



PLANNING AND ENVIRONMENTAL COMMISSION

June 25, 2018, 1:00 PM

Town Council Chambers

75 S. Frontage Road - Vail, Colorado, 81657

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1. Call to Order
 - 1.1. Present: Brian Gillette, Pam Hopkins, Ludwig Kurz, Rollie Kjesbo, Karen Perez, Brian Stockmar
Absent: John-Ryan Lockman
 2. Site Visits
 - 2.1. Site Visit - 2841 Basingdale Boulevard
 3. Main Agenda
 - 3.1. Executive Session pursuant to C.R.S. 24-6-402(4)(b) to receive legal advise on specific legal matters Re: parking issues. 10 min.
Applicant:
Planner:
Cancelled as Matt Mire unable to attend.
 - 3.2. A request for the review of a Major Exterior Alteration, pursuant to Section 12-7H-7, Exterior Alterations or Modifications, Vail Town Code, to allow for the conversion of two (2) back of house offices to two (2) Accommodation Units, located at 715 West Lionshead Circle/West Day Subdivision (Vail Marriott Mountain Resort), and setting forth details in regard thereto. (PEC18-0024) 15 min.
Applicant: Diamondrock Vail Owner LLC, represented by Mauriello Planning Group
Planner: Jonathan Spence
 1. The applicant shall mitigate the impact on employee housing of this development in accordance with the provisions of Chapter 12-23, Commercial Linkage, Vail Town Code prior to the issuance of any building permit.
 2. The Transportation Impact Fee shall be paid to the Town of Vail by the applicant prior to issuance of any building permit.

Planner Spence began by introducing the application and gave a presentation with the plans and drawings. Spence stated a major alteration is necessary when adding accommodation units. Spence added the project has ample GRFA for the conversion. The newly adopted transportation fee is applicable for the project.

Dominic Mauriello confirmed altering offices to two accommodation units. He provided no further presentation.

Kurz confirmed no public input.

PEC Comments

Kjesbo – The application is straight forward. No comments.

Gillete – Agree

Stockmar – No comments.

Perez – No comments.

Hopkins – No comments.

Kurz – Believes the applicant is complying with employee housing and transportation provisions. Gaining two accommodation units is a positive for the Town.

Brian Stockmar moved to approve with conditions. Brian Gillette seconded the motion and it passed (6-0).

Absent: (1) Lockman

- 3.3. A request for the review of an Exemption Plat, pursuant to Section 13-12-3, Plat Procedure and Criteria for Review, Vail Town Code, to incorporate a portion of Lot d-1, Block 2, Vail Village Fifth Filing and a portion of Tract E, Vail Village Fifth Filing into the existing property located at 366 Hanson Ranch Road/Lot d, Block 2, Vail Village Filing 1, and setting forth details in regard thereto. (PEC18-0025) 15 min.

Applicant: VailPoint LLC, represented by Pylman & Associates, Inc.

Planner: Jonathan Spence

Planner Spence began by introducing the application and stated it would be best to discuss Items 3.3 and 3.4 together. Spence presented three correspondences provided to Staff through email. He then presented an overview of both items.

Rick Pylman, representative of the applicant, provided a presentation to the PEC. Pylman provided history on 366 Hanson Ranch Road. Lot D was originally sold by Vail Associates in 1963, prior to zoning and subdivision regulations. Prior to incorporation into the Town, Lot D was subdivided. There are three parcels that were split off from Lot D. Pylman stated there has been a fence area around the Lot for a long time and many subsequent owners. Pylman clarified the areas around the Lot has been zoned Public Accommodation. The blue area shown is the original deeded property, the hatched areas, which are fenced, are outside the deeded area. Pylman stated the area will all be zoned Public Accommodation. Pylman stated there are covenants on D-1 and the subject property. The applicant stated the covenants remain unaffected.

Spence added the covenants will remain unaffected per speaking with the Town Attorney as well. He added this is private space.

Stockmar asked is there an anticipation of a potential expansion to the house?

Pylman stated the lot becomes conforming to the minimum lot size.

Stockmar stated the house is at its maximum for GRFA.

