

previous submission included 19 hotel rooms which have been eliminated from the proposal. The suggested conditions of approval have also been modified since the previous plan. The noticeable changes in the unit mix include: an increase from 12 to 15 DUs (Dwelling units), an increase from 15 to 20 AAUs (Attached accommodation units / lockoffs), an increase from 10 EHUs to 15 EHUs (employee housing units), and the removal of the previously proposed 19 AUs (accommodation units). The proposed unit mix revisions comply with the Town Code's minimum required parking spaces.

Mauriello reviewed the public benefits associated with the proposal, including an increase to the number of EHUs. Other benefits include: increased number of live beds via the increase in lockoff units, public art, roadway easement, and participation in the Green Globes building sustainability program.

Referring to the exterior building elevations, Mauriello described the proposed changes. Referring to the site plan, Mauriello described the proposed changes to the size of the outside deck area and the location of the loading area and pedestrian easement. Mauriello then reviewed the proximity of the proposed structure to the surrounding buildings. The columns on the east side of the structure encroach into the side setback, thus requiring a side setback deviation. Referring to the building's floor plans, Mauriello described the location and quantity of the DUs, EHUs, and AAUs. There is one less parking space than on the previous plan due to the need for additional mechanical equipment. Other deviations include: building height, density, GRFA, and site coverage. Density and GRFA have decreased in non-conformity since the previous plan, but still require deviations.

Mauriello provided images from a sun-shade analysis for the proposed structure.

Mauriello then discussed the project's relationship to the Tyrolean Condominiums to the west of the property. Mauriello listed all of the variances previously granted to the Tyrolean Condominiums and described the changes made to the proposed structure to help mitigate impacts on the Tyrolean Condominiums.

Mauriello concluded by reviewing the nine (9) criteria for approving a Special Development District (SDD) and expressed his belief that the proposal fulfills all of the criteria.

In regards to earlier questions from the PEC, Mauriello clarified that the previous approval had a letter from the Phase I homeowners association that permitted the project to go forward, but was not necessarily a letter of support. For this submission, the Phase I homeowners association has provided a letter of support.

Hopkins – Asked about the nature of the EHU deed restrictions. Mauriello responded that the EHU deed restrictions are in perpetuity. Hopkins asked what happens when a unit is sold, to which Mauriello responded that the Town of Vail tracks all deed restrictions.

Perez, Rediker, and Gillette – Asked for clarification of the proposed building height and how it is measured.

Rediker – Asked why there is not a formal development plan in place. He expressed concern about the significant change in the character and nature of the project since the

previous approval. Mauriello stated that there is a development plan in the submittal materials. Rediker expressed his opinion that a plan set does not constitute a full development plan. Mauriello stated that the development plan includes all of the required documentation. Rediker asked what conditional uses will be allowed within the SDD. Mauriello responded that the conditional uses would be controlled by the underlying zone district. Rediker expressed concern that the uses approved with this submission could be changed in the future without the PEC's approval. Spence stated that he believed the applicant's plan set and narrative fulfill the requirements for a development plan.

Rediker asked for more information about the landscape plan. Spence stated that the review of the landscape plan is the purview of the Design Review Board (DRB). It is the PEC's purview to review the requested deviations against the proposed public benefits. Rediker stated that one of the nine (9) criteria for approval of an SDD specifically references landscaping and therefore wants more information from the applicant regarding the proposed landscaping.

George Ruther, Director of Community Development, reminded the PEC that they will be making a recommendation to the Town Council and that the SDD is officially established via ordinance. Mauriello referred to an image of the landscape plan and stated that this proposal has more plantings than the previously approved landscape plan. Mauriello suggested that, if believed to be necessary, the PEC make landscape recommendations to the DRB. Rediker suggested more plantings along the west side of the site.

Rediker asked for clarification on the changes to the exterior from the previous approval to the current proposal. Mauriello referenced the images of the building elevations to demonstrate the locations of the proposed changes.

Rediker expressed concern about the shading of the sidewalk during certain times of the year. He asked if the sidewalk will be heated. Mauriello stated that the sidewalk is to be moved closer to the structure to allow for future lane adjustments on the South Frontage Road and to provide snow storage. As a result, the sidewalk will now be heated. Rediker asked who will be responsible for maintaining the sidewalk considering some is on Town property and some is on private property. Mauriello stated that the applicant will enter into an agreement to be responsible for the maintenance of the sidewalk.

Perez – Asked for clarification on the location of the loading dock. Rediker asked how vehicles in the loading zone will be able to maneuver around the site. Mauriello explained that there is a cross access agreement between the subject property and the property to the east. Gillette asked if another egress point for a truck was necessary.

Lockman – Asked for clarification on the relationship between the Phase I homeowners association and the applicant.

Tom Todd, Attorney for Gore Creek Partners – The applicant has been active in discussion with the neighbors at the Phase I homeowners association and the two parties are working on an agreement.

Kerry Wallace, Attorney for Mountain View Residences (Phase I) – The group has worked with Mr. Todd to address Phase I homeowners association's comments and concerns and are working on completing an agreement between the two parties. Ms.

Wallace explained that the letter of support is conditional based upon executing said agreement. In the future Phase I and Phase II will have separate homeowners associations that will work together on certain items.

Rediker – Asked if this would result in a legal subdivision of the property. Ms. Wallace stated that her understanding is that it does not require a legal subdivision. Spence concurred with Ms. Wallace. Perez asked if the condo map will be amended. Ms. Wallace confirmed.

