



## PLANNING AND ENVIRONMENTAL COMMISSION

January 28, 2019, 1:00 PM

Town Council Chambers

75 S. Frontage Road - Vail, Colorado, 81657

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1. Call to Order

Present: Ludwig Kurz, Pam Hopkins, Brian Stockmar, John-Ryan Lockman  
and Brian Gillette

Absent: Rollie Kjesbo, Karen Perez

2. Main Agenda

- 2.1. A request for a recommendation to the Vail Town Council for a Prescribed 90 min. Regulations Amendment pursuant to Section 12-3-7, Amendment, Vail Town Code, to amend Section 12-7H-12, Density, Vail Town Code, to remove the dwelling units per acre maximum while maintaining the existing dimensional standards including GRFA and building height in the Lionshead Mixed Use-1 zone district. (PEC18-0041)

**Applicant:** Treetops Condominium Association, represented by Mauriello Planning Group

**Planner:** Chris Neubecker

Planner Neubecker introduced the proposal to the Commission. Proposal will change only the allowed number of dwelling units, but will not change the allowed building height, GRFA, setbacks, site coverage, setbacks or parking required.

Commissioner Gillette inquired about parking, fee in lieu zones etc. How many extra spaces would be required if all properties that can not have on-site parking were to redevelop to their maximum?

Neubecker spoke to the question at hand and stated that the math has not been done.

Commissioner Stockmar inquired about unforeseen consequences and whether this could be done property-by-property to test the case.

Neubecker responded that would not be recommended. Lionshead is generally taken as a whole.

Commissioner Kurz expressed concern with Treetops taking on the mantle. Also, have same concerns about unforeseen consequences.

Dominic Mauriello, representing the applicant, provided a PowerPoint presentation on the proposed text amendment.

Pam Hopkins asked about the parking differences with fractional fee units and if this theory has proven out with less demand.

Neubecker discussed his anecdotal information on this.

Mauriello spoke to the number of fractional units in Vail. He continued his

presentation, speaking to the history of Lionshead and its redevelopment.

Hopkins: Is there a maximum number of beds for the Town of Vail?

Mauriello & Neubecker; There is no stated limit at this time.

Hopkins spoke to the boom and bust cycle in the last 20+ years and her concerns.

Tom Kassmel, Town Engineer, spoke to his analysis of the proposal. He spoke to the assumptions that have been built into the ten year old Transportation Plan. He discussed available capacity and uncertainties of the future.

Jason Cowles with Eagle River Water and Sanitation District (ERWSD) spoke to wastewater planning and recently completed Wastewater Master Plan. He spoke to the capacity of the diversion system present at Vail station. All solids are bypassed to the Edwards station. He discussed other capital projects anticipated at the Avon and Edwards stations. If this proposal substantially increases development within the near future, the improvements to the Vail station would have to occur earlier, necessitating a possible rate increase earlier or higher than planned.

Gillette inquired about tap fees and how they are assessed.

Cowles spoke to the fee currently being based on square footage, but maybe moving to a fee based on fixture count.

Kurz inquired whether water is of a lesser concern than wastewater and how improvements are done in a largely built out environment.

Cowles spoke to different funding models.

Gillette: What is the capacity now?

Cowles: With the bypass in place, we anticipate hitting 80% capacity in 2027. That level, per state regulations, will initiate additional measures to improved capacity.

#### Public Comment:

Rocky Cortina, The Lion, spoke to challenges getting redevelopment projects to work with limitations on whole unit units. Fractionals are a thing of the past. Whole ownership units in the rental pool are doing well. The Lion is proving that there is a tangible value for these units in a rental market.

Tom Braun representing himself, thinks the idea has merit and deserves discussion (would be a net positive).

#### Commissioner Comment:

Lockman - Spoke to the intent of the Lionshead Redevelopment Master Plan and the changes that have occurred to the market since its inception. This is where densities should be. Believes that this proposal makes sense.

