



Memorandum

TO: Vail Town Council

FROM: Community Development Department

DATE: August 7, 2018

SUBJECT: First reading of Ordinance No. 13, Series of 2018, an ordinance 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, 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., are requesting the first reading of 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 12-10-16 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.

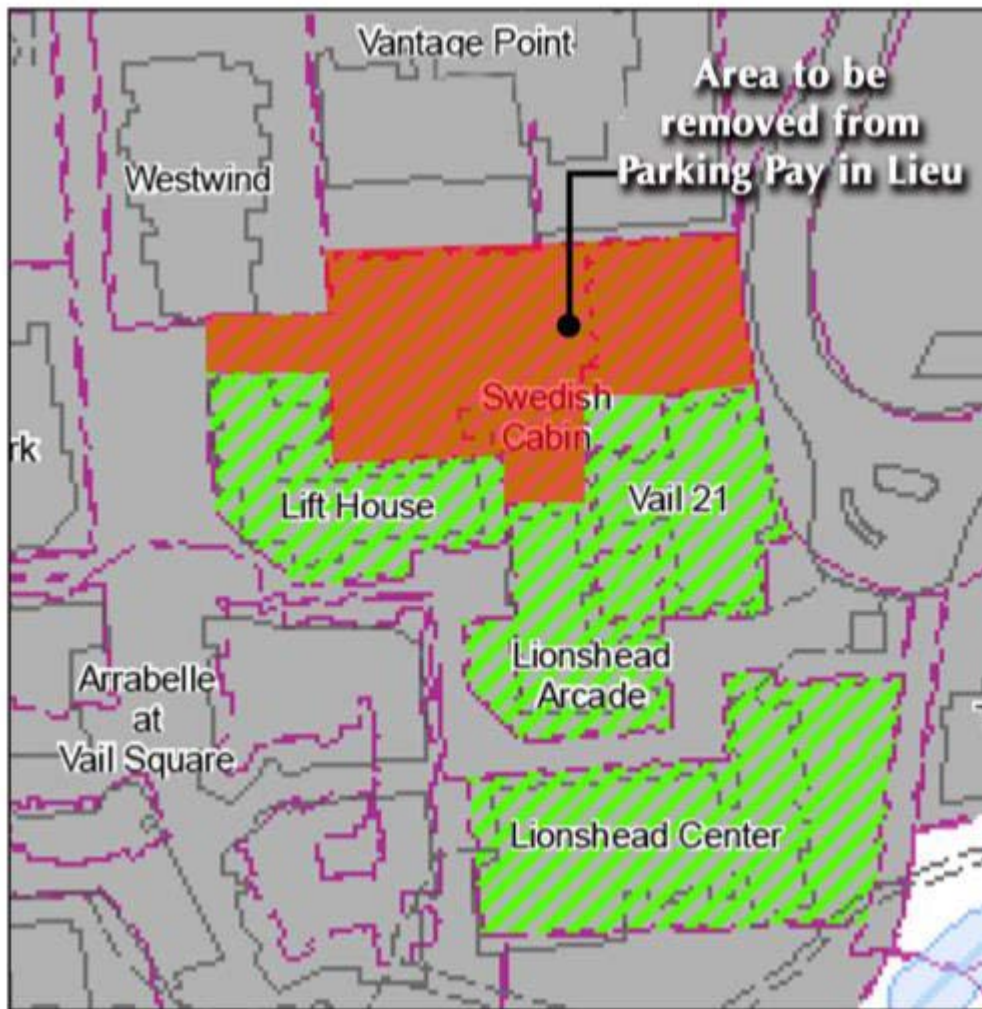
On July 9, 2018, the Planning and Environmental Commission (PEC) forwarded a unanimous recommendation of approval to the Vail Town Council for Prescribed Regulation Amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to amend Section 12-10-16 Exempt Areas; Parking Fund Established, Vail 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. This map change will allow the applicants to redevelop their properties with on-site parking, which would otherwise be prohibited without this ordinance. Please find the staff memorandum to the PEC included as Attachment B and the minutes from the July 9th 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. 13, Series of 2018, upon first reading.

III. PROPOSED TEXT AMENDMENT LANGUAGE

The Prescribed Regulation Amendment is proposed 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. The parcels have direct vehicular access from the platted easement existing just south of the existing parking structure, and can provide on-site parking without impacting the pedestrian mall. The location of these parcels is shown below:



Amendment to Parking Pay in Lieu Zones

The proposed prescribed regulation amendment, will not take effect until the recordation of

