



Memorandum

TO: Planning and Environmental Commission

FROM: Community Development Department

DATE: September 24, 2018

SUBJECT: A request for a final recommendation to the Vail Town Council on a major amendment to Special Development District No. 4, Glen Lyon Subdivision, pursuant to Section 12-9A-10, Amendment Procedures, Vail Town Code, to allow for an amendment to the building envelope, language regulating the building envelope, and the ability to provide employee housing off-site, located at 1150 and 1170 Westhaven Lane/Lot 39-1 and Lot 39-2, Glen Lyon Subdivision, and setting forth details in regard thereto. (PEC18-0032)

Applicant: Ignacio Torras, represented by Mauriello Planning Group
Planner: Jonathan Spence

I. SUMMARY

The applicant, Ignacio Torras, represented by Mauriello Planning Group, is requesting a recommendation to the Vail Town Council for a major amendment to Special Development District No. 4 (Cascade Village), Glen Lyon Subdivision, pursuant to Section 12-9A-10, Amendment Procedures, Vail Town Code, to allow for an amendment to the building envelope, language regulating the building envelope, and the ability to provide employee housing off-site, located at 1150 and 1170 Westhaven Lane/Lot 39-1 and Lot 39-2, Glen Lyon Subdivision.

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, with a condition**, of the major amendment to SDD No. 4, Glen Lyon Subdivision, subject to the findings noted in Section VIII of this memorandum.

II. DESCRIPTION OF REQUEST

The applicant, Ignacio Torras, represented by Mauriello Planning Group, is requesting a major amendment to SDD No. 4, Glen Lyon Subdivision, to allow for an amendment to the building envelope, language regulating the building envelope, and the ability to

provide employee housing off-site, located at 1170 Westhaven Lane. Specifically, the applicant is requesting the following:

Development Standards/Building Envelope(s)

The applicant is proposing to amend both the location of the building envelope and its regulations while maintaining its size. As illustrated on the proposed building envelope exhibit (page 4 of the applicant's narrative, Attachment B), the applicant proposes to shift the envelope slightly to the south and west while maintaining the existing approved size of 10,160 square feet. The applicant proposes to amend the language concerning the building envelope to allow roof overhangs and retaining walls to be permitted outside of the envelope, consistent with current Town of Vail regulations concerning setbacks. Existing development standards for the property already allow the construction of at-grade patios to occur outside of the envelope.

In addition to the building envelope modifications, the applicant is proposing a second *recreational use envelope* on the property where certain at and below grade improvements would be permitted. This envelope is envisioned to house a below-grade padel court, a racquet sport somewhat similar to squash with courts 1/3rd the size of a tennis court played with stringless racquets ([https://en.wikipedia.org/wiki/Padel_\(sport\)](https://en.wikipedia.org/wiki/Padel_(sport))).

Employee Housing

The existing approved regulations for the subject properties, contained in Ordinance #23, Series of 1998, require the construction of a Type II Employee Housing Unit (EHU) onsite for both lots 39-1 and 39-2. The minimum required size of the units is 500 square feet of GRFA. The applicant is requesting the option to participate in the Employee Housing Deed Restriction Exchange Program (Sec. 21-13-5, Vail Town Code). The proposal is mitigate the EHU relocation at a rate of 2:1, regardless of the location of the offsite EHU. The Vail Town Code requires a mitigation rate of 2:1 when both the receiving and sending location of the EHU is outside of the Commercial Job Core, as defined. As Lots 39-1 and 39-2 are located outside of the Commercial Job Core, this proposal is consistent with the code.

The applicant is requesting a deviation from the code with respect to Sec. 12-13-5 D4. This section expressly prohibits any GRFA in excess of the required GRFA to be used for future credit or to meet the requirements of the Town's Inclusionary Zoning or Commercial Linkage programs. The applicant, as part of the exchange program, will be presenting before the Vail Local Housing Authority (VLHA) on September 25, 2018. Staff is not supportive of the requested deviation as the Town does not currently have the resources necessary to administer an EHU mitigation banking system.