Gillete asked if there is a such thing as Private Open Space.

Spence stated we should clarify the zoning of the property since 1971 has been as error since following the meets and bounds description. Staff believes the property within the fence is private side and backyard, not Open Space.

Perez asked why is the applicant replatting but not replatting into the correct zone district.

Spence – The request to plat is to combine the two lots. The appropriate zoning for this property per the adopted plans is PA.

Hopkins – Asked why the zone district is changing with this application.

Spence – Staff stated we do not allow properties to have multiple zoning. He also clarified the hatched area of the fence now has a legal description and is a parcel with the court's description. The hatched area is now under the ownership of 366 Hanson Ranch Road after court order.

Perez – Are there any development agreements with Vail Resorts that affect private agreements?

Spence – There was a workshop meeting with Town Council to discuss the covenants that existed at that time and present day.

Pylman – Stated the client is looking at the possibility of building a lodging type use within the site.

Stockmar – Asked if there is something happening in the background outside of the application, such as expanding GRFA.

Spence – Clarified its current use as Single Family would not allow expansion. There are underlying covenants that severely restrict future development.

Kjesbo – If the applicant were to build in the future, Kjesbo clarified the setbacks for the zone district.

Kurz – Asked Spence to clarify the notice requirements of the PEC.

Spence – Listed the recipients of the notice, which met all requirements of the Code.

Pylman – Did add the newspaper notice was met as well.

Public Comment

Carol Krueger – Kruger was one of the email correspondents with staff. She asked what reasonable expectations for redevelopment could occur on the site. Kruger then explained the history of Lot D. She asked the Town to be clear what the expectations are as this property has been zoned Open Space. She asked does the Town intend for this property to remain Open Space in the future. Kruger stated a plat restriction was a viable option.

Spence – Private covenants and zoning are two separate matters. As far as open space, covenants relate to above ground improvements. The expectation for a redevelopment is that the lot will be developed per the lot's zone district. The Town generally does not zone a private space as Open Space.

Gillete – How is the private open space maintained through a development, such as Grand Traverse.

Spence – It would not be a rezoning, but would be an amendment to the development plan.

Hopkins – Asked what would happen if the Town did not vote to change the zoning.

Spence – Explained the consequences of not voting for approval of the application. Spence stated the Town of Vail is a party to the covenants, including members of the subdivision and different layers.

Gillette – Asked how the PEC would preserve the open space.

Spence – Stated this has functioned as private property. It has the zoning of Agricultural and Open Space. The historic property line has existed for over 50 years and has been perceived as private open space as the backyard of the single family home.

Sarah Baker (Attorney for the applicant)– To enforce the covenant is the best way to verify the area is not developed in the future. Stated the Town has enforceable covenants which it can enforce.

Gillette – Asked if the applicant would plat the area as Open Space.

Stockmar – Stated the PEC has not seen the covenants.

Spence – Added the covenants should not influence the PEC's decision today.

Sarah Baker – Explained the three covenants.

Kurz – Stated the PEC is asked to review what is before the PEC today. The PEC is now faced with cleaning up something that was created 50 years ago. Kurz stated the PEC look at the two items (3.3 and 3.4) together and vote on the direction that the PEC has been asked today or table if the public has not been provided enough information.

Stockmar – Stated this is a difficult parcel with much time that has passed since this has been done.

Spence – Clarified that Commissioner Stockmar is referring to one owner.

Stockmar – Wants to know the history and what is going on present day. He is trying to figure out what is going on and cannot make a decision based on uncertainties.

Spence – Stated you are being asked today to vote on a consolidated exemption plat and a recommendation to Town Council for a rezoning.

PEC Comment

Gillette – A split rail fence should not dictate the Town of Vail zoning Code. Stated it should remain the way it is today. The intent that the area was intended to be Open Space and should remain as open space.

Stockmar – Stated the PEC look at tabling the application and have the applicant provide the applicable covenants.

Perez – Asked for the “linked commitment”

Baker – Stated she could read the three covenants. Baker then read the applicable private covenant recorded July 8, 1963, which references the south area, not D-1. Baker then read the covenant for Tract E. Baker read the covenant from 1971.

