



Memorandum

TO: Vail Town Council

FROM: Community Development Department

DATE: February 19, 2019

SUBJECT: First reading of Ordinance No. 1, Series of 2019, an ordinance to allow for the rezoning of 4722 Meadow Drive (Bighorn Townhouses "Parking Easement" Parcel, as shown on the plat of Bighorn Townhouses recorded November 13, 1968) from unidentified to Low Density Multiple-Family District and setting forth details in regard thereto. (PEC18-0039)

Applicant: Bighorn Townhouse Association, represented by Mauriello Planning Group

Planner: Jonathan Spence

I. SUMMARY

The applicant, Bighorn Townhouse Association, represented by Mauriello Planning Group, is requesting a first reading of Ordinance No. 1, Series of 2019, an ordinance to allow for the rezoning of 4722 Meadow Drive (Bighorn Townhouses "Parking Easement" Parcel, as shown on the plat of Bighorn Townhouses recorded November 13, 1968) from unidentified to Low Density Multiple-Family District and setting forth details in regard thereto.

On January 14, 2019, the Planning and Environmental Commission (PEC) forwarded a unanimous recommendation, for approval, for a zone district boundary amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code. Please find the staff memorandum to the PEC included as Attachment B and the minutes from the January 14th meeting included as Attachment C.

II. ACTION REQUESTED OF THE TOWN COUNCIL

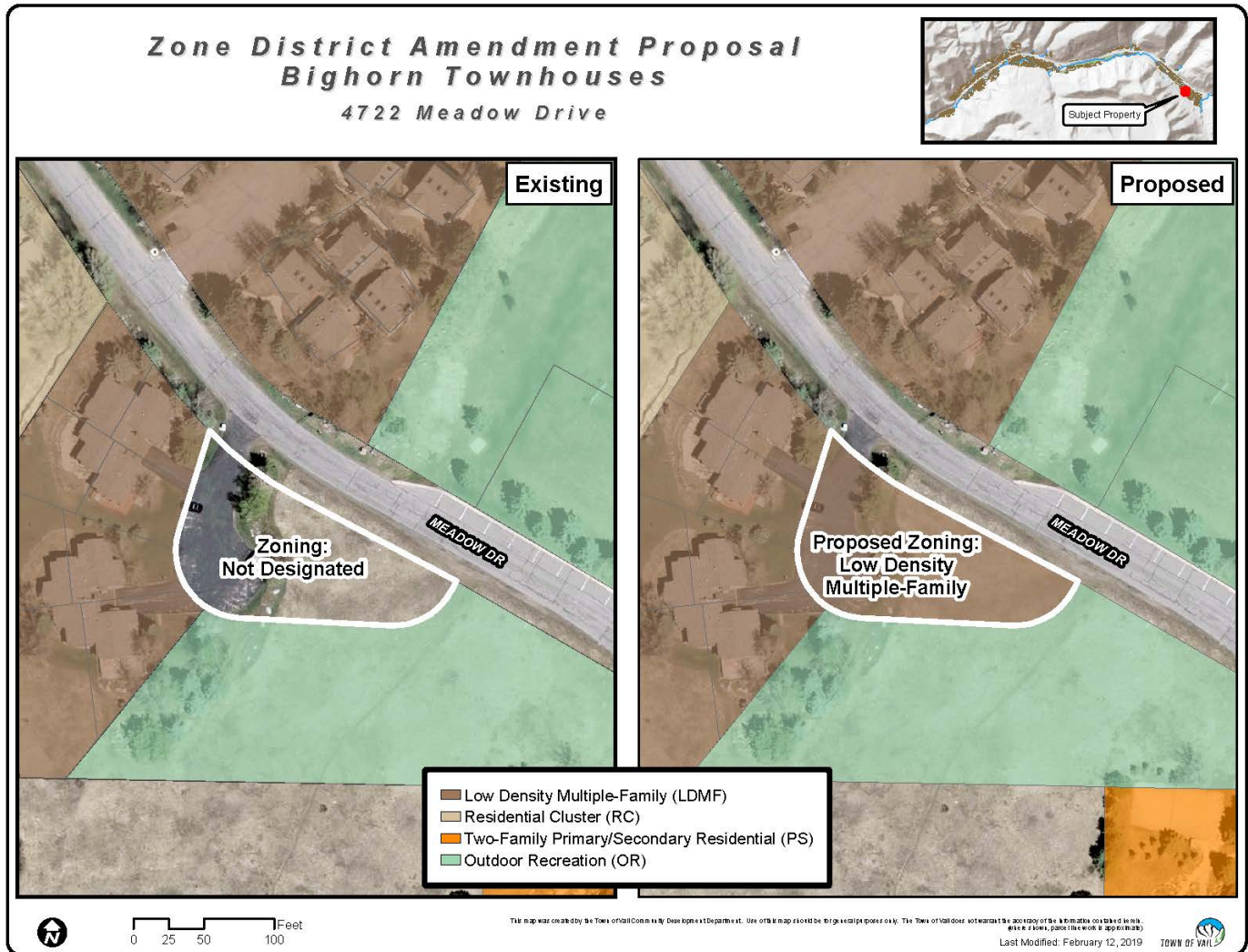
The Vail Town Council shall approve, approve with modifications, or deny Ordinance No. 1, Series of 2019, upon first reading.