In addition to the previously referenced narrative (Attachment B), a vicinity map (Attachment A), plan set (Attachment C), and Ord. No. 23, Series of 1998 (Attachment D) are attached for review.

III. BACKGROUND

Cascade Village, which includes the subject properties, was approved under Eagle County jurisdiction prior to annexation by the Town of Vail in 1975 and was zoned SDD #4 in 1976. Unlike other Special Development Districts within the Town of Vail, the project does not have an underlying zone district. Originally, Lots 39-1 and 39-2 were on large residential lot permitted for a duplex. In 1982, via a major amendment to the SDD, the property was split into two (2) single family lots. This amendment also included a dedication of land to the adjacent town-owned Streamtract.

In 1997, also via a major amendment to the SDD, the property became subject to the development standards of the Two-family Primary/Secondary Residential (PS) District, similar to other low density residential lots within the SDD, while maintaining the allowable density at one unit per lot. Although originally proposed as an option, the Vail Town Council required both lots to include an onsite Type II EHU with a minimum size of 500 square feet of GRFA. Although the required EHUs were Type II, additional allowances of GRFA, permitted under the Type II regulations, were specifically prohibited. Please Ordinance No. 23, Series of 1998 (Attachment D) for additional information concerning this amendment.

IV. APPLICABLE PLANNING DOCUMENTS

Staff finds that the following provisions of the Vail Town Code are relevant to the review of this proposal:

Title 12, Zoning Regulations, Vail Town Code

Chapter 2, Section 2: Definitions of Words and Terms (in part)

SPECIAL DEVELOPMENT DISTRICT, MAJOR AMENDMENT:

Any proposal to change uses; increase gross residential floor area; change the number of dwelling or accommodation units; modify, enlarge or expand any approved special development district (other than "minor amendments" as defined in this section), except as provided under section 12-15-4, "Interior Conversions", or 12-15-5, "Additional Gross Residential Floor Area (250 Ordinance)", of this title.

Chapter 9, Article A. Special Development (SDD) District (in part)

12-9A-1-A: PURPOSE:

The purpose of the special development district is to encourage flexibility and creativity in the development of land in order to promote its most appropriate use; to improve the design character and quality of the new development with the town; to facilitate the adequate and economical provision of streets and utilities; to preserve

the natural and scenic features of open space areas; and to further the overall goals of the community as stated in the Vail comprehensive plan. An approved development plan for a special development district, in conjunction with the property's underlying zone district, shall establish the requirements for guiding development and uses of property included in the special development district.

12-9A-4: DEVELOPMENT REVIEW PROCEDURES:

- A. Approval Of Plan Required: Prior to site preparation, building construction, or other improvements to land within a special development district, there shall be an approved development plan for said district. The approved development plan shall establish requirements regulating development, uses and activity within a special development district.*
- B. Preapplication Conference: Prior to submittal of a formal application for a special development district, the applicant shall hold a preapplication conference with the department of community development. The purpose of this meeting shall be to discuss the goals of the proposed special development district, the relationship of the proposal to applicable elements of the town's comprehensive plan, and the review procedure that will be followed for the application.*
- C. PEC Conducts Initial Review: The initial review of a proposed special development district shall be held by the planning and environmental commission at a regularly scheduled meeting. Prior to this meeting, and at the discretion of the administrator, a work session may be held with the applicant, staff and the planning and environmental commission to discuss special development district. A report of the department of community development staff's findings and recommendations shall be made at the initial formal hearing before the planning and environmental commission. Within twenty (20) days of the closing of a public hearing on a proposed amendment, the planning and environmental commission shall act on the petition or proposal. The commission may recommend approval of the petition or proposal as initiated, may recommend approval with such modifications as it deems necessary to accomplish the purposes of this title, or may recommend denial of the petition or rejection of the proposal. The commission shall transmit its recommendation, together with a report on the public hearing and its deliberations and findings, to the town council.*
- D. Town Council Review: A report of the planning and environmental commission stating its findings and recommendations, and the staff report shall then be transmitted to the town council. Upon receipt of the report and recommendation of the planning and environmental commission, the town council shall set a date for hearing within the following thirty (30) days. Within twenty (20) days of the closing of a public hearing on a proposed SDD, the town council shall act on the petition or proposal. The town council shall*

