



Memorandum

TO: Vail Town Council

FROM: Community Development Department

DATE: August 7, 2018

SUBJECT: First reading of Ordinance No. 14, Series of 2018, an ordinance for a Prescribed Regulations Amendment to Section 12-2-2, Definitions of Words and Terms, Vail Town Code, to amend and clarify the definition of Commercial Ski Storage/Ski Club, and setting forth details in regard thereto. (PEC17-0042)

Applicant: Town of Vail
Planner: Jonathan Spence

I. SUMMARY

The Community Development Department is requesting the first reading of Ordinance No. 14, Series of 2018, an ordinance to amend Section 12-2-2, Definitions of Words and Terms, Vail Town Code, to amend and clarify the definition of Commercial Ski Storage

On July 23, 2018, the Planning and Environmental Commission (PEC) forwarded a unanimous recommendation of approval to the Vail Town Council for Prescribed Regulation Amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to amend Section 12-2-2, Definitions of Words and Terms, Vail Town Code, to amend and clarify the definition of Commercial Ski Storage. Please find the staff memorandum to the PEC included as Attachment B and the minutes from the July 23rd meeting included as Attachment C.

II. ACTION REQUESTED OF THE TOWN COUNCIL

The Vail Town Council shall approve, approve with modifications, or deny Ordinance No. 14, Series of 2018, upon first reading.

III. PROPOSED TEXT AMENDMENT LANGUAGE

Based upon the concerns expressed by the PEC and in further discussions and coordination with the Vail Resorts and the Vail Chamber and Business Association, as well as previous conversations and feedback from the Ski Storage Task Force, a decision was made not to expand permitted locations for the commercial ski storage and to not codify the relationship between ski racks and pedestrian or other easements. It was determined that the utilization

of existing regulations related to Outdoor Storage and the examination of any conflicting easements was best done on an individual basis.

In an effort to provide the community, retailers and code enforcement with a better understanding of what does and does not constitute commercial ski storage, staff, Vail Resorts and the Vail Chamber and Business Association recommend the following additional language be added to the definition section (Section 12-2-2) of the Vail Town Code. New language proposed is shown in **bold**.

COMMERCIAL SKI STORAGE/SKI CLUB: Storage for equipment (skis, snowboards, boots and poles) and/or clothing used in skiing related sports, which is available to the public or members, operated by a business, club or government organization, and where a fee is charged for hourly, daily, monthly, seasonal or annual usage. This use may have, but does not require, the following components:

- A. Personal lockers,
- B. Boot dryers,
- C. Ski storage racks,
- D. Ski tuning,
- E. Food and beverage service,
- F. Areas for congregation and/or socializing,
- G. Restrooms and/or shower facilities,
- H. Nonwinter activities,
- I. Concierge ski services,
- J. Retail sales,
- K. Business center.

Ski storage that is part of a lodge, or dwelling unit, in which a fee is not charged **and is located within the lodge or dwelling unit**, is not considered commercial ski storage/ski club.

The following activities, when accessory to a retail operation, shall not be considered ski storage:

- A. The outdoor display of skis or skiing related equipment that is available for sale, available for rent, rented or recently serviced. Outdoor display is**

subject to requirements of Section 12-14-21: OUTDOOR DISPLAY OF GOODS.

B. The storage, on levels other than the basement or garden level, of skis or skiing related equipment that is available for sale, available for rent, rented or recently serviced.

IV. BACKGROUND

The Town of Vail and its regulations of ski storage, ski valet and ski concierge services have not kept pace with the evolving nature of the ski industry. As a result, the Town is experiencing the following challenges with the current regulations on commercial ski storage:

- Regulations that may be ambiguous and vague.
- Regulations that appear to be inconsistent with evolving customer expectations.
- Regulations that may be difficult and/or impractical to enforce, resulting in a perception of inconsistent enforcement.

On August 1, 2017, the Community Development Department presented a report to the Town Council on Commercial Ski Storage to engage the Council in a discussion regarding the Town's policy concerning commercial ski storage, ski valet and ski concierge services. At the end of the discussion, Town Council supported the creation of a Task Force consisting of business owners and managers in Vail's ski and lodging industry, and Town staff. The mission of the Task Force was to study this issue in greater detail, and provide feedback to the Town Council on amendments that may be needed to the Town's current regulations.

Fourteen members of the local ski and lodging industry signed up for the Task Force, and several others contacted the Community Development Department after the August 1, 2017 meeting, expressing interest in participating. Following are members of the Task Force that attended at least one of these meetings:

Chris Cremer	Intrawest / Ski Haus
Jeff Evans	Christy Sports
Jeff Babb	Vail Resorts
Marco Valenti	Vail Resorts Retail
Scott Gubrud	Four Seasons
Brent Martin	Four Seasons
Jacob Bangston	Sebastian Base Camp
Jay Lucas	Ski Base
Tom Neyens	Ski Valet
Zack Meyers	Arrabelle
Tom Higgins	American Ski Exchange
Chris Howe	Ski Butlers / Antlers
Alison Wadey	Vail Chamber and Business Association
Jenn Bruno	Vail Town Council

Task Force meetings were held on August 18, August 23, and August 25, 2017. Based on input from the Task Force at these meetings, and tours of the some of the participating businesses, the Community Development Department and the Task Force developed recommendations for the Town Council to consider.

