase 2

The Vail Village Master Plan recognizes the need for the development of employee housing in Vail Village. Vail Mountain View Phase 2 includes the provision of 15 deed-restricted employee housing units, well in excess of any requirements. An Employee Housing Plan is provided as part of this submittal, but to summarize the plan, the total employee housing requirement equates to 3,268 sq. ft. As proposed, there is approximately 13,992 sq. ft. in 15 employee housing units, approximately 10,654 sq. ft. in excess of the requirement. This level of employee housing as compared to the number of total units proposed is unprecedented in a project in Vail Village.

The Vail Village Master Plan also includes recommendations for building heights within Vail Village. The Master Plan states this with regard to the Building Height Plan:

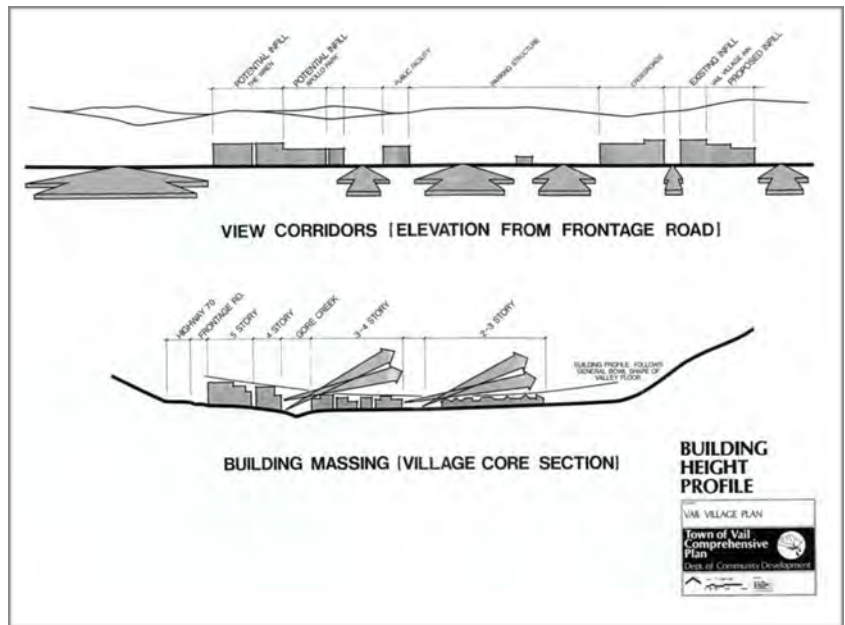
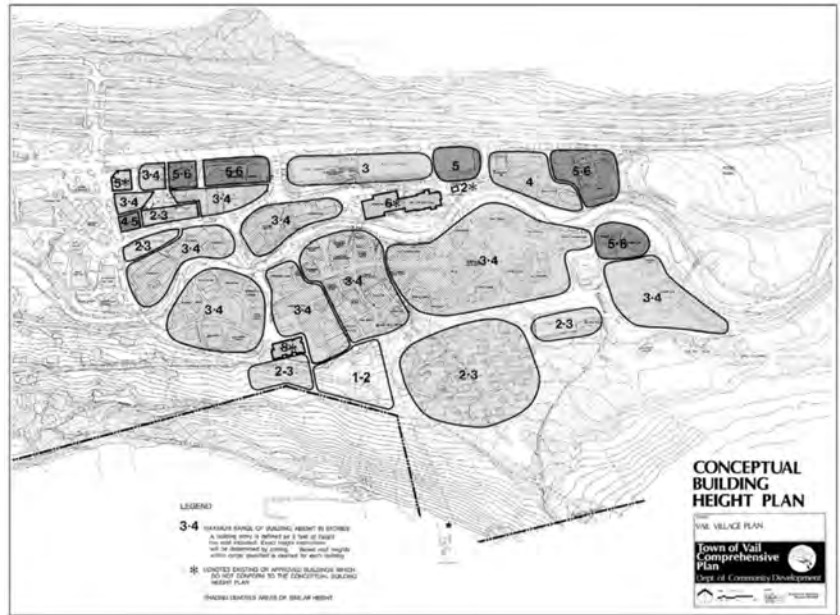
***BUILDING HEIGHT PLAN***

*Generally speaking, it is the goal of this Plan to maintain-the concentration of low scale buildings in the core area while **positioning larger buildings along the northern periphery (along the Frontage Road)**, as depicted in the Building Height Profile Plan. This pattern has already been established and-in some cases these larger structures*

along, the Frontage Road serve to frame views over Vail Village to Vail Mountain. The Building Height Plan also strives, in some areas, to preserve major views from public right-of-ways.