Looking at the criteria, as the box doesn't change, this makes sense and the impacts can be addressed.

Hopkins: Would like to proceed slowly. Is it worth the gamble to add 500 more units?

Kurz- Agree with Commissioner Lockman. Would like to see it go in part but recognize that is not the way to do it. The impacts will not be immediate and can be addressed. Support the changes.

Gillette: Supports proposal. Encourages ERWSD to peg tap fees to future capacity as opposed to rate payers. Concerned with how parking is set up. Not quite ready to vote. We are building empty parking garages.

Stockmar- Echoing previous commissioners. Parking is an issue but its not tied to this proposal. Supports this moving forward.

Kurz- Would urge staff to look how this proposal might impact the Civic Area Plan.

Ludwig Kurz moved to recommend approval. John-Ryan Lockman seconded the motion and it passed (3-2).

Ayes: (3) Kurz, Lockman, Stockmar

Nays: (2) Gillette, Hopkins

Absent: (2) Kjesbo, Perez

- 2.2. A request for a recommendation to the Vail Town Council for a Prescribed Regulations Amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to amend Section 14-10-5, Building Materials and Design, Vail Town Code, and Section 14-10-8, Landscaping, Drainage and Erosion Control, Vail Town Code, relating to wildfire protection and the proposed adoption of the International Wildland Urban Interface Code, and setting forth details in regard thereto. (PEC18-0035) 2 min.

The applicant has requested this item be tabled to the February 25, 2019 regularly scheduled meeting of the Planning and Environmental Commission.

**Applicant:** Vail Fire & Emergency Services

**Planner:** Chris Neubecker

Ludwig Kurz moved to table to February 25, 2019. Brian Gillette seconded the motion and it passed (5-0).

Absent: (2) Kjesbo, Perez

- 2.3. A request for review of Major Exterior Alteration, pursuant to Section 12-7H- 40 min. 7, Exterior Alterations or Modifications, Vail Town Code, to allow for construction of a new multifamily structure with below grade parking, located at 500 East Lionshead Circle/Lot 3, Block 1, Vail Lionshead Filing 1, and setting forth details in regard thereto. (PEC18-0034)

**Applicant:** Lazier Lionshead LLC, represented by Braun Associates Inc.

**Planner:** Jonathan Spence

1. Approval of this project is contingent upon the applicant obtaining Town of Vail design review approval for this proposal.

2. The Transportation Impact Fee shall be paid to the Town of Vail by the applicant prior to issuance of any building permit.
3. Prior to the issuance of the first certificate of occupancy for the project, the Applicant shall execute and record deed restrictions, in a form approved by the Town Attorney, for the on-site employee housing units (EHUs).

Planner Spence introduced the project. Staff will also present PEC18-0036 concurrently, since these projects are closely related. Two separate motions and votes will be required. November 26, 2018 was the last time this was presented to the PEC. The applicant has made several changes since the last review by the PEC. There are no major changes, but further refinements to the plan have been made.

Tom Braun, representative for the Applicant – There may have been some subtle changes to the east and west elevations, but most of the changes are on the north elevation. In response to a question about garage venting, we have a consultant looking at this issue, but have not yet identified vent locations. We also did a traffic analysis, which was provided to the Town Engineer. We also created sun/shade analysis. For site context, Braun presented modelling of the Lionshead area, to show how this project fits in. He showed the revisions to the north elevation, including changes to the windows, and materials, added some decks.

Braun reviewed the trash enclosures that accommodate restaurants, Lionhead Arcade and Lifthouse. These trash enclosures would go away with redevelopment, and applicant will work with Lifthouse to provide trash enclosures on Lifthouse property. The same offer will be made to Lionshead Arcade. Mr. Lazier is committed to work with Lifthouse to provide ADA access to Lifthouse. Braun provided an animation video of the proposed building.

Lockman – Please explain ADA access options.

Braun – Parking level is about 6 feet to the deck level for Lifthouse . We are exploring options for a ramp or lift from this level. Can also come out to mall level.

