

ORDINANCE NO. 18
SERIES OF
2018

AN ORDINANCE AMENDING AND REPEALING PORTIONS OF ORDINANCE NO. 5, SERIES OF 2016 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, DEVELOPMENT AREA C, SDD NO. 4 (CASCADE VILLAGE); AND SETTING FORTH DETAILS IN REGARD THERETO.

WHEREAS, Section 12-9A-10 of the Vail Town Code (the "Code") permits major amendments to previously approved development plans for Special Development Districts;

WHEREAS, Ordinance No. 5, Series of 2008, repealed and re-enacted Ordinance No. 10, Series of 2008, to amend and re-establish the approved development plan for Area A, Cascade Village, SDD No. 4, to allow for certain additions to the "Vail Cascade Hotel Site", located at 1300 Westhaven Drive, Cascade Village;

WHEREAS, the purpose of this ordinance is to amend Ordinance No. 5, Series of 2016, to revise the development standards for Lots 39-1 and 39-2, Glen Lyon Subdivision, Area C, Cascade Village, SDD No. 4;

WHEREAS, any and all site specific development plans and development standards approved and/or established for planning areas and sites within SDD No. 4, not specifically affected by this ordinance, shall remain valid and in full effect;

WHEREAS, in accordance with the provisions outlined in the Code, the Planning and Environmental Commission (the "PEC") held a public hearing on the major amendment application and has submitted its recommendation of approval to the Vail Town Council (the "Council");

WHEREAS, all notices as required by the Code have been sent to the appropriate parties;

WHEREAS, on September 24, 2018, the PEC held a public hearing and reviewed and forwarded a recommendation of approval, with a condition, for the proposed major amendment to Special Development District No. 4, Cascade Village, to the Council in accordance with the procedures and criteria and findings outlined in Title 12, Zoning Regulations, of the Code;

WHEREAS, the Council finds that the major 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, based upon the review outlined in Section VIII of the Staff's September 24, 2018, memorandum to the PEC, and as outlined in the Staff's October 16, 2018, memorandum to the Council, and the evidence and testimony presented;

WHEREAS, the Council finds that the amendment does further the general and specific purposes of the Zoning Regulations, based upon the review outlined in Section VIII of the Staff's September 24, 2018, memorandum to the PEC, and as outlined in Section IV of the Staff's October 16, 2018 memorandum to the Council, and the evidence and testimony presented; and

WHEREAS, the Council finds that the major 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, based upon the review outlined in Section VIII of the Staff's September 24, 2018, memorandum to the PEC, and as outlined in Section IV of the Staff's October 16, 2018 memorandum to the Council and the evidence and testimony presented.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VAIL, COLORADO, THAT:

*(Note: Language proposed to be removed from Ordinance No. 5, Series of 2016 is shown in ~~strike through~~; language proposed to be added is shown in **bold**.)*

Section 1. Special Development District No. 4, Cascade Village is hereby amended as follows:

Area C, Glen Lyon Primary/Secondary and Single Family Lots

1. Building Envelopes for ~~Lots 39-1 and 39-2~~ per sheet, L-1, prepared by Design Workshop, Inc., dated 11-9-98. **Building Envelope for Lot 39-1 per sheet A1, prepared by KH Webb Architects, PC dated September, 2018 and included herein as Attachment A.**

C. Area C, Glen Lyon Primary/Secondary and Single-Family Lots

Required setbacks shall be based on the Two-Family Primary/Secondary Residential District, Section 12-6D-6, Setbacks, Vail Town Code. For single-family Lots 39-1 and 39-2, development shall occur per the approved building envelopes and is subject to the following:

~~All future development will be restricted to the area within the building envelopes. The only development permitted outside the building envelopes shall be landscaping, driveways (access bridge) and retaining walls associated with driveway construction. At-grade patios (those within 5' of existing or finished grade) will be permitted to project beyond the building envelopes not more than ten feet (10') nor more than one-half (1/2) the distance between the building envelope and the property line, or may project not more than five feet (5') nor more than one-fourth (1/4) the minimum required dimension between buildings.~~

The building shall be restricted to the area within the building envelope. Access roads, driveways, site grading, and retaining walls are permitted outside the building envelope. Architectural projections, including roof overhangs, awnings, flues and chimneys shall be permitted to project four feet (4 ft.) beyond the building envelope. Decks, balconies, steps, pedestrian paths and sidewalks, pools, spas and hot tubs within five feet or less of ground level shall be permitted up to seven and one half feet (7.5 ft.) of property boundaries. Balconies, decks, terraces, pools, hot tubs, and similar unroofed features at a height of more than five feet (5 ft.) above ground level shall be permitted up to

ten feet (10 ft.) of property boundaries. Lot 39-1 also contains a recreational use envelope which restricts the location of recreational improvements, including recreation courts, specifically a padel court and its required unroofed enclosure. Buildings are not permitted within the recreational use envelope.

Employee Housing

In Area C, Lots 39-1 and 39-2 shall **each** be required to provide ~~a Type II, an~~ Employee Housing Unit (EHU) per Chapter 12-13 of the Zoning Regulations **as follows:**

- 1. The unit(s) may be provided on site, in which case they shall be Type II EHU(s)** of at least 500 sq. ft. each, ~~on each lot. These lots shall not be entitled to the 500 sq. ft. of additional GRFA. The 500 sq. ft. shall be included in the allowable GRFA on these lots. Each lot shall also be entitled to 300 sq. ft. of garage area credit for the employee housing unit, in addition to the 600 sq. ft. garage area credit allowed per residence. The driveway width of 12 is allowed to remain (no increase in driveway width is required) for all allowed/required dwelling units and employee housing units on these lots.~~
- 2. The unit(s) may be provided off-site:**
 - A. For Lot 39-1 the off-site unit(s) may be any type of Employee Housing Unit (EHU) of at least 1,000 sq. ft. or comprised of multiple units with floor areas totaling at least 1,000 sq. ft. Prior to the issuance of a certificate of occupancy for Lot 39-1, the Applicant shall execute and a record deed restriction(s), in a form approved by the Town Attorney, for the EHU.**
 - B. Transfer of the existing EHU on Lot 39-2 off-site shall not require an additional amendment to this SDD or its development plan but shall be done by mutual agreement of the property owner and the Town of Vail.**

Section 2. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 3. The Town Council hereby finds, determines and declares that this ordinance is

necessary and proper for the health, safety and welfare of the Town of Vail and the inhabitants thereof.

Section 4. The amendment of any provision of the Town Code as provided in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

Section 5. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED
PUBLISHED ONCE IN FULL ON FIRST READING this 16th day of October, 2018, and a public hearing for second reading of this Ordinance set for the 6th day of November, 2018, at 6:00 P.M. in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk

INTRODUCED, READ, ADOPTED AND ENACTED ON SECOND READING AND ORDERED
PUBLISHED IN FULL this 6th day of November, 2018.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk