



Memorandum

To: Planning and Environmental Commission

From: Community Development Department

Date: January 14, 2019

Subject: A request for a recommendation to the Vail Town Council for a review of the Vail Land Use Plan Map amendment, pursuant to Section 8-3, Amendment Process, Vail Land Use Plan, to change the designation of 4722 Meadow Drive (Bighorn Townhouses "Parking Easement" Parcel, as shown on the plat of Bighorn Townhouses recorded November 13, 1968) from unidentified to Medium Density Residential, and setting forth details in regard thereto. (PEC18-0046)

Applicant: Town of Vail
Planner: Jonathan Spence

I. SUMMARY

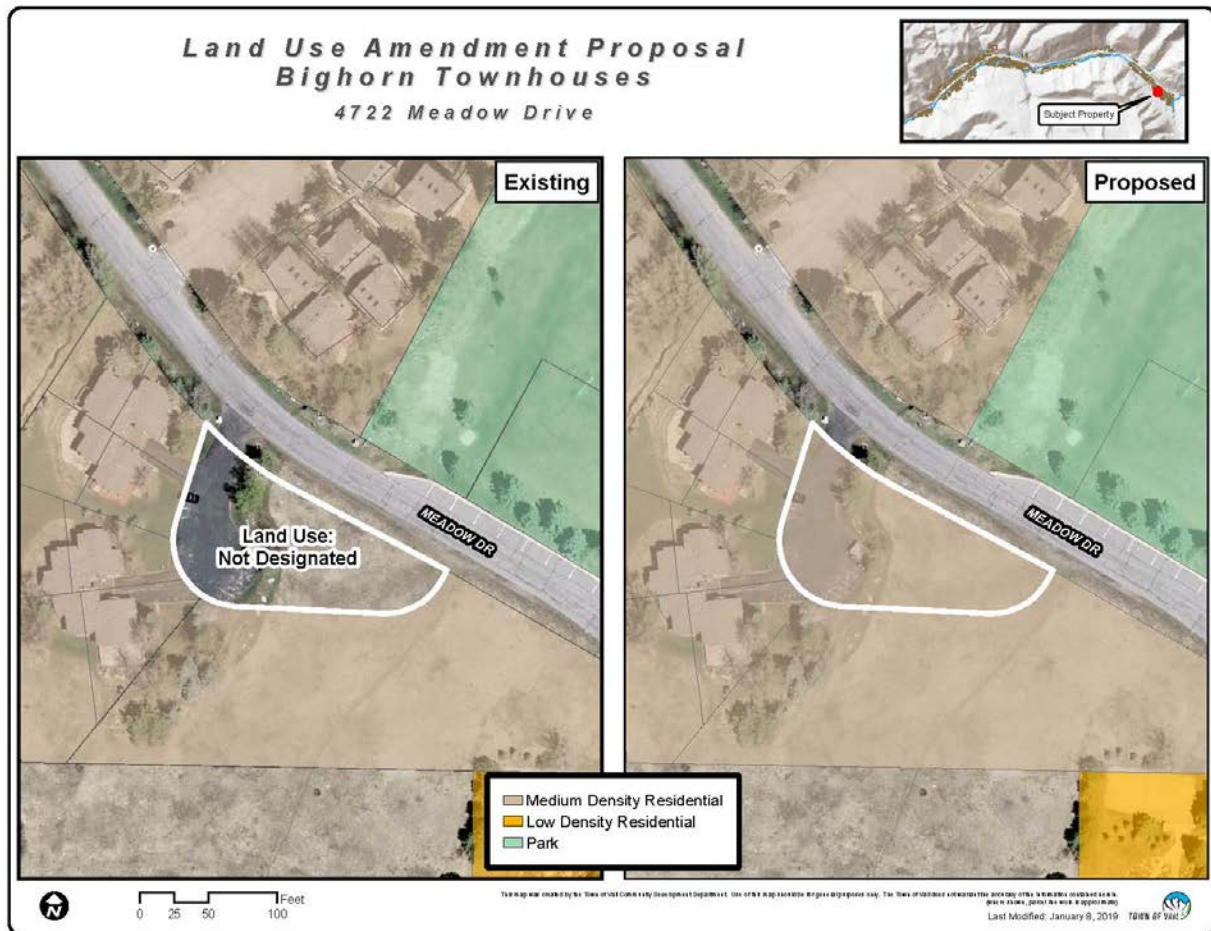
The applicant, the Town of Vail, is requesting a recommendation to the Vail Town Council for an amendment to the Vail Land Use Plan Map, pursuant to Section 8-3, Amendment Process, Vail Land Use Plan, to change the land use of 4722 Meadow Drive (Bighorn Townhouses "Parking Easement" Parcel, as shown on the plat of Bighorn Townhouses recorded November 13, 1968) from unidentified to Medium Density Residential.