III. DESCRIPTION OF THE REQUEST

The applicant is requesting a zone district boundary amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to allow for the rezoning of 4722 Meadow Drive (Bighorn Townhouses "Parking Easement" Parcel, as shown on the plat of Bighorn Townhouses

recorded November 13, 1968) from unidentified to Low Density Multiple-Family District (LDMF). This application is being processed concurrently with a Land Use Plan Amendment (PEC18-0046) that will facilitate, if approved by the Town Council, an application for the development of the subject property for residential garages.

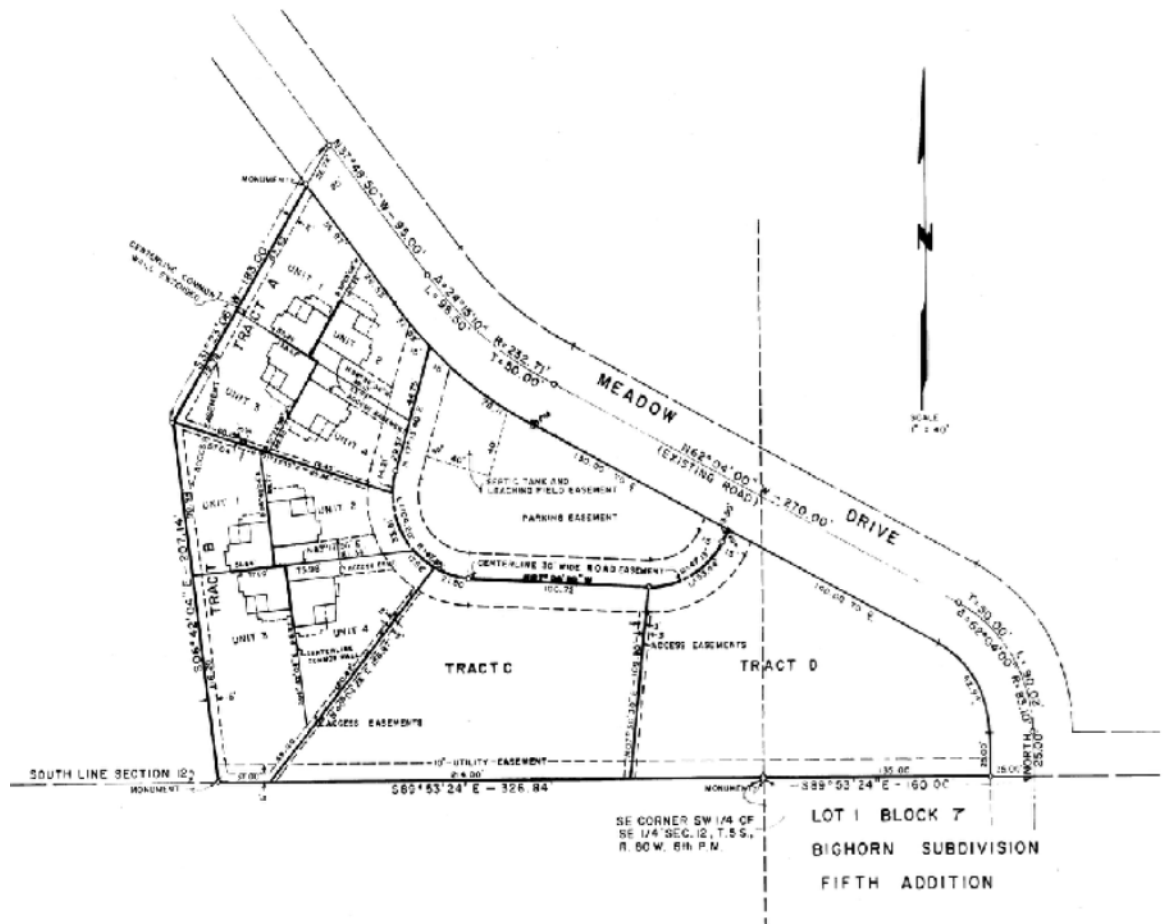
The map below shows the existing Official Zoning Map and the result of the amendment, if approved by the Town Council.



IV. 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, included for reference as Attachment D.

V. REVIEW CRITERIA

Per Section 12-3-7, Amendment, Vail Town Code, before acting on a zone district boundary amendment application, the PEC and Town Council shall consider the following factors with respect to this proposal:

1. The extent to which the zone district amendment is consistent with all 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.

Staff finds the proposed rezoning to be consistent with the following goals of the Vail Land Use Plan:

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 (in fill 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 the proposed rezoning to be consistent with the following general and specific purposes of the Town's adopted Zoning Regulations:

12-1-2: Purpose:

A. General: These regulations are enacted for the purpose of promoting the health, safety, morals, and general welfare of the town, and to promote the coordinated and harmonious development of the town in a manner that will conserve and enhance its natural environment and its established character as a resort and residential community of high quality.

B. Specific: These regulations are intended to achieve the following more specific purposes:

1. To provide for adequate light, air, sanitation, drainage, and public facilities.

2. To secure safety from fire, panic, flood, avalanche, accumulation of snow, and other dangerous conditions.

- 3. To promote safe and efficient pedestrian and vehicular traffic circulation and to lessen congestion in the streets.*
- 4. To promote adequate and appropriately located off street parking and loading facilities.*
- 5. To conserve and maintain established community qualities and economic values.*
- 6. To encourage a harmonious, convenient, workable relationship among land uses, consistent with municipal development objectives