



Memorandum

TO: Planning and Environmental Commission

FROM: Community Development Department

DATE: July 9, 2018

SUBJECT: 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 1A, Lot 2A, Tract K, Tract L and Tract M 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)

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

Planner: Jonathan Spence

I. SUMMARY

The applicants, Lazier Lionshead LLC & Battle Mountain LLC, represented by Braun Associates, Inc., request the review of a prescribed regulation amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to amend Section 12-10-16 Exempt Areas; Parking Fund Established, Vail Town Code, to remove 1A, Lot 2A, Tract K, Tract L and Tract M of a Resubdivision of Vail Lionshead, Block 1, from the “parking pay-in-lieu” zones for parking regulations purposes, located in the vicinity of 500 and 534 East Lionshead Circle. Based upon Staff’s review of the criteria outlined in Section VII of this memorandum and the evidence and testimony presented, the Community Development Department recommends the Planning and Environmental Commission (PEC) **forward a recommendation of approval** to the Vail Town Council, of this application, subject to the findings noted in Section VIII of this memorandum. A vicinity map (Attachment A) and the applicant’s narrative (Attachment B).

II. DESCRIPTION OF REQUEST

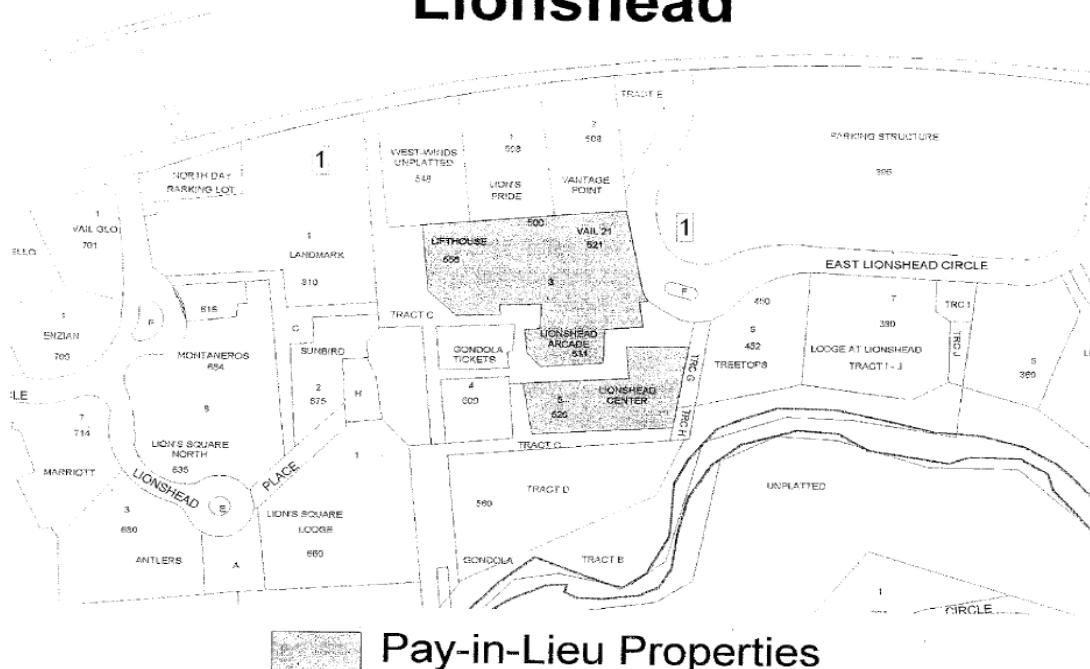
The applicant is proposing to alter the Core Area Parking Map II, Lionshead, to remove 1A, Lot 2A, Tract K, Tract L and Tract M of a Resubdivision of Vail Lionshead, Block 1 from the Pay-in-Lieu designation. The result of the map amendment will be the allowance of the subject properties, which currently include the two-level parking structure, to provide onsite parking when redeveloped.

III. BACKGROUND

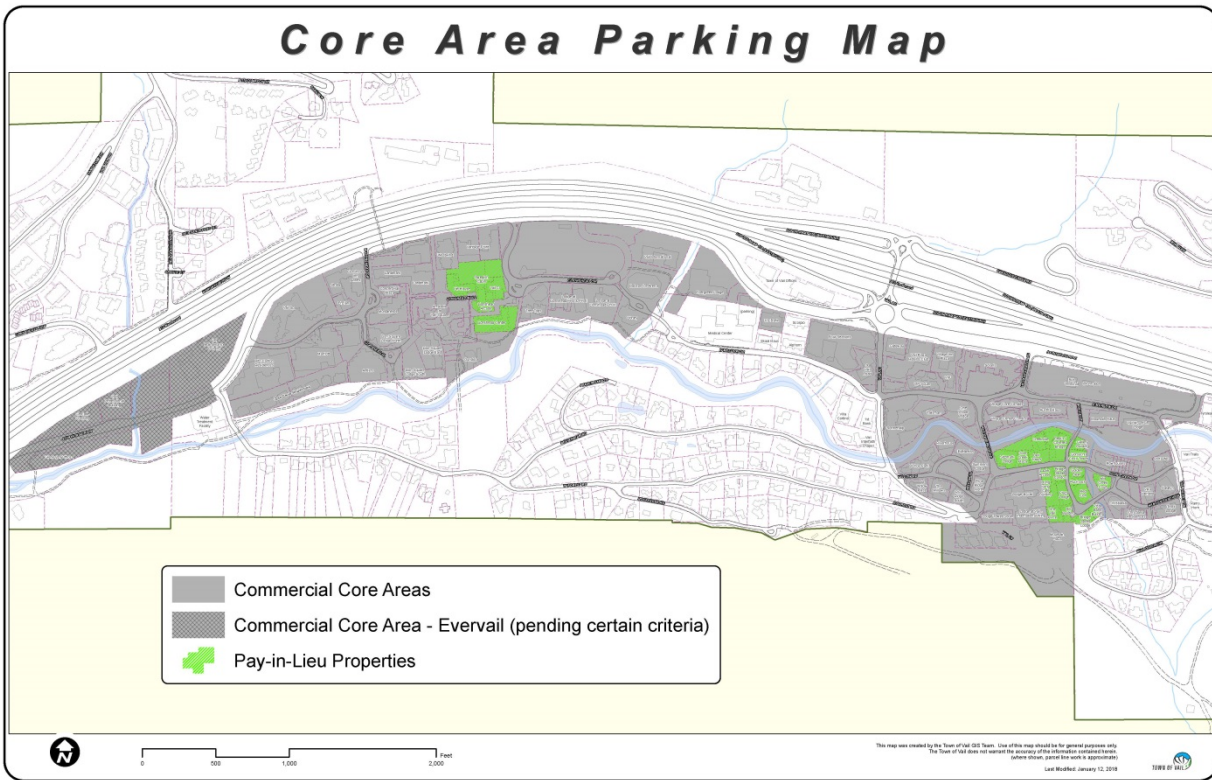
The Town's zoning code has allowed for certain exemptions from on-site parking requirements since 1973. In 1982, in conjunction with the Vail Village and Lionshead Urban Design Guide Plans, the Town established a "parking pay-in-lieu" program- thereby allowing property owners to pay a fee in exchange for a reduction in on-site parking. The program's primary purpose was to minimize vehicular traffic in the Town's pedestrianized commercial areas while allowing property owners some flexibility in the provision of required parking created by infill development and redevelopment.