Public Comment –

Jenna Skinner – Representing the Lifthouse HOA – Tricky situation with infill. There has been a relationship between Lifthouse and Mr. Lazier for many years, and Lifthouse would like to see this relationship continue. Trash, ADA and accessibility are concerns, but not the most important. Provision of 69 off-site parking spaces is most important for Lifthouse. We would like to be very clear to have 69 parking spaces on the Lazier property, which must continue.

Stockmar – Asked staff to address this situation

Spence – Staff and Town Attorney discussed that parking must be replaced, but that it is not the Town's role to address this situation. It's the responsibility of Lifthouse to address the parking.

Skinner – We want to make sure there is availability of the parking spaces. There were 91 spaces allocated to Lot 1A, but it is not a requirement that the parking agreement from the past to be carried over in this project; 69 spaces was a condition of construction of the Lifthouse.

Stockmar – My question is whether or not it is the purview of the Town to address this issue. I don't know that we have the authority to add a requirement to a private agreement.

Skinner – As a condition of the development permit, the Lifthouse may be in violation of the approval if the parking is not provided. Lifthouse wants to make sure that the parking is available.

Stockmar – My understanding is that Lifthouse was required to provide the parking, and that Lifthouse chose to enter an agreement with Lazier to meet this requirement.

Spence – Existing parking must be replaced on site, but how that happens is up to the Lifthouse and applicant to work out.

Skinner – The plat indicates there is no access from Tract K to the Lifthouse. We want to make sure that access is intrinsic in this approval.

Gillette – Was this not on the plat?

Spence – My understanding is that this is a private easement.

Stockmar – This is an important issue, but not one that the Town can impose on Mr. Lazier.

Skinner – Please show where the loading berth is proposed.

End of Public Comment

Braun – There have never in the past been formal loading berths. The reason that Arrabelle provided four central loading spaces is for deliveries for Lionshead.

Gillette – Is there a loading requirement by code?

Spence – We view this as a residential project that does not need a loading berth, and we do not want to duplicate loading spaces already built. Ludwig Kurz moved to approve with conditions. Brian Gillette seconded the motion and it passed (5-0).

Absent: (2) Kjesbo, Perez

- 2.4. A request for the review a variance from Section 12-7H-10, Setbacks, Vail Town Code, pursuant to Title 12 Chapter 17, Variances, Vail Town Code, to allow for a side setback of zero feet (0') where ten feet (10') is required for a new multifamily structure, located at 500 East Lionshead Circle/Lot 3, Block 1, Vail Lionshead Filing 1, and setting forth details in regard thereto. (PEC18-0036) 2 min.

**Applicant:** Lazier Lionshead LLC, represented by Braun Associates, Inc.

**Planner:** Jonathan Spence

1. Approval of this project is contingent upon the applicant obtaining Town of Vail design review approval for this proposal.

Ludwig Kurz moved to approve with conditions. Brian Gillette seconded the motion and it passed (5-0).

Absent: (2) Kjesbo, Perez

3. Approval of Minutes

3.1. January 14, 2019 PEC Results

Ludwig Kurz moved to approve. Brian Gillette seconded the motion and it passed (4-0).

Abstain: (1) Lockman

Absent: (2) Kjesbo, Perez

4. Adjournment

John-Ryan Lockman moved to adjourn. Brian Gillette seconded the motion and it passed (5-0).

Absent: (2) Kjesbo, Perez

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The applications and information about the proposals are available for public inspection during regular office hours at the Town of Vail Community Development Department, 75 South Frontage Road. The public is invited to attend the project orientation and the site visits that precede the public hearing in the Town of Vail Community Development Department. Times and order of items are approximate, subject to change, and cannot be relied upon to determine at what time the Planning and Environmental Commission will consider an item. Please call (970) 479-2138 for additional information. Please call 711 for sign language interpretation 48 hour prior to meeting time.  
Community Development Department