Building heights greatly influence the character of the built environment in the Village. This is particularly true in the Village Core where typical building heights of three to four stories establish a pleasing human scale.

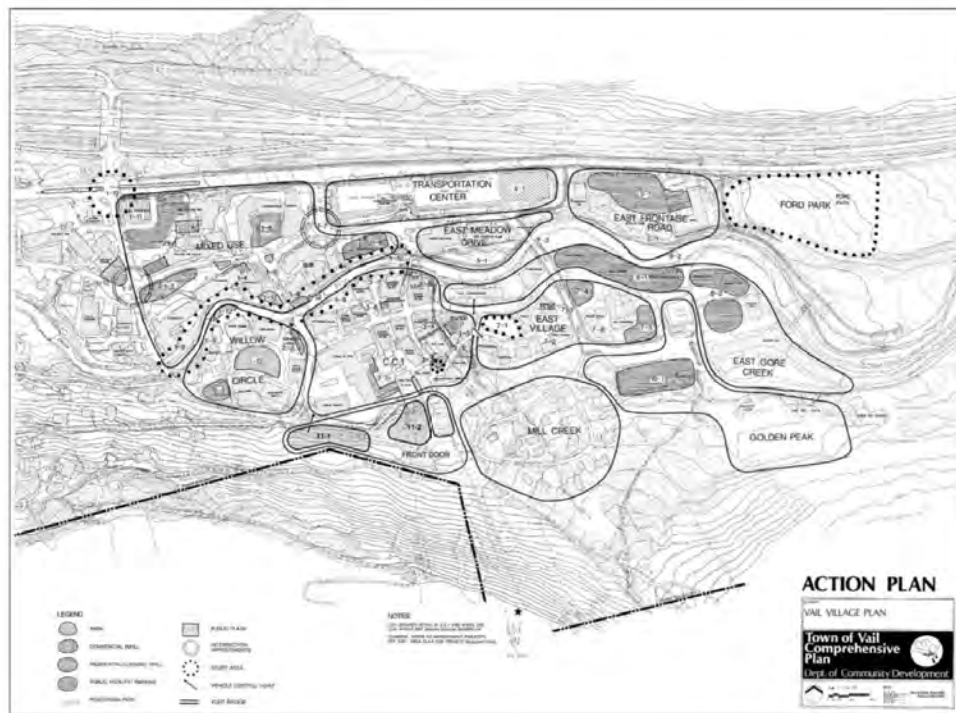
The building heights expressed on this Illustrative Plan are intended to provide general guidelines. Additional study should be made during specific project review relative to a building's height impact and the streetscape and relationship to surrounding structures. Specific design considerations on building heights are found in the Sub-Area section of this-Plan and in the Vail Village Urban Design Guide Plan.



As indicated in the recommendations regarding building height, generally buildings are to be tallest along the South Frontage Road, then step down to lower heights within the Village Core. Buildings are generally shown to be 5-6 stories along the S. Frontage Road, though the building height shown for the infill of portions of Apollo Park and Vail Mountain View is indicated at 4 stories. The "Conceptual Building Height Plan" further describes a story as 9 ft. of height, not including the roof and indicates varied roof heights are desired. This building