consider but shall not be bound by the recommendation of the planning and environmental commission. The town council may cause an ordinance to be introduced to create or amend a special development district, either in accordance with the recommendation of the planning and environmental commission or in modified form, or the council may deny the petition. If the council elects to proceed with an ordinance adopting an SDD, the ordinance shall be considered as prescribed by the Vail town charter.

12-9A-8: DESIGN CRITERIA AND NECESSARY FINDINGS:

- A. Criteria: The following design criteria shall be used as the principal criteria in evaluating the merits of the proposed special development district. It shall be the burden of the applicant to demonstrate that submittal material and the proposed development plan comply with each of the following standards, or demonstrate that one or more of them is not applicable, or that a practical solution consistent with the public interest has been achieved:*
- 1. Compatibility: Design compatibility and sensitivity to the immediate environment, neighborhood and adjacent properties relative to architectural design, scale, bulk, building height, buffer zones, identity, character, visual integrity and orientation.*
 - 2. Relationship: Uses, activity and density which provide a compatible, efficient and workable relationship with surrounding uses and activity.*
 - 3. Parking And Loading: Compliance with parking and loading requirements as outlined in chapter 10 of this title.*
 - 4. Comprehensive Plan: Conformity with applicable elements of the Vail comprehensive plan, town policies and urban design plans.*
 - 5. Natural And/Or Geologic Hazard: Identification and mitigation of natural and/or geologic hazards that affect the property on which the special development district is proposed.*
 - 6. Design Features: Site plan, building design and location and open space provisions designed to produce a functional development responsive and sensitive to natural features, vegetation and overall aesthetic quality of the community.*
 - 7. Traffic: A circulation system designed for both vehicles and pedestrians addressing on and off site traffic circulation.*
 - 8. Landscaping: Functional and aesthetic landscaping and open space in order to optimize and preserve natural features, recreation, views and function.*

9. *Workable Plan: Phasing plan or subdivision plan that will maintain a workable, functional and efficient relationship throughout the development of the special development district.*

B. Necessary Findings: Before recommending and/or granting an approval of an application for a special development district, the planning and environmental commission and the town council shall make the following findings with respect to the proposed SDD:

- 1. That the SDD complies with the standards listed in subsection A of this section, unless the applicant can demonstrate that one or more of the standards is not applicable, or that a practical solution consistent with the public interest has been achieved.*
- 2. That the SDD is consistent with the adopted goals, objectives and policies outlined in the Vail comprehensive plan and compatible with the development objectives of the town; and*
- 3. That the SDD is compatible with and suitable to adjacent uses and appropriate for the surrounding areas; and*
- 4. That the SDD 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.*

12-9A-9: DEVELOPMENT STANDARDS:

Development standards including lot area, site dimensions, setbacks, height, density control, site coverage, landscaping and parking shall be determined by the town council as part of the approved development plan with consideration of the recommendations of the planning and environmental commission. Before the town council approves development standards that deviate from the underlying zone district, it should be determined that such deviation provides benefits to the town that outweigh the adverse effects of such deviation. This determination is to be made based on evaluation of the proposed special development district's compliance with the design criteria outlined in section 12-9A-8 of this article.