Prior to the approval of Ordinance No. 4, Series of 2001, all properties that were zoned CCI, CCII or LMU-1 (Vail Village and Lionshead) had the ability to participate in the Town's pay-in-lieu program - regardless of their location. In 2001, the PEC and Vail Town Council expressed a desire to re-evaluate the program in an effort to promote the original goals outlined in the Vail Village and Lionshead Design Guide Plans. The code changes and amendments to the Core Area Parking Map resulted in the designation of certain properties that must participate in the program. It was the understood rationale that these properties were inappropriate for on-site parking due to their pedestrianization and lack of reasonable access to established motor vehicle ways. The designated properties in the Lionshead Area are shown below. This exhibit was included as an attachment to Ordinance No. 4, Series of 2001.

Pay-in-Lieu Properties Lionshead



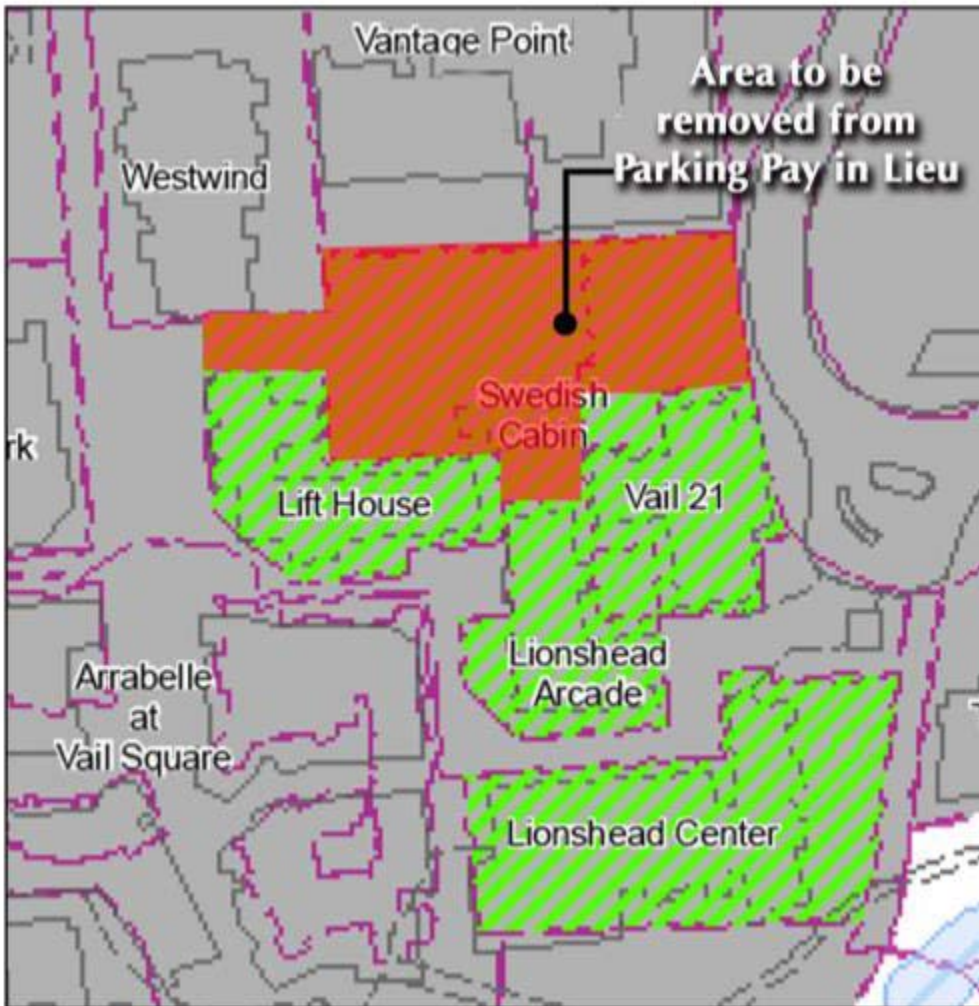
This exhibit was later incorporated into the Town's Core Area Parking Map. The most recent version of this map is shown below.