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 forwards a **recommendation of approval** of the amendment to the Vail Land Use Plan, subject to the findings noted in Section VIII of this memorandum.

II. DESCRIPTION OF THE REQUEST

The applicant is requesting a review of the Vail Land Use Plan Map, pursuant to Section 8-3, Amendment Process, Vail Land Use Plan, to change the land use designation of 4722 Meadow Drive (Bighorn Townhouses "Parking Easement" Parcel, as shown on the plat of Bighorn Townhouses recorded November 13, 1968) from unidentified to Medium Density Residential. Subsequent to this application, Bighorn Townhouse Association, represented by Mauriello Planning Group, is requesting a zoning of the property from unidentified to Medium Density Multiple-Family (MDMF) District (PEC140025). The Land Use Plan Amendment and rezoning will facilitate, if approved by Town Council, an application for the development of the subject property for residential garages.

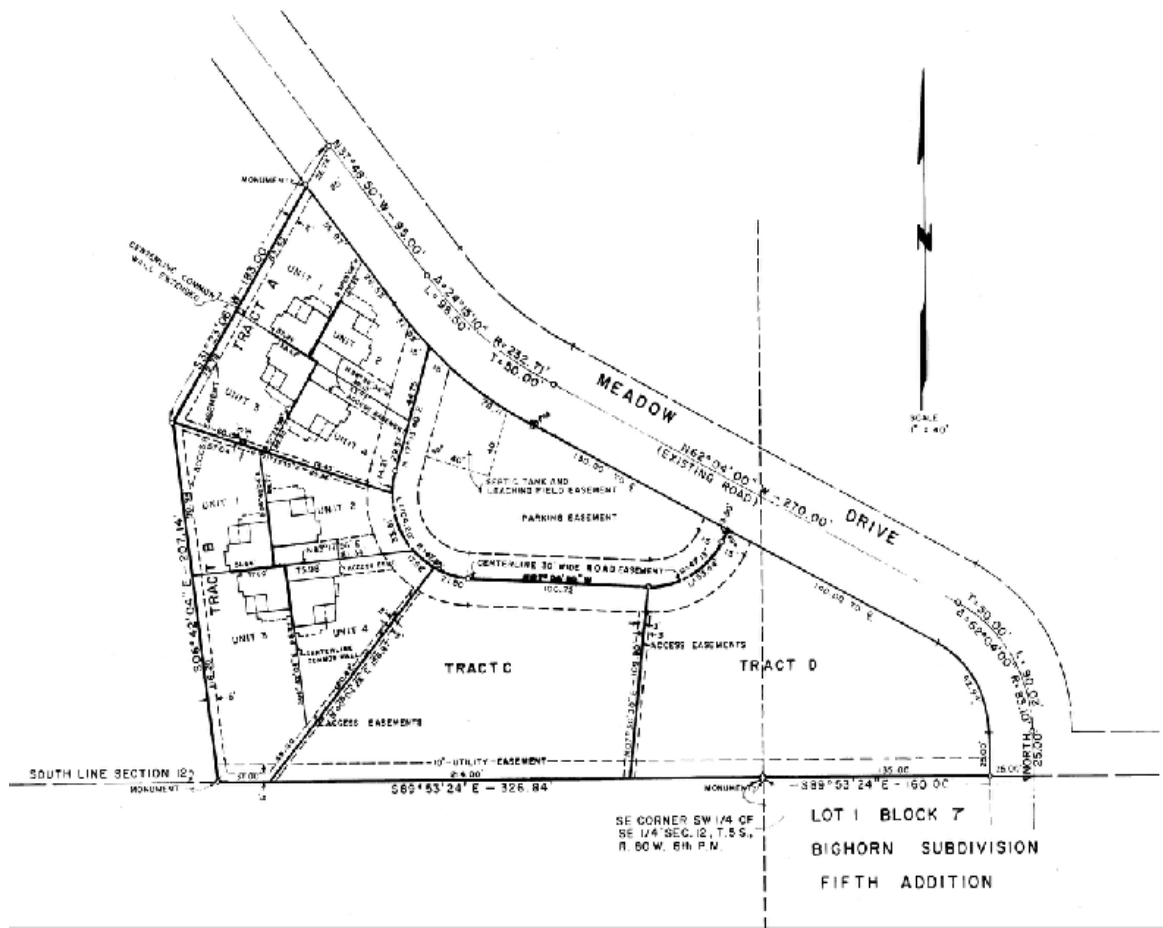
The map below shows the existing Vail Land Use Map and the result of the amendment, if approved by the Town Council.