Gillette – The PEC cannot enforce the covenants, but can enforce open space.

Kjesbo – Stated he believes it should be consolidated. The PEC cannot deal with private covenants, but they are in place. He stated he would like to see the application approved.

Hopkins – The zoning was implemented in 1971 around the Tivoli. It was intended for the area to be open space and she wants to preserve the area. Hopkins wants to enforce the covenants around D-1. It is one of the few cut through points to the mountain during the winter.

Kurz – Agrees with Kjesbo. Stated he had a concern earlier with notification and stated notices were given appropriately and on time. The fact that the PEC received three letters today, means the PEC should not table today due to the notice.

Nuebecker – Stated the PEC should focus on the zoning criteria.

Perez – Asked who is in violation to the view corridor.

Spence – Confirmed there is no view corridor on site. The existing covenants and zoning would provide development standards and protections.

Hopkins – Asked about the potential to build a 24' wide drive aisle near the trail.

Stockmar – It appears the applicant has met the requirements that are necessary to be met.

Kurz – Stated the PEC should not ignore the findings provided by Staff. The decision should be based on Staff's findings and the criteria provided.

Gillette – Motioned for denial based on Goal #4 of the Vail Village Master Plan. The motion failed without a second.

Rollie Kjesbo moved to approve. Brian Stockmar seconded the motion and it passed (4-2).

Ayes: (4) Hopkins, Kjesbo, Kurz, Stockmar

Nays: (2) Gillette, Perez

Absent: (1) Lockman

- 3.4. A request for a recommendation to the Vail Town Council for a zone district 20 min. boundary amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to allow for the rezoning of two parcels of land located in the vicinity of 366 Hanson Ranch Road; A portion of Lot d-1, Block 2, Vail Village Fifth Filing and a portion of Tract E, Vail Village Fifth Filing. The rezoning will change the Zone District from Agriculture and Open Space (A) District to the Public Accommodation (PA) District, and setting forth details in regard thereto. (PEC18-0022)

Applicant: VailPoint LLC, represented by Pylman & Associates, Inc.

Planner: Jonathan Spence

Rollie Kjesbo moved to approve. Brian Stockmar seconded the motion and it failed (3-3).

Ayes: (3) Kjesbo, Kurz, Stockmar

Nays: (3) Gillette, Hopkins, Perez

Absent: (1) Lockman

- 3.5. A request for review of Major Exterior Alteration, pursuant to Section 12-7B- 45 min. 7, Exterior Alterations or Modifications, Vail Town Code, to allow for construction of a new multifamily structure with below grade parking, located at 534 East Lionshead Circle/Lot 2 and 3, Block 1, Vail Lionshead Filing 1, and setting forth details in regard thereto. (PEC18-0016)

The applicant is returning to the PEC to discuss discreet elements of the project. No request for formal action is being made at this time. Staff requests that this item be continued to the July 9, 2018 Planning and Environmental Commission meeting.

Applicant: Battle Mountain LLC, represented by Braun Associates, Inc.

Planner: Jonathan Spence

<https://www.youtube.com/watch?v=0anGZnff1ns&t=11s> (Video of automated parking system)

Planner Spence began by introducing the application and gave a brief overview.

Tom Braun then spoke on behalf of Battle Mountain LLC. Braun wanted a follow up to what happened at the previous PEC meeting. The applicant made refinements to the plans and intends to present the revised plans today. Braun walked the PEC through today's agenda covering discussion topics from the 6/11 staff memo. Today's follow up discussion will cover live beds, setback variance/west wall, and roof and wall interface.

Setback Variance – The site plan shows unified development at the site. The setback allows for the sites to be merged together. Braun showed several different solutions to the large western wall, including a mountain graphic profile.

Kurz – Stated Braun has addressed the PEC's original comment. Stockmar agreed.

Roof/Wall Interface – Stated the applicant looked at a lot of different solutions. The south elevation was shown. The dormer brought out to edge

and removed large eave line.

Stockmar – Stated the applicant accommodated the PEC's request and is moving in the right direction.

Spence – Staff has had the opportunity to review what the PEC sees before them today. Staff is supportive of the changes.