It should be noted that neither the exhibit nor the Core Area Parking Map make any distinction between the Lift House and Vail 21 developments and the parking facility.

IV. PROPOSED TEXT AMENDMENT LANGUAGE

The Prescribed Regulation Amendment is proposed to remove 1A, Lot 2A, Tract K, Tract L and Tract M of a Resubdivision of Vail Lionshead, Block 1, from the "parking pay-in-lieu" zones for parking regulations purposes (see PEC18-0017). The parcels have direct vehicular access from the platted easement existing just south of the existing parking structure. The location of these parcels is shown below:



Amendment to Parking Pay in Lieu Zones

The proposed prescribed regulation amendment, to be approved via ordinance with the Vail Town Council, will not take effect until the recordation of the final plat, creating Lots 1A, Lot 2A, Tract K, Tract L and Tract M has occurred with the Eagle County Clerk and Recorder.

V. ROLES OF REVIEWING BODIES

Order of Review: Generally, text amendment applications will be reviewed by the Planning and Environmental Commission and the Commission will forward a recommendation to the Town Council. The Town Council will then review the text amendment application.

Planning and Environmental Commission:

The Planning and Environmental Commission is responsible for the review of a text amendment application, pursuant to Section 12-3-7, Amendment, Vail Town Code, and forwarding of a recommendation to the Town Council.

Design Review Board:

The Design Review Board has no review authority over a text amendment to the Vail Town Code.

Town Council:

The Town Council is responsible for final approval, approval with modifications, or denial of a text amendment application, pursuant to Section 12-3-7, Amendment, Vail Town Code.

Staff:

The Town Staff facilitates the application review process. Staff reviews the submitted application materials for completeness and general compliance with the appropriate requirements of the Town Code. Staff also provides the Planning and Environmental Commission a memorandum containing a description and background of the application; an evaluation of the application in regard to the criteria and findings outlined by the Town Code; and a recommendation of approval, approval with modifications, or denial.

VI. APPLICABLE PLANNING DOCUMENTS

Staff believes that following provisions of the Vail Town Code and Vail Land Use Plan are relevant to the review of this proposal:

Title 12, Zoning Regulations, Vail Town Code***CHAPTER 12-1, TITLE, PURPOSE AND APPLICABILITY (in part)******Section 12-1-2: Purpose:***

A. General: These regulations are enacted for the purpose of promoting the health, safety, morals, and general welfare of the Town, and to promote the coordinated and harmonious development of the Town in a manner that will conserve and enhance its natural environment and its established character as a resort and residential community of high quality.

B. Specific: These regulations are intended to achieve the following more specific purposes:

- 1. To provide for adequate light, air, sanitation, drainage, and public facilities.*
- 2. To secure safety from fire, panic, flood, avalanche, accumulation of snow, and other dangerous conditions.*
- 3. To promote safe and efficient pedestrian and vehicular traffic circulation and to lessen congestion in the streets.*
- 4. To promote adequate and appropriately located off-street parking and loading facilities.*

5. *To conserve and maintain established community qualities and economic values.*
6. *To encourage a harmonious, convenient, workable relationship among land uses, consistent with Municipal development objectives.*
7. *To prevent excessive population densities and overcrowding of the land with structures.*
8. *To safeguard and enhance the appearance of the Town.*
9. *To conserve and protect wildlife, streams, woods, hillsides, and other desirable natural features.*
10. *To assure adequate open space, recreation opportunities, and other amenities and facilities conducive to desired living quarters.*
11. *To otherwise provide for the growth of an orderly and viable community.*

12-10-16: Exempt Areas; Parking Fund Established:

A. Criteria: *The town council by resolution may exempt certain areas from the off street parking and loading requirements of this chapter if alternative means will meet the off street parking and loading needs of all uses in the area. Prior to exempting any area from the off street parking and loading requirements, the council shall determine the following:*