height limitation is challenging as the current description of a story as 9 ft. in height is generally considered outdated and produces undesirable units with very little head height, based on current market preferences. Vail Mountain View Phase 1 complies with the Conceptual Building Height Plan and HDMF zoning height restriction of 48 ft. This was appropriate due to its proximity to Gore Creek. However, Phase 2 is located primarily along the South Frontage Road and is a location where additional height is appropriate, as evidenced by recent SDD projects, including Solaris and the Sebastian. In general, Phase 2 complies with the 4-story recommendation, but does include a portion of the existing parking structure which is slightly above grade. Along the South Frontage Road, the building generally appears as a 4-story building, with the 5th story within the roof structure, as a loft or dormer level. On the south elevation, facing Phase 1, the building is a 4-story building, sitting on top of a partially exposed level of parking. The project generally complies with the Master Plan height recommendation, but exceeds the 48 ft. height limitation of the HDMF zone district. As a result, a deviation from the underlying zoning height restriction of 48 ft. is requested, though the project generally complies with the Building Height recommendations. As mentioned under criterion #1, several projects have been developed along the S. Frontage Road two stories above the conceptual roof height plan of the Vail Village Master Plan.

The Vail Village Master Plan also provides an Action Plan, showing potential locations for development projects, as described below:



### **ACTION PLAN**

*The Action Plan indicates potential development and improvement projects that would be consistent with the goals, objectives and policies of the Vail Village Master Plan. The Action Plan is a composite of the Land Use, Open Space, Parking and Circulation and Building Height elements.*



*Areas identified by the Plan as having potential for additional development have previously received Town approvals or have been recognized as being consistent with the various elements of the Master Plan. However, the Action Plan is not intended to be an all-inclusive list of improvements, which may occur, or an indication of Town approval for any specific development proposals. The review of any development proposal will be based upon compliance with all relative elements of the Village Master Plan.*

*Numerical references found on the Action Plan map refer to more detailed descriptions of proposed improvements, located in the Sub-area section of this Plan. These descriptions provide a detailed account of the goals, objectives, and design considerations relative to each of the development and improvement projects. Graphic representation of improvement projects on the Action Plan are not intended to represent design solutions. Sub-area concepts, applicable goals, objectives, and policies of this Plan, zoning standards and design considerations outlined in the Vail Village Urban Design Guide Plan are the criteria for evaluating any development proposal. Furthermore, private covenants exist in many areas of Vail Village and should be a consideration addressed between a developer and other applicable private property owners.*

The massive area of surface parking associated with Apollo Park and the Wren are indicted for "Residential/Lodging Infill." This is important to note, especially with regard to Apollo Park, in that the Action plan clearly shows additional residential development beyond what currently existed at Apollo Park, as Apollo Park already exceeded the density limitation of the HDMF zone district. Buildings C and D totaled 49 dwelling units, though only allowed 32 dwelling units by zoning. In fact, as proposed at 38 units (for Phase 1 and 2), the project is more in compliance with the underlying zoning with regard to density, though a deviation from this limitation is still required. The increase in density and GRFA was clearly contemplated by the Vail Village Master Plan and therefore complies with the "Action Plan."

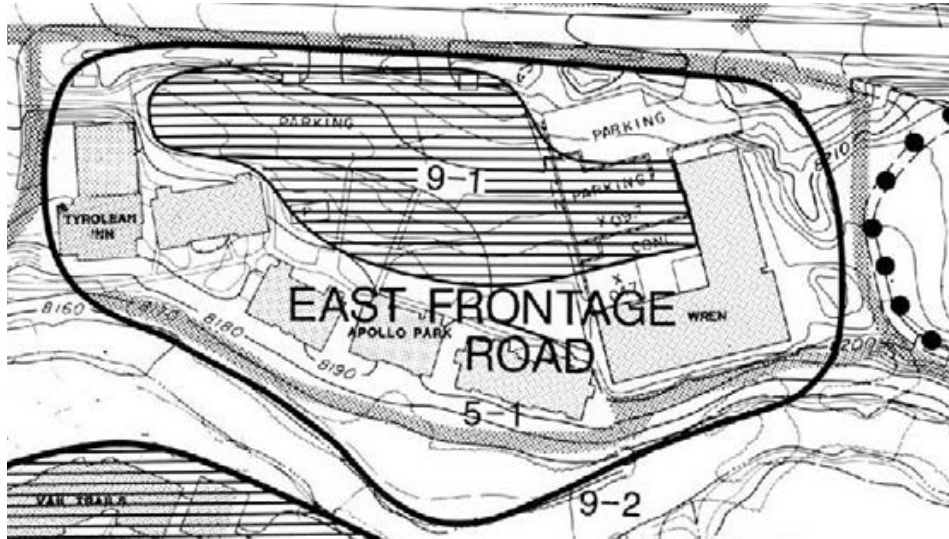
Finally, the Vail Village Master Plan provides site specific recommendations for the various sub-areas of the Village. This property is within Sub-Area #9, East Frontage Road. The master plan states:

**EAST FRONTAGE ROAD SUB-AREA (#9)**

*The East Frontage Road Sub-Area is comprised of condominium and time share residential development. This sub-area is unique in that its access is directly off of the Frontage Road, causing little vehicular impact on other areas of the Village. Large areas of surface parking within the sub-area provide the opportunity for additional residential infill development. Given proper attention to design considerations, this sub-area could provide additional density within close proximity to the Village core. At the present time, the sub-area is separated from the Village core by Gore Creek. This sub-area has a pedestrian connection to the Village and Ford Park-via the Village Streamwalk. A sidewalk along the Frontage Road should be constructed to improve pedestrian safety and further connect the Village parking structure to Ford Park. The area between buildings and Gore Creek must be improved to enhance natural environment.*

**#9-1 Parking Lot Infill**

Residential infill over existing surface parking. Height of building to be limited so as to not impede view corridors from the frontage road (and Interstate 70) to the Village and Vail Mountain. Mass of buildings to step back from the Frontage Road to prevent sun/shade impacts on the road. Satisfying parking demand on site will necessitate structured parking. A substantial landscape buffer shall be provided between any new development and the Frontage Road without jeopardizing future frontage road improvements. Special emphasis on 1.2, 2.3, 2.6, 3.1, 3.4, 5.4, 6.1.



The Vail Village Master Plan identifies that the large areas of surface parking provide opportunities for additional residential development. It recommends the construction of a sidewalk along the S. Frontage Road, connecting the parking structure with Ford Park, which has been completed by the Town but which the Town now wishes to relocate. The plan also recommends that the height of buildings in this sub-area be limited to not impede view corridors from the Frontage Road to the Village and Vail Mountain. As indicated in these views from google earth, the Village is not visible at all from I-70 or the Frontage Road. Since 1990 when the Vail Village Master Plan was adopted, significant improvements in technology have



Google Earth image street view of site from east-bound I-70.



Google Earth image street view of site from S. Frontage Rd.

allow architects to much more accurately reflect the views effected by proposed buildings. As indicated in the following image, Vail Mountain remains visible with the proposed Phase 2.



Proposed Mountain View Phase 2 as viewed from west-bound I-70

As proposed, there will be a substantial landscape buffer between the edge of the road and the proposed structure. The buffer includes an 8 ft. to 10 ft. strip of green lawn area, a 10 ft. wide pedestrian sidewalk, and a 5 ft. to 15 ft. landscape/hardscape buffer in front of the building. At its greatest, the proposed building is approximately 35 ft. from the edge of the proposed roadway. The buffer would be even greater would it not be for the additional roadway improvements being requested by the Public Works Department to accommodate future traffic lane widening east of Vail Valley Drive. The applicant is agreeable to the provision of the Vail Mountain View property (approximately 878 sq. ft. of land) to accommodate the Town's desired road section.

As recommended by the Vail Village Master Plan, all parking for the project is structured. As indicated on the landscape plan, significant landscaping is proposed along the north elevation, and the 20 ft. setback along this property is maintained.

The proposed project is consistent with the Vail Housing Strategic Plan as evidenced by the letter of support from the Vail Local Housing Authority.

Overall, the proposed project complies and is consistent with the Vail Village Master Plan and the Vail Comprehensive Plan, and furthers the goals and objectives recommended by these plans.