12-9A-10: AMENDMENT PROCEDURES:

B. Major Amendments:

1. *Requests for major amendments to an approved special development district shall be reviewed in accordance with the procedures described in section 12-9A-4 of this article.*
2. *Owners of all property requesting the amendment, or their agents or authorized representatives, shall sign the application. Notification of the proposed amendment shall be made to owners of all property adjacent to the property requesting the proposed amendment, owners of all property adjacent to the special development district, and owners of all property within the special development district that may be affected by the proposed amendment (as determined by the department of community development). Notification procedures shall be as outlined in subsection 12-3-6C of this title.*

Vail Land Use Plan

Chapter II – Land Use Plan Goals / Policies (in part)

- 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.*
- 1.12 *Vail should accommodate most of the additional growth in existing developed areas (infill areas).*
- 5.4 *Residential growth should keep pace with the market place demands for a full range of housing types.*

V. ZONING AND SDD NO. 4, GLEN LYONS SUBDIVISION ANALYSIS

Address:	1150 and 1170 Westhaven Lane
Legal Description:	Glen Lyon Subdivision, Lots 39-1 and 39-2
Existing Zoning:	SDD #4 Cascade Village (no underlying zone district)
Existing Land Use Designation:	Open Space
Mapped Geological Hazards:	Steeep Slope > 40%
View Corridor:	None

VI. SURROUNDING LAND USES AND ZONING

	<u>Existing Land Use:</u>	<u>Zoning District:</u>
North:	TOV Streamtract	Not designated
South:	Vail Resorts	Eagle County

East: TOV Open Space
West: TOV Streamtract

Agriculture and Open Space (A) District
Not designated

VII. SDD REVIEW CRITERIA

Before acting on an SDD application, the PEC and Town Council shall consider the following factors with respect to the proposed SDD:

- 1. Compatibility: Design compatibility and sensitivity to the immediate environment, neighborhood and adjacent properties relative to architectural design, scale, bulk, building height, buffer zones, identity, character, visual integrity and orientation.**

The proposed major amendment involves only the reconfiguration of an existing building envelope, minor modifications to the location of retaining walls and the creation of a recreational amenity envelope solely for at grade and below grade improvements. Future development on the site must adhere to all appropriate development standards including GRFA, site coverage and building height, which are unaffected by this proposal. As a result, the proposed amendment will have no effect on design compatibility and sensitivity to the environment and neighboring and adjacent properties.

Staff finds the proposal complies with this criterion.

- 2. Relationship: Uses, activity and density which provide a compatible, efficient and workable relationship with surrounding uses and activity.**

The proposed major amendment will have a minimal effect on the permitted uses, activities or site density. The proposed recreational building envelope will have a minimal impact as it is restricted to at grade and below grade development. The ability to participate in the Employee Housing Unit Deed Restriction Exchange Program may result in a decrease in density on the subject properties.

Staff finds the proposal complies with this criterion.

- 3. Parking and Loading: Compliance with parking and loading requirements as outlined in Title 12, Chapter 10, Off Street Parking and Loading, Vail Town Code.**

The proposed major amendment may result in a reduction of the required parking for the property upon development. All future development or redevelopment will be required to provide parking in accordance with the code.

Staff finds the proposal complies with this criterion.

4. Comprehensive Plan: Conformity with applicable elements of the Vail comprehensive plan, town policies and urban design plans.

The proposed major amendment conforms to the following elements of the Vail comprehensive plan, town policies, and urban design plans:

Vail Land Use Plan

Chapter II – Land Use Plan Goals / Policies (in part)

- 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.*
- 1.12 Vail should accommodate most of the additional growth in existing developed areas (infill areas).*
- 5.4 Residential growth should keep pace with the market place demands for a full range of housing types.*

Staff finds the proposal complies with this criterion.

5. Natural and/or Geologic Hazard: Identification and mitigation of natural and/or geologic hazards that affect the property on which the special development district is proposed.

The subject property is not located within any natural or geologic hazard.

Staff finds the proposal complies with this criterion.

6. Design Features: Site plan, building design and location and open space provisions designed to produce a functional development responsive and sensitive to natural features, vegetation and overall aesthetic quality of the community.