III. BACKGROUND

Subject Property

The Bighorn Townhouses, a residential development consisting of two, four-unit buildings and a related subdivision plat, was developed under Eagle County jurisdiction in 1968. At the time, the plat included four tracts (A, B, C and D) and the “Parking Easement” parcel, as shown below:



As part of a larger annexation, the subject property and the surrounding areas were annexed into the Town of Vail via Ordinance No. 13, Series of 1974. Due to the presence of the King Arthur's Court Avalanche area located directly to the south and the consensus that the parcels were undevelopable, tracts C and D were deeded to the Town of Vail for one dollar in 1977. The Bighorn Townhouse Association retained ownership of the "Parking Easement" parcel although there was some confusion that the Town of Vail might be the owner. This issue was resolved by court order in 2013 that decreed the association as the rightful owner.

Although all annexed lands included in the 1974 East Vail annexation received interim zoning via Ordinance No. 15, Series of 1974, how the "Parking Easement" parcel came to have no current (2019) designation on either the Vail Land Use Plan Map or the Official Zoning Map is quite confusing. Dominic Mauriello with the Mauriello Planning Group has done an admirable job detailing this history in pages 6-11 of the Bighorn Townhouses Rezoning and Setback Variance narrative dated December 15, 2018, included for reference as Attachment B.

Town of Vail Land Use Plan

The Town of Vail Land Use Plan was adopted on November 18, 1986, with the purpose of articulating land use goals and guiding future decisions regarding land use within the Town. Accompanying the Plan is a map which identifies in a spatial format the location of the Land Use Categories identified in the Plan.

Pursuant to Section 8-3, Amendment Process, of the Town of Vail Land Use Plan, *the amendment process is one which is intended to assure the Plan's effectiveness with periodic updates to reflect current thinking and changing market conditions. The process includes amendments which may be initiated in any of the following three ways:*

- A. By the Community Development Department*
- B. By the Planning and Environmental Commission or Town Council*
- C. By the private sector*

For those requests initiated by the private sector, the following process shall be followed:

- 1. Make application with the Community Development Department. Applications may be made by either a registered voter, a property owner or a property owner's authorized representative. Such application may be made at any time.*
- 2. Such applications will then be considered at a meeting with the PEC. At the Planning and Environmental Commission hearing, a recommendation shall be made to the Town Council, whereupon a decision shall then be rendered. To change the Plan by this procedure, it will be the responsibility of the applicant to clearly demonstrate how conditions have change since the Plan was adopted, how the Plan is in error or how the addition, deletion or change to the Plan is in concert with the Plan in general. Such decisions may include approval, approval with conditions or denial. Amendments may be requested for change to the goals and policies and/or Land Use Plan Map. If such request is approved, such change shall be made to the Plan document and/or map. If such request is denied, no such request that is substantially the same as that previously denied shall be considered for a period of one year.*

IV. APPLICABLE PLANNING DOCUMENTS

A. Town of Vail Land Use Plan Chapter II – Land Use Goals and Policies (In Part)

The goals articulated here reflect the desires of the citizenry as expressed through the series of public meetings that were held throughout the project. A set of initial goals were developed which were then substantially revised after different types of opinions were brought out in the second meeting. The goal statements were developed to reflect a general consensus once the public had had the opportunity to

reflect on the concepts and ideas initially presented. The goal statements were then revised through the review process with the Task Force, the Planning and Environmental Commission and Town Council and now represent policy guidelines in the review process for new development proposals. These goal statements should be used in conjunction with the adopted Land Use Plan Map, in the evaluation of any development proposal.

The goal statements which are reflected in the design of the proposed Plan are as follows:

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.*
- 1.2. The quality of the environment including air, water and other natural resources should be protected as the Town grows.*
- 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. Residential

- 5.1. Additional residential growth should continue to occur primarily in existing, platted areas and as appropriate in new areas where high hazards do not exist.*
- 5.4. Residential growth should keep pace with the market place demands for a full range of housing types.*

B. Town of Vail Land Use Plan Chapter VI- Proposed Land Use (In part)

4. Proposed Land Use Categories

New land use categories were defined to indicate general types of land uses which should occur within the Town during the planning period. These categories were varied from the existing land use categories to reflect the goals of the community more accurately. The specific land uses are listed as examples and are not intended to reflect an all-inclusive list of uses. Uses would be controlled by zoning. These categories are indicated below.