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

Applicant Analysis: There are no natural or geologic hazards that affect the property. An Environmental Impact Report was prepared for this project by Daiva Katieb of Watershed Environmental Consultants. The report addresses all environmental concerns, including climate, hydrology, atmospheric conditions, geology, wildlife, vegetation, wastes, noise, odors, and visual concerns. The report is included as part of this submittal, but to summarize, the report concludes the project is appropriate and without significant impacts to the environment.

**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.**

Applicant Analysis: The building is sited above the existing parking structure, utilizing generally the same access as currently exists to the structure. As a result, there is little disturbance to the site. While this SDD request includes a deviation from the site coverage limitation as a result of the underground parking structure, the project complies with site coverage requirements for above-grade improvements and landscape area. When possible, existing landscaping is maintained, and none of the existing landscaping associated with Phase 1 will be modified with the construction of Phase 2. A landscape plan, prepared by Jamie McCluskie of MacDesign, has been included with the submittal. The plan focuses the landscaping along the South Frontage Road, providing a landscape buffer between the road and the units located on the first floor. The goal is to use ornamental grasses and brownstone boulders, similar to the landscape treatments at recent projects like First Chair and Solaris. The SDD produces a functional development plan which is sensitive to the existing landscaping and neighborhood. There are no natural features remaining on this portion of the property since its initial development in the 1970s. As a result, the proposed SDD is consistent with this criterion.

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

Applicant Analysis: A traffic letter was prepared by Skip Hudson, P.E. of TurnKey Consulting, LLC. According to his analysis, the current CDOT Access Permit allows for more traffic than is generated by the proposed development. This is due to the fact that the leased parking facility will be converted to parking serving the uses onsite. In addition, the proposed use does not generate 20% more traffic



Sidewalk along South Frontage Road

than the current site use. As a result, the proposed Phase 2 does not require an additional CDOT Access Permit. The proposed plan removing the hotel provision from the plan further reduces traffic associated with the plan. The general circulation for vehicles is consistent with how the site functions currently. The site is accessed from the South Frontage Road, with vehicles entering the parking structure at two points, the further south garage entrance for Phase 1 and the north garage entrance beneath the porte cochere for Phase 2.

The pedestrian circulation around the buildings includes a sidewalk connection from the S. Frontage Road, connecting down to the Gore Creek path. There is pedestrian circulation around the entirety of the site, allowing for direct access from multiple points to the Gore Creek path. There is also a sidewalk along the South Frontage Road, giving pedestrians access over to Ford Park.



Pedestrian connection between the Tyrolean & Phase 1

The proposed plan provides easements and sidewalk improvements that accommodate the future road widening desires of the Town thus improving the Town traffic circulation. A heated sidewalk is also provided in front of the Tyrolean Condominiums and the Public Service facility, a benefit to those properties.

The proposed SDD is consistent with this criterion.

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

Applicant Analysis: The landscape plan was developed by MacDesign with an eye towards functionality, use of native species, and maximizing the areas best suited for planting. Through the use of ornamental grasses and brownstone boulders, the entry is given prominence. Large amounts of sod are proposed along the more formal interface with the S. Frontage Road as requested by the Public Works Department to accommodate snow storage. This will be the only site from the Four Seasons Hotel to Ford Park to provide such a snow storage area. This lawn area transitions to a 10 ft. sidewalk followed by formal landscaped areas in front of the building. This buffer area between the South Frontage Road and the existing parking structure/proposed building varies in width from approximately 35 ft. to 23 ft. optimizing views and buffering of the proposed building. When possible, the existing landscaping is preserved, as most of it was planted with the 2006 Phase 1 development. The existing paver pattern is proposed to be continued, creating cohesion between Phase 1 and Phase 2. The proposed

loading area is also treat with pavers making it feel more like a plaza area than a loading zone since 99% of the time the space will not be used for loading and will site empty. The project complies with the underlying zoning requirements without any need for a deviation to landscape area requirements. There are no natural features to preserve in this area where the proposed building is being located as the area was previously disturb from development that occurred in the 1970s. As a result, the proposed landscape plan is consistent with this criterion.



Pedestrian path and buffer zone between Phase 1 & Apollo Park

**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.**

Applicant Analysis: The project will be completed in one phase, therefore this criterion is not applicable.