Roof Material and Snow Shedding – Braun shared photos from other examples of buildings in Town showing the material.

North Elevation – The rendering shows changes to windows and the dormer added. This shows the reduction in balconies and windows to reduce intrusion of the property to the north.

Automated Parking – Automated is used to increase efficiencies, particularly when working with a small lot and dense areas. There has been a rapid increase in automated systems in the United States.

Braun then shared a video of the automated system. Braun stated two cars can move simultaneously with two elevators. The technology will either be ticket based or fob based systems.

Gillette – Asked if a traffic study would be completed to study the demand ratio to number of cars would work in the Town of Vail.

Braun – Stated the system can park a car within 90 seconds. The parking is not for retail parking.

Gillette – Asked if City Lift has dealt with a large amount of silt and salt during the winter months.

Braun – Maintenance occurs quarterly, but the rate can be increased, if necessary during the winter months. A system has been installed in Wisconsin and has been running well, even during the winter months. On the operations side, most issues are fixed on a computer in LA. One example is a switch goes out, then a local service provider is sent on sight.

Stockmar – Confirmed access will be taken from the existing alley, which is a nightmare currently when traffic backs up.

Braun – A good portion of the alley is in the shade. The alley will be heated to address the past ice issues.

Stockmar – Asked how will parking violations be avoided in the future along the alleyway.

Braun – Both parties will remedy the situation in the future.

Kjesbo – Asked if a ramp system would work?

Kit Austin – Pierce Architects looked at ramp systems and the ramp would be inefficient, if not impossible.

Braun – Confirmed there will be two elevators for the cars.

Stockmar – Asked if there will be a connection to the property to the west.

Braun – Confirmed there will be no connection.

Pay in Lieu Parking – Parcels in green are the Village Core Area and a few areas to the eastern side of Lionshead to be within the zone. Parking cannot be located on the sites within the zone. Braun explained the rationale for the amendment for the area to be removed from the pay in lieu area.

Existing/Interim/Proposed Parking – Braun presented existing parking spaces, including the following:

Launch – 52 spaces

Lazier – 91 spaces

- Total – 143 spaces

Proposed Parking includes a total of 71 spaces or more. 91 spaces are currently shown on plans.

PEC Comments

Kjesbo – Asked can the PEC provide the applicant how to allocate parking.

Spence – No

Stewart McNab – Stated there is more than the Launch application. Requested a Condition of approval – parking should match at least the number that is there currently.

Spence – The review of the demo of the top deck is not under the purview of the PEC and there is no time limit of when it should be replaced with redevelopment.

Stockmar – Stated staff provided the PEC with parking plans during the interim highlighted in the memo.

Dale Bugby – Stated parking in Lionshead is in high demand and of high value. The original letter then talked about 69 spaces needed to be protected on the site. There are now four buildings without parking spaces that cannot be utilized today. Concerned about closing ramp, which is an access point for his property.

Gillette – Asked if Matt Mire will be at the next meeting.

Spence – Stated it will be an executive session and specific questions should be highlighted before meeting with the Town Attorney.

Bob Lazier – Stated 69 spaces for Lift House is not the correct number. Parking will be covered in the future by replacing what is there currently with the same number, if not more parking.

PEC Comment

Kjesbo – The applicant reviewed the PEC's questions. He is still mixed on mechanical parking, but understands why the applicant needs to do it. Still questions the north side from a design perspective, but the DRB will review the elevation. The applicant addressed the roof very well and looks forward to the final design.

Gillette – No comment.

Stockmar – Thanked the applicant for resolving the lid issue. The north façade is still boring, but it is outside the PEC's purview to address. He has seen the automated parking work over the years, even in bigger buildings.

Perez – Thanked Staff and the applicant for addressing concerns. Concerned though over the size of the parking garage due to the large number of visitors. Perez asked for clarification over size of vehicles and if the garage can accommodate most vehicles.

Kjesbo – Worried about sludge and maintenance of the automated garage. Asked how long it could take to fix an issue with the garage.

Hopkins – Appreciated the changes and the plans are getting better.