1. *That the exemption is in the interests of the area to be exempted and in the interests of the town at large.*
2. *That the exemption will not confer any special privilege or benefit upon properties or improvements in the area to be exempted, which privilege or benefit is not conferred on similarly situated properties elsewhere in the town.*
3. *That the exemption will not be detrimental to adjacent properties or improvements in the vicinity of the area to be exempted.*
4. *That suitable and adequate means will exist for provision of public, community, group or common parking facilities; for provision of adequate loading facilities and for a system for distribution and pick up of goods; and for financing, operating and maintaining such facilities; and that such parking, loading and distribution facilities shall be fully adequate to meet the existing and projected needs generated by all uses in the area to be exempted.*

B. Parking Fund: *For projects located within the town's "parking pay-in-lieu" zones (as identified on the town's official "parking pay-in-lieu zone" maps, incorporated by reference) property owners or applicants shall be required to contribute to the town parking fund, hereby established for the purpose of meeting the demand and requirements for vehicle parking to the extent outlined in applicable master plan documents and the zoning regulations. At such time as any property owner or other applicant proposes to develop or redevelop a parcel of property within an exempt*

area which would require parking and/or loading areas, the owner or applicant shall pay to the town the parking fee hereinafter required:

1. The parking fund established in this section shall receive and disburse funds for the purpose of conducting parking studies or evaluations, construction of parking facilities, the maintenance of parking facilities, the payment of bonds or other indebtedness for parking facilities, and administrative services relating to parking.
2. The parking fee to be paid by any owner or applicant shall be determined by the town council.
3. If any parking funds have been paid in accordance with this section and if subsequent thereto a special or general improvement district is formed and assessments levied for the purpose of paying for parking improvements, the payer shall be credited against the assessment with the amount previously paid.
4. The parking fee to be paid by any owner or applicant is hereby determined to be eighteen thousand five hundred ninety seven dollars eighty cents (\$18,597.80) per space for residential uses (including, but not limited to, accommodation units, timeshares and fractional fee units). There is no pay in lieu fee for commercial uses. This fee shall be automatically adjusted annually by the percentage the consumer price index of the city of Denver has increased or decreased over each successive year.
5. For additions or enlargements of any existing building or change of use that would increase the total number of parking spaces required, an additional parking fee will be required only for such addition, enlargement or change and not for the entire building or use. No refunds will be paid by the town to the applicant or owner.
6. The owner or applicant has the option of paying the total parking fee at the time of building permit or paying over a five (5) year period. If the latter course is taken, the first payment shall be paid on or before the date the building permit is issued. Four (4) more annual payments will be due to the town on the anniversary of the building permit. Interest of ten percent (10%) per annum shall be paid by the applicant on the unpaid balance.

If the owner or applicant does choose to pay the fee over a period of time, he or she shall be required to sign a promissory note which describes the total fee due, the schedule of payments, and the interest due. Promissory note forms are available at the offices of the department of community development.
7. When a fractional number of spaces results from the application of the requirements schedule (section [12-10-10](#) of this chapter) the parking fee will

be calculated using that fraction. This applies only to the calculation of the parking fee and not for on site requirements. (Ord. 29(2005) § 29: Ord. 4(2001) § 2: Ord. 3(1999) § 11: Ord. 10(1994) § 1: Ord. 6(1991) § 1: Ord. 30(1982) § 1: Ord. 47(1979) § 1: Ord. 8(1973) § 14.800)

12-10-21: Parking Pay in Lieu Zones Established:

The "parking pay in lieu zone" maps (attached to the ordinance codified herein, and available for inspection in the office of the town clerk) shall be used to identify properties within the parking pay in lieu zones referenced in section [12-10-16](#) of this chapter. Properties will be required to comply with the amended program upon demolition/rebuild. Properties not included in the pay in lieu zones may apply to the planning and environmental commission for review if the provision of on site parking on the property would circumvent relevant objectives of applicable comprehensive plan documents including, but not limited to, parking, pedestrianization, and vehicle penetration elements. (Ord. 29(2005) § 29: Ord. 4(2001) § 3)

Vail Land Use Plan

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.*
- 1.3. *The quality of development should be maintained and upgraded whenever possible.*

VII. CRITERIA FOR REVIEW

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

Staff finds the prescribed regulation amendment furthers the general and specific purposes of the zoning regulations by promoting the harmonious development of the core areas while maintaining established community qualities and economic values. The ability to redevelop the subject properties with subsurface parking will allow for development consistent with the objectives of the zoning regulations.

Staff 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

Staff 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 statement:

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.*

In addition, The Lionshead Redevelopment Master Plan, a component of the Vail Comprehensive Plan, speaks directly to redevelopment in this area and the express desire to replace existing parking on site.

5.7.5 Lions Pride Building and Parking Deck

The Lions Pride building and the parking deck across the alley are not in primary locations in the retail core but, because they are in very questionable condition (both visually and physically), their redevelopment and compliance with the Master plan should be considered a priority. An opportunity exists to convert the existing alleyway into a true arrival point for these properties and an enhanced pedestrian walkway. The existing parking must be replaced, most likely underneath a new structure, and could be accessed directly from East Lionshead Circle or from the alley.

Staff 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

It is unclear why the properties currently occupied by the parking structure were included in the "parking pay-in-lie zone." The parcels have direct access from a platted easement located just south of the existing garage. Allowing redevelopment with subsurface parking will not be detrimental to the pedestrian experience in the vicinity. As such, the existing regulation prohibiting on site parking is not appropriate.

Staff 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

Staff believes this text amendment will ensure a harmonious, convenient, workable relationship among land use regulations consistent with the Town's development objectives. Specifically, removing the subject properties from the 'Parking Pay-in-

Lieu Zone” will allow redevelopment that will provide not only parking for existing users of the parking facility, parking for the new residential uses proposed but also additional unrequired parking spaces that will enhance the Town’s parking inventory.

Staff 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.

VIII. STAFF RECOMMENDATION

The Community Development Department recommends the Planning and Environmental Commission forward a **recommendation of approval** for the prescribed regulation amendment to the Vail Town Council. This recommendation is based upon the review of the criteria outlined in Section VII of this memorandum and the evidence and testimony presented.

Should the Planning and Environmental Commission choose to forward a recommendation of approval to the Vail Town Council for the proposed text amendment, the Community Development Department recommends the Commission pass the following **motion**:

"The Planning and Environmental Commission forwards a recommendation of approval to the Vail Town Council for a prescribed regulation amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to amend Section 12-10-16 Exempt Areas; Parking Fund Established, Vail Town Code, to remove Lot 1A, Lot 2A, Tract K, Tract L and Tract M of a Resubdivision of Vail Lionshead, Block 1, from the "parking pay-in-lieu" zones for parking regulations purposes, located in the vicinity of 500 and 534 East Lionshead Circle., and setting forth details in regard thereto."

Should the Planning and Environmental Commission choose to forward a recommendation of approval to the Vail Town Council for the proposed prescribed regulation amendment, the Community Development Department recommends the Commission makes the following **findings**:

"Based upon a review of Section VII of the July 9, 2018 staff memorandum to the Planning and Environmental Commission, and the evidence and testimony presented, the Planning and Environmental Commission finds:

- 1. That the amendment is consistent with 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*

2. *That the amendment furthers the general and specific purposes of the Zoning Regulations outlined in Section 12-1-2, Purpose, Vail Town Code; and*
3. *That the amendment promotes the health, safety, morals, and general welfare of the Town and promotes the coordinated and harmonious development of the Town in a manner that conserves and enhances its natural environment and its established character as a resort and residential community of the highest quality."*

IX. ATTACHMENTS

- A. Vicinity Map
- B. Applicant's Narrative (Please see Attachment B of PEC18-0016)