Future development on the site will be required to meet all applicable development standards and require a review by the Design review Board.

Staff finds the proposal complies with this criterion

7. Traffic: A circulation system designed for both vehicles and pedestrians addressing on and off site traffic circulation.

The proposed major amendment will have no effect on on-site or off-site traffic circulation. The payment of a traffic impact fee will be required prior to building permit issuance.

Staff finds the proposal complies with this criterion.

8. Landscaping: Functional and aesthetic landscaping and open space in order to optimize and preserve natural features, recreation, views and function.

The proposed major amendment does not include any changes to the landscaping or open space on the site. Landscaping will be reviewed as part of any future development application before the Design Review Board.

Staff finds the proposal complies with this criterion.

9. Workable Plan: Phasing plan or subdivision plan that will maintain a workable, functional and efficient relationship throughout the development of the special development district.

The proposed major amendment does not include any phasing or subdivision plan.

Staff finds this criterion non-applicable.

VIII. ENVIRONMENTAL IMPACTS

The proposed amendment to the SDD is not anticipated to have any environmental impacts other than those generally associated with single family home construction. In addition to meeting all required dimensional and development standards, development on the property will have to adhere to all applicable regulations concerning limits of disturbance, material storage and erosion control.

IX. STAFF RECOMMENDATION

Based upon the review of the criteria outlined in Section VII of this memorandum and the evidence and testimony presented, the Community Development Department recommends the PEC forwards a recommendation of **approval, with a condition**, to the Town Council on a major amendment to Special Development District No. 4, Cascade Village, Glen Lyon Subdivision, pursuant to Section 12-9A-10, Amendment Procedures, Vail Town Code, to allow for an amendment to the building envelope, language regulating the building envelope, and the ability to provide employee housing off-site, located at 1150 and 1170 Westhaven Lane/Lot 39-1 and Lot 39-2, Glen Lyon Subdivision, and setting forth details in regard thereto.

Should the PEC choose to forward a recommendation of **approval, with a condition**, for this request, the Community Development Department recommends the Commission pass the following **motion**:

“The Planning and Environmental Commission forwards a recommendation of approval, with conditions, to the Town Council for a major amendment to Special Development District No. 4, Cascade Village, Glen Lyon Subdivision, pursuant to Section 12-9A-10, Amendment Procedures, Vail Town Code, to allow for an amendment to the building envelope, language regulating the building envelope, and the ability to provide employee housing off-site, located at 1150 and 1170 Westhaven Lane/Lot 39-1 and Lot 39-2, Glen Lyon Subdivision, and setting forth details in regard thereto.”

Should the PEC choose to forward a recommendation of **approval, with a condition**, for this request, the Community Development Department recommends the following **conditions**:

1. *This recommendation of approval does not include the applicant’s proposed deviation from Sec. 12-13-5 D4 concerning the ability to bank excess EHU GRFA.*

Should the PEC choose to forward a recommendation of **approval, with a condition**, for this request, the Community Development Department recommends the PEC makes the following **findings**:

“Based upon the review of the criteria outlined in Section VII of the Staff Memorandum to the Planning and Environmental Commission dated September 24, 2018, and the evidence and testimony presented, the Planning and Environmental Commission finds:

1. *That the SDD complies with the standards listed in Section 12-9A-8-A, Vail Town Code, or the applicant has demonstrated that one or more of the standards is not applicable, or that a practical solution consistent with the public interest has been achieved;*
2. *That the SDD is consistent with the adopted goals, objectives, and policies outlined in the Vail comprehensive plan and compatible with the development objectives of the town;*
3. *That the SDD is compatible with and suitable to adjacent uses and appropriate for the surrounding areas; and*
4. *That the SDD 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.”

X. ATTACHMENTS

- A. Vicinity Map
- B. Project Narrative, September 18, 2018
- C. Plan Set, September 2018
- D. Ordinance No. 23, Series of 1998.