On September 5, 2017, the Community Development Department and Task Force presented their recommendations to the Town Council. The Town Council supported the recommendations, and directed staff to begin to draft text amendments to implement the changes.

On September 11, 2017, the Community Development Department presented the Commercial Ski Storage Task Force's recommendations to the PEC. The PEC requested more time to review specific code language, and requested that this topic return for further discussion.

On September 25, 2017, the Community Development Department presented the Commercial Ski Storage Task Force's recommendations to the PEC. The PEC requested site visits to several of the ski shops, ski valet services and ski clubs impacted by these regulations. A tour of these properties is scheduled for October 9, 2017 as part of the PEC meeting.

On October 9, 2017 the Planning and Environmental Commission further reviewed the proposed recommendations of the Task Force, expressing concerns with the proposed changes and possible unintended consequences, particularly as related to expanding allowable commercial ski storage to building levels other than the basement/garden levels and the placement of ski racks within pedestrian or other established easements.

V. REVIEW CRITERIA

1. The extent to which the text amendment furthers the general and specific purposes of the zoning regulations; and

The PEC finds the proposed zoning code amendments further the general and specific purposes of the zoning regulations by promoting the harmonious development of the Town's villages while maintaining established community qualities and economic values.

The PEC finds that this criterion has been met.

2. The extent to which the text amendment would better implement and better achieve the applicable elements of the adopted goals, objectives, and policies outlined in the Vail comprehensive plan and is compatible with the development objectives of the town; and

The PEC finds that the proposed prescribed regulations amendments will better implement or achieve the applicable elements of the adopted goals, objectives, and policies outlined in the Vail Comprehensive Plan. Specifically in the Vail Land Use Plan's adopted Goals and Policies, staff identified the following applicable statements:

1. General Growth /Development

1.1. Vail should continue to grow in a controlled environment, maintaining a balance between residential, commercial and recreational uses to serve both the visitor and the permanent resident.

2. Skier /Tourist Concerns

2.1. The community should emphasize its role as a destination resort while accommodating day visitors.

2.2. The ski area owner, the business community and the Town leaders should work together closely to make existing facilities and the Town function more efficiently.

2.3. The ski area owner, the business community and the Town leaders should work together to improve facilities for day skiers.

4. Village Core / Lionshead

4.3. The ambiance of the Village is important to the identity of Vail and should be preserved. (Scale, alpine character, small town feeling, mountains, natural settings, intimate size, cosmopolitan feeling, environmental quality.)

The PEC finds that this criterion has been met.

3. The text amendment demonstrates how conditions have substantially changed since the adoption of the subject regulation and how the existing regulation is no longer appropriate or is inapplicable; and

The storage of skis and skiing related gear has evolved from the storage of equipment to a personal service desired and often expected by our guests. As this land use has evolved, the Vail Town Code has remained largely static. As a result of this inaction, the town code is unable to provide the necessary regulatory framework to effectively and fairly uphold the intent of the Lionshead and Vail Village Master Plans and the Town Zoning Code itself. The new definition takes into account the substantial changes that have occurred concerning the use since the adoption of the current regulation.

The PEC finds that this criterion has been met.

4. The extent to which the text amendment provides a harmonious, convenient, workable relationship among land use regulations consistent with municipal development objectives; and

The PEC believes this text amendment will ensure a harmonious, convenient, workable relationship among land use regulations consistent with the Town's development objectives. Specifically, clarification of what is, and is not, considered commercial ski storage assists merchants and code enforcement personnel with a clear regulatory framework.

The PEC finds that this criterion has been met.

5. Such other factors and criteria the planning and environmental commission and/or council deem applicable to the proposed text amendment.

VI. ENVIRONMENTAL IMPACTS

The proposed prescribed regulation amendment does not have any identifiable environmental impacts.

VII. RECOMMENDED MOTION

Should the Vail Town Council choose to approve Ordinance No. 14, Series of 2018, upon first reading, the PEC recommends the Council pass the following **motion**:

“The Vail Town Council approves, on first reading, Ordinance No. 14, Series of 2018, an ordinance for a prescribed regulation amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to amend Section 12-2-2, Definitions of Words and Terms, Vail Town Code, to amend and clarify the definition of Commercial Ski Storage/Ski Club, and setting forth details in regard thereto.”

Should the Vail Town Council choose to approve Ordinance No. 14 Series of 2018, the PEC recommends the Council make the following **findings**:

“Based upon the review of the criteria outlined in Sections VIII of the Staff memorandum to the Planning and Environmental Commission dated July 23, 2018, and the evidence and testimony presented, the Vail Town Council finds:

- 1. That the amendments are consistent with the adopted goals, objectives and policies outlined in the Vail comprehensive plan and compatible with the development objectives of the town;*
- 2. That the amendments are compatible with and suitable to adjacent uses and appropriate for the surrounding areas; and,*
- 3. That the amendments promote the health, safety, morals, and general welfare of*

the town and promote the coordinated and harmonious development of the town in a manner that conserves and enhances its natural environment and its established character as a resort and residential community of the highest quality.”

VIII. ATTACHMENTS

- A. Ordinance No. 14, Series of 2018
- B. Staff Memorandum, PEC18-0022, July 23, 2018
- C. PEC Minutes, July 23, 2018