LDR Low Density Residential

This category includes single-family detached homes and two-family dwelling units. Density of development within this category would typically not exceed 3 structures per buildable acres. Also within this area would be private recreation facilities such as tennis courts, swimming pools and club houses for the use of residents of the area. Institutional / public uses permitted would include churches, fire stations, and parks and open space related facilities.

MDR Medium Density Residential

The medium density residential category includes housing which would typically be designed as attached units with common walls. Densities in this category would range from 3 to 14 dwelling units per buildable acre. Additional types of uses in this category would include private recreation facilities, private parking facilities and institutional / public uses such as parks and open space, churches and fire stations.

5. “Preferred Plan” Land Use Pattern

The “Existing Trends” alternative was chosen as the preferred land-use plan and was carefully reviewed area by area to assess feasibility and compatibility with adjacent existing land uses. Some modifications were then made in proposed new areas of medium and high density because of potential land use and neighborhood conflicts. The pattern which is reflected on the “Preferred Plan” is discussed below.

A. Residential Uses

1. Low Density Uses

Low density residential uses are now planned for a total of 699.0 acres, or about 21% of the land in the plan area, which is an increase of 8% over the area presently in low density residential use. These areas reflect the completion of existing platted projects, with some additional areas added adjacent to the single family areas at low densities. The 8% increase reflects the large number of undeveloped, platted lots already existing in Vail.

2. Medium and High Density Uses

Medium and high density residential areas now account for a total of approximately 15% of the land in the plan area, with 421 acres in the medium density category and 68.5 acres in the high density category. This is a 4% increase in land area devoted to these two land use designations, reflecting a need to accommodate additional market demand for multi-family uses. For the most part, these multi-family areas have been kept consistent with the pattern of existing land use with additional multi-family occurring within unfinished projects and adjacent to these multi-family areas. Some new areas of high density residential have been added, specifically in East Vail between the Frontage Road and I-70, where access is good and surrounding land uses

would be compatible for this type of use. Other areas, north of *-70 where existing land uses are mixed containing both low and medium density uses have been shown as medium density to meet the demand for additional multi-family dwelling units within the 15-year planning period.

6. “Preferred Land Use Plan” Analysis

The “Preferred Plan” acreages were then compared with projected demands to the year 2000 for permanent housing, lodging units, commercial and office square footage. The resulting figures are shown in Table 10. This table compares the demand in units or acres with the supply of undeveloped land both platted and unplatted, which is unconstrained. Unconstrained lands are those areas which do not contain high hazard avalanche and geologic areas, floodplains or slopes over 40%. This table shows that the Preferred Plan will be able to provide enough lots / land area for all of the projected demand for single family and duplex lots, with a surplus remaining of 326 dwelling units.

There will be a shortfall of area for multi-family dwelling units of 17 acres, which may be accommodated through increasing the occupancy rate of existing multi-family units or encouraging the down valley communities to supply a portion of this demand. This shortfall occurred because of 1) the need to assure that new areas designated for multi-family were compatible with surround land uses; 2) the desire of the community to discourage development in sensitive, undeveloped lands; and, 3) the general satisfaction of the community with the existing land use pattern. It was thus decided that it would not be appropriate to increase densities in unsuitable areas just to completely fill market demands.

TABLE 9: PROPOSED LAND USE – “PREFERRED LAND USE PLAN”

LAND USE CATEGORY	ACRES	PERCENT
Low Density Residential	698.8	20.8
Medium Density Residential	420.8	12.5
High Density Residential	68.5	2.0
Hillside Residential	33.3	1.0
Village Master Plan	77.0	2.3
Tourist Commercial	15.8	.05
Resort Accommodation Services	51.9	1.6
Transition Area	11.4	0.3
Community Commercial	24.4	0.7
Community Office	15.6	0.5
Park	255.9	7.6
Open Space	1,022.9	30.5
Public and Semi-public	72.0	2.1
Ski Base	86.3	2.6
Interstate 70 Right-of-Way	505.5	15.0
TOTAL	3,360.1	100.0

In summary, the Preferred Land Use Plan reflects a balancing of existing conditions, community opinion, opportunities and constraints, and projected growth demands.

V. SURROUNDING LAND USES

	<u>Land Uses</u>	<u>Zoning</u>
North:	Residential	Low Density Multiple-family (LDMF)
South:	Undeveloped	US Forest (County)
East:	Undeveloped	Outdoor Recreation (OR) (Town Owned)
West:	Residential	Residential Cluster (RC)

VI. LAND USE CATEGORY COMPARISON

Staff examined the Low Density residential (LDR) and Medium Density Residential (MDR) classifications as possible designation for the subject parcel. The subject parcel, along with tracts A and B (already designated MDR), comprise the Bighorn Townhouse Development Lot.

Standard	LDR	MDR
Housing Type	Single-family detached Two-family dwelling units	Attached units with common walls
Density	Not to exceed 3 structures per buildable acre	A range from 3 to 14 dwelling units per buildable acres
Other Uses	Private Recreation Institutional/Public Uses	Private Recreation Institutional/Public Uses

VII. VAIL LAND USE MAP AMENDMENT REVIEW CRITERIA

Before acting on a proposed amendment to the Vail Land Use Plan Map, pursuant to Section 8-3, Amendment Process, Vail Land Use Plan, the Planning and Environmental Commission and Town Council shall consider the following factors with respect to the proposal:

A. Have conditions changed since the plan was adopted?

Since the plan's adoption in 1986, Vail has undergone significant growth and redevelopment. This has included significant development and redevelopment of Vail Village and Lionshead Village in addition to single family and duplex style residential development throughout the community. With few exceptions, the development of multi-family non-resort oriented residential housing has not experienced similar levels of change .

The proposed amendment of the Vail Land Use Plan Map from unidentified to Medium Density Residential will consolidate the Bighorn Townhouse Development Lot under a consistent land use designation, setting in place the steps necessary to pursue a subsequent rezoning for future development. Staff finds that this criterion supports the proposed change to the Land Use Plan Map.

B. Was the plan in error in respect to the delineation on the Land Use Map?

Although it is unclear specifically how the subject parcel came to have no delineation on the Land Use Map, it is clear that the plan is in error in its omission. The proposed land use designation is consistent with the Land Use Plan and adjacent land uses.

Staff finds that the plan was in error thus this criterion is supportive of the proposed changes to the Land Use Map.

C. Is a revision to the plan in concert with the plan, in general?

The proposed revision to the plan, if approved by the Vail Town Council, will enable the applicant to proceed with a rezoning of the property to facilitate development of accessory garages for the Bighorn Townhouse complex. Staff finds that the following goals of the Vail Land Use Plan support this proposal:

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.*
- 1.12. *Vail should accommodate most of the additional growth in existing developed areas (infill areas).*

5. Residential

- 5.1. *Additional residential growth should continue to occur primarily in existing, platted areas and as appropriate in new areas where high hazards do not exist.*
- 5.4. *Residential growth should keep pace with the market place demands for a full range of housing types.*

Staff finds that the revisions to the plan are in concert with the plan, in general and that this criterion is supportive of the proposal.

VIII. STAFF RECOMMENDATION

The Community Development Department recommends the Planning and Environmental Commission forwards a **recommendation of approval**, to the Town Council, for a review of the Vail Land Use Plan Map, pursuant to Section 8-3, Amendment Process, Vail Land Use Plan, to change the land use designation of 4722 Meadow Drive (Bighorn Townhouses "Parking Easement" Parcel, as shown on the plat of Bighorn Townhouses recorded November 13, 1968) from unidentified to Medium Density Residential, and setting forth details in regard thereto. (PEC18-0046) Staff's recommendation is based upon the review of the criteria described 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**, for this request, the Community Development Department recommends the Commission pass the following **motion**:

"The Planning and Environmental Commission forwards a recommendation of approval to the Town Council for a review of the Vail Land Use Plan Map, pursuant to Section 8-3, Amendment Process, Vail Land Use Plan, to change the land use designation of 4722 Meadow Drive (Bighorn Townhouses "Parking Easement" Parcel, as shown on the plat of Bighorn Townhouses recorded November 13, 1968) from unidentified to Medium Density Residential, and setting forth details in regard thereto. (PEC18-0046)"

Should the Planning and Environmental Commission choose to forward a **recommendation of approval**, for this request, the Community Development Department recommends the Commission makes the following **findings**:

"Based upon the review of the criteria outlined in Section VII this Staff memorandum to the Planning and Environmental Commission dated January 14, 2019, and the evidence and testimony presented, the Planning and Environmental Commission finds:

- 1. That the applicant has clearly demonstrated how conditions have changed since the Plan was adopted, how the Plan is in error or how the addition, deletion or change to the Plan is in concert with the Plan in general.*

IX. ATTACHMENTS

- A. Vicinity Map
- B. Bighorn Townhouses Rezoning and Setback Variance narrative dated December 15, 2018