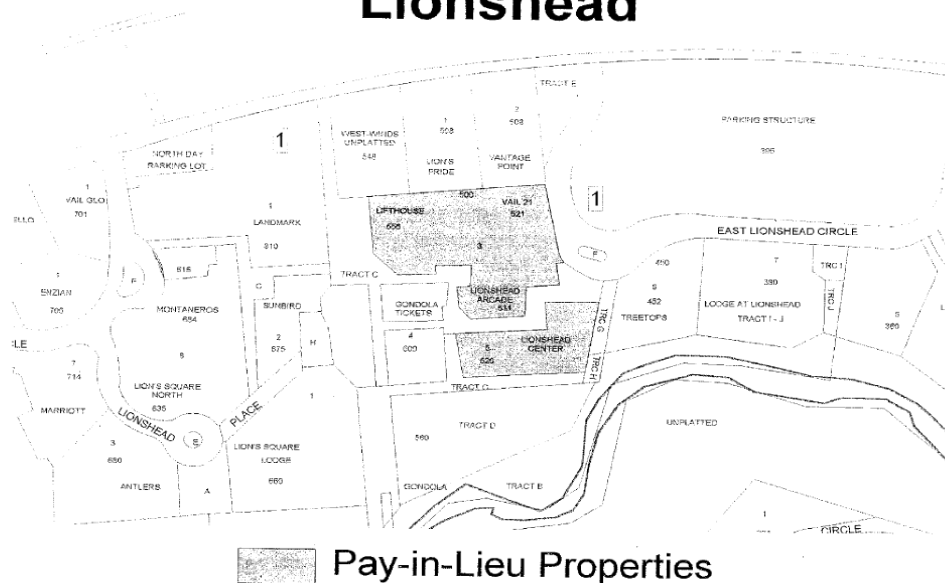
the final plat, creating Lots 1A, Lot 2A, Tract K, Tract L and Tract M has occurred with the Eagle County Clerk and Recorder.

IV. BACKGROUND

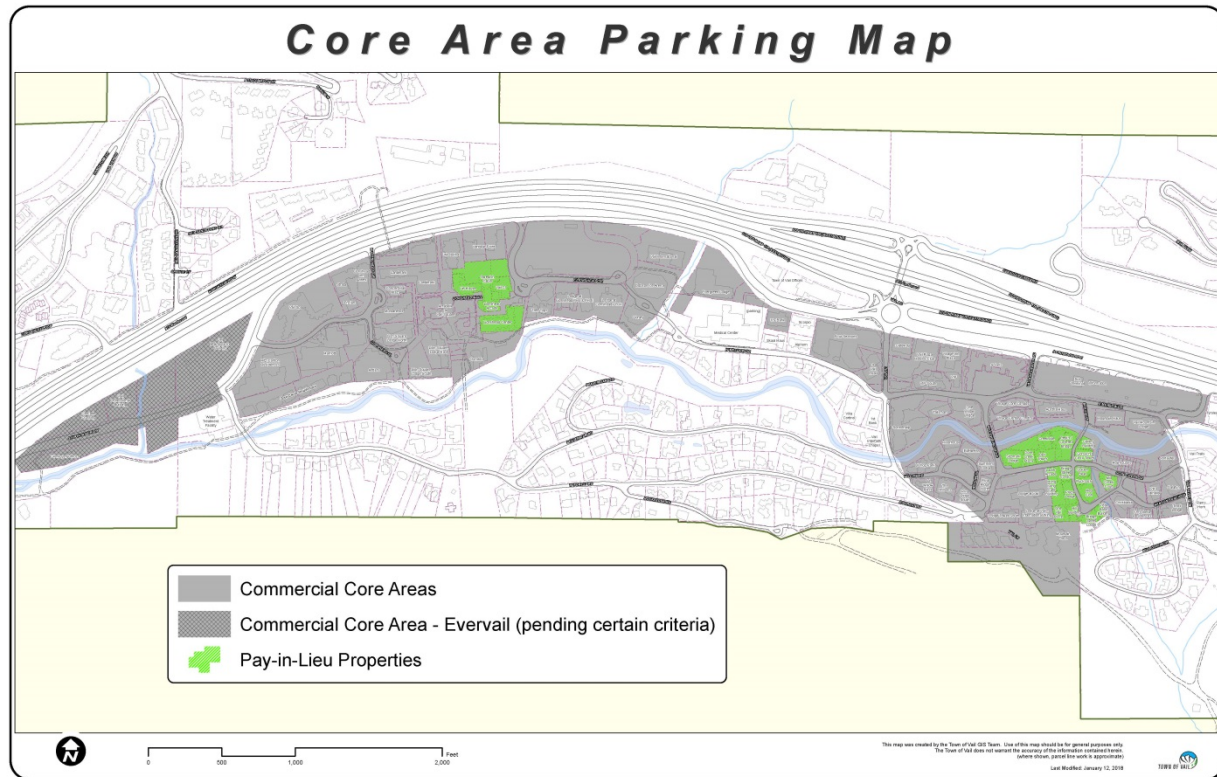
The Town's zoning code has allowed for certain exemptions from on-site parking requirements since 1973. In 1982, in conjunction with the Vail Village and Lionshead Urban Design Guide Plans, the Town established a "parking pay-in-lieu" program- thereby allowing property owners to pay a fee in exchange 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.

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 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.

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 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.

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, 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.

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. 13, Series of 2018, upon first reading, the Community Development Department recommends the Council pass the following **motion**:

“The Vail Town Council approves, on first reading, Ordinance No. 13, Series of 2018, an ordinance 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 Vail Town Council choose to approve Ordinance No. 13 Series of 2018, the Community Development Department 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 June 9, 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. 13, Series of 2018
- B. Staff Memorandum, PEC18-0019, June 9, 2018
- C. PEC Minutes, June 9, 2018
- D. Applicant Narrative, June 29 2018