Kurz – Believed the building is more appealing today than at the last meeting. Kurz would like to see more in terms of the automated parking video and how it would work in Vail's environment. Additionally, how the winter climate will impact the garage with slug and build up. He stated there are 69 spaces for Lift House and others state this is not correct. He would like to see the parking issue agreed to by all parties.

Braun – Stated he and the applicant will return with more information on the parking system. Braun stated he wants to focus on Launch's property today, not Bob's project.

Kjesbo – Stated if the applicant meets the parking requirement, the PEC should not have to review private agreements.

Staff requests all four items be tabled to July 9 meeting.

Rollie Kjesbo moved to table to July 9, 2018. Brian Stockmar seconded the motion and it passed (6-0).

Absent: (1) Lockman

- 3.6. A request for review of a final plat, pursuant to Title 13 Chapter 4, Minor Subdivisions, Vail Town Code, to allow for a subdivision to reconfigure the property lines between two (2) development lots located at 500 & 534 East Lionshead Circle/Lots 1,2 and 3, Block 1, Vail Lionshead Filing 1, and setting forth details in regard thereto. (PEC18-0017) 5 min.

Staff will not be providing a staff memorandum for this item. Staff requests that the Planning and Environmental Commission continue this item to the July 9, 2018 meeting.

Applicant: Lazier Lionshead LLC & Battle Mountain LLC, represented by Braun Associates, Inc.

Planner: Jonathan Spence

Rollie Kjesbo moved to table to July 9, 2018. Brian Stockmar seconded the motion and it passed (6-0).

Absent: (1) Lockman

- 3.7. A request for a recommendation to the Vail Town Council for a prescribed regulations amendment to Section 12-10-16 Exempt Areas; Parking Fund Established, Vail Town Code, pursuant to Section 12-3-7 Amendment, Vail Town Code, to remove Lot 1A, Lot 2A and Tract K of a Resubdivision of Vail Lionshead, Block 1, from the “parking pay-in-lieu” zones for parking regulations purposes, and setting forth details in regard thereto. (PEC18-0019) 5 min.

Staff will not be providing a staff memorandum for this item. Staff requests that the Planning and Environmental Commission continue this item to the July 9, 2018 meeting.

Applicant: Lazier Lionshead LLC & Battle Mountain LLC, represented by Braun Associates, Inc.

Planner: Jonathan Spence

Rollie Kjesbo moved to table to July 9, 2018. Brian Stockmar seconded the motion and it passed (6-0).

Absent: (1) Lockman

- 3.8. A request for the review a variance from Section 12-7H-10, Setbacks, Vail Town Code, pursuant to Title 12 Chapter 17, Variances, Vail Town Code, to allow for a rear setback of zero feet (0') where ten feet (10') is required for a new multifamily structure, located at 534 East Lionshead Circle/Lot 2 and 3, Block 1, Vail Lionshead Filing 1, and setting forth details in regard thereto. (PEC18-0018) 5 min.

Staff will not be providing a staff memorandum for this item. Staff requests that the Planning and Environmental Commission continue this item to the July 9, 2018 meeting.

Applicant: Battle Mountain LLC, represented by Braun Associates, Inc.

Planner: Jonathan Spence

Rollie Kjesbo moved to table to July 9, 2018. Brian Stockmar seconded the motion and it passed (6-0).

Absent: (1) Lockman

- 3.9. A report to the Planning and Environmental Commission on the Administrator's approval of an amendment to an existing Conditional Use Permit, pursuant to Section 12-8B-3, Conditional Uses; Accessory buildings (permanent and temporary), Vail Town Code, to allow for the replacement of the existing golf starter shack with a new starter shack building at the Vail Golf Course, located at 1655 Sunburst Drive, a collection of platted and unplatted parcels (a complete legal description is available at the Community Development Department Office), and setting forth details in regard thereto. (PEC18-0023) 5 min.

Applicant: Vail Golf Course, represented by Pierce Architects

Planner: Justin Lightfield

Kjesbo recused himself as a member of the Vail Rec. Board

Planner Lightfield explained the project and staff's action.

Kit Austin explained that it would not impact the course or play.

Stockmar questioned the heaviness of the roof.