Gillette – Asked staff who will be required to approve future changes when there are multiple homeowners associations.

Public Comment:

Pam Keller – Is an original owner of a unit in Phase I and supports the new proposal.

David Foster, attorney representing the Tyrolean homeowners association – Stated that the presentation provided is misleading because the owner of the property developed Phase I under the existing HDMF zone district and essentially maxed out the building height and GRFA. By code, there is only 278 square feet of GRFA available. The proposal is essentially the rezoning of a property where people already live. It was the owner's choice to build to the maximum development standards for Phase I in 2008. He believes it is misleading to label Phase II as infill development. He expressed his concern regarding the proposed building height. He is also concerned that the PEC is predisposed to voting a certain way for the project despite the application being considered a new submission. The Tyrolean Condominiums has not been involved in any of the discussions among the applicant and Phase I homeowners association. Mr. Foster questioned the status of the applicant as it appears to have changed since the previous approval. He stated that he does not believe the proposed structure fulfills the nine (9) review criteria for an SDD. There will still be renters coming in every night due to the AAUs (lockoffs), despite the fact that the hotel units have been removed. Mr. Foster discussed the existing non-conforming site coverage on the subject property and that it never received a variance. Mr. Foster stated that there is no conditional use permit for the leasing of parking on the subject property and there is no record of a license or license renewals for the property owner to be able to lease parking spaces. Mr. Foster concluded by reminding the PEC that there is essentially no available space for Phase II and by reviewing the nine (9) SDD review criteria. Mr. Foster believes that the proposal does not comply with the following criteria: (1) compatibility, (2) relationship of uses and density, (3) parking and loading, and (4) conformity with the Town of Vail Master Plan.

Mr. Foster stated that the sun shade analysis is misleading because it assumes a 48' tall building can be built in the proposed location, but as the property is out of developable space, no building of any height can be located there.

Gillette – Asked if the Tyrolean Condominiums were notified of the new submission. Spence confirmed.

Mauriello – Rebutted several comments made by Mr. Foster. Mr. Mauriello's rebuttals included: the belief that the proposal constitutes infill development, the actual height of the building, and the idea that there was a lack of communication with the Tyrolean

Condominiums.

Stockmar – Stated that he is treating this item as a brand new application. The PEC is required to review the nine (9) criteria for establishing an SDD. He has reviewed the criteria and staff's analysis of the criteria. He concurs with staff and will support the proposal.

Gillette – Agrees with most of Mr. Foster's analysis. The master plan states there should be development on the property, but it does not state what that type of development should be. He does not believe the public benefit outweighs the deviations required and he does not find the building compatible with the surrounding area. There needs to be a much more significant public benefit for a building 70' tall.

Lockman – Thanked the Town for providing a corrected process. Is looking at the application as a brand new application. Lockman stated that he is not sure the application is consistent with the master plan and agrees with Gillette that there is not a sufficient public benefit received from the proposal. He is not ready to support the project due to the building height and use of the building.

Hopkins – Expressed concern about the height of the building and its overall compatibility with the surrounding properties. She does not support the proposal at this time.

Perez – In looking at the application as a brand new application, believes that the project does not meet all of the criteria for an SDD, especially in regards to compatibility, relationship of uses, and parking and loading. She does not believe there is a sufficient public benefit.

Kurz – Agrees with Stockmar and staff's analysis of the SDD criteria. Believes the public benefits outweigh the hardships for neighboring properties. Also believes the loss of the 70 leasable parking spaces had to be considered in the original approval. He supports the project.

Rediker – Looked at the application as a brand new application. Does not believe the proposal has fulfilled the SDD criteria. In particular, the scale, bulk, and building height are not compatible with the surrounding area; the proposal is not consistent with the Vail Master Plan; and the design features are not responsive and sensitive to the overall aesthetic to the area in general. Rediker expressed his overall concern about the SDD process in general and he believes it is encouraging the over-development of some properties. Recognizes that there is a public benefit to the proposal, but does not believe it is sufficient to ignore the non-compliant criteria.

Gillette – Expressed his opposition to the snow-melted sidewalk.

A request for a recommendation to the Vail Town Council, pursuant to Section 12-3-7, Amendment, Vail Town Code, for prescribed regulations amendments to Title 5, Public Health and Safety, and Title 12, Zoning Regulations, Vail Town Code, related to vegetation removal for wildfire mitigation purposes, and setting forth details in regard thereto. (PEC14-0043)

Motion: Table to November 13, 2017

First: Kurz Second: Gillette Vote: 7-0-0

3. Approval of Minutes
October 9, 2017 PEC Results

**Motion: Approve
First: Kurz Second: Gillette Vote: 5-0-2 (Perez and
Rediker Abstained)**

4. Adjournment

**Motion: Adjourn
First: Perez Second: Kurz Vote: 7-0-0**

The applications and information about the proposals are available for public inspection during regular office hours at the Town of Vail Community Development Department, 75 South Frontage Road. The public is invited to attend the project orientation and the site visits that precede the public hearing in the Town of Vail Community Development Department. Times and order of items are approximate, subject to change, and cannot be relied upon to determine at what time the Planning and Environmental Commission will consider an item. Please call (970) 479-2138 for additional information. Please call 711 for sign language interpretation 48 hours prior to meeting time.