No formal action taken.

- 3.10. A request for review of a variance from Section 12-21-12, Restrictions in Specific Zones on Excessive Slopes, Vail Town Code, to allow for more than ten percent (10%) of the total site area to be covered by driveways and surface parking, located at 2841 Basingdale Boulevard/Lot 3, Block 8, Vail Intermountain Development Subdivision, and setting forth details in regard thereto. (PEC18-0020) 30 min.

Applicant: Michael & Yoshimi Moore, represented by Visual Impax

Planner: Justin Lightfield

Variance 1: Section 12-21-12, Restrictions in Specific Zones on Excessive Slopes

1. Approval of this variance is contingent upon the applicant obtaining Town of Vail design review approval for this proposal.
2. Approval of this variance is contingent upon the applicant obtaining Eagle River Water & Sanitation District approval for this proposal.
3. The square footage of the hammerhead driveway shall be reduced and landscaping shall be added between the hammerhead and the public road.
4. Curb and gutter shall go from the western corner of the subject property to the eastern corner of Rush Condominium lot. The improvement costs shall not be borne by the Town of Vail.
5. The parking spaces shall be labeled for each individual condo owner at the Rush Condominiums (1-4).
6. The plan to be approved by the Design Review Board shall incorporate all practical measures to prevent additional parking anywhere to the east of the proposed garage.

Brian Stockmar moved to approve with conditions. Brian Gillette seconded the motion and it passed (6-0).

Absent: (1) Lockman

Variance 2: Section 14-3-1, Minimum Standards, Curb Cuts

1. Approval of this variance is contingent upon the applicant obtaining Town of Vail design review approval for this proposal.
2. Approval of this variance is contingent upon the applicant obtaining Eagle River Water & Sanitation District approval for this proposal.
3. The square footage of the hammerhead driveway shall be reduced and landscaping shall be added between the hammerhead and the public road.
4. Curb and gutter shall go from the western corner of the subject property to the eastern corner of Rush Condominium lot. The improvement costs shall not be borne by the Town of Vail.
5. The parking spaces shall be labeled for each individual condo owner at the Rush Condominiums (1-4).
6. The plan to be approved by the Design Review Board shall incorporate all practical measures to prevent additional parking anywhere to the east of the proposed garage.

Planner Lighfield spoke to the changes since the last meeting.

The applicant, Scott Handler with Visual Impax walked the commission through the changes, primarily to the parking layout.

A brief discussion of the fire hydrant was held.

Hopkins asked about the location of the stairs and trash in relation to the parking and garbage containers.

The applicant provided clarification.

Stockmar asked about the existing parking conditions, double parking etc.

Tom Kassmel spoke to it occurring elsewhere in town and feels that the proposal will be an improvement. Spoke to the possibility of curb and gutter.

The applicant spoke to the solution to the double parking situation.

Hopkins asked about snow removal.

Gillette spoke to the purpose of the variance and one parking space per unit.

Hopkins spoke to the lack of a hammerhead and the excessive amount of pavement to the west.

Gillette clarified the request to remove pavement and replace with landscaping.

Kassmel spoke to the number of parking spaces required and vehicle movement.

The applicant spoke to his willingness to change the plans but thought it would not be approved by the Town Engineer.

Hopkins asked that the DRB be directed to address access to the condos and the west pavement.

Perez is struggling and feels that the project has gone backwards. Too much parking. Recommends a reduction in pavement.

Stockmar- Applicant has responded to requests. Recognizes challenges. Concur about a reduction in pavement.

Gillette-Would like a COA regarding labeling the parking spaces

Kjesbo- Recommends further design changes to restrict parking and allow adequate snow storage.

Stockmar-Would recommend negotiating with Rush condos to solve the parking situation.

Kurz- Concur with Rollie that design solutions are needed to prevent unwanted parking. Appreciated applicants response to Commissioners concerns.

Brian Gillette moved to approve with conditions. Brian Stockmar seconded

the motion and it passed (6-0).

Absent: (1) Lockman

4. Approval of Minutes

4.1. PEC Results June 11, 2018

5. Adjournment

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 hour prior to meeting time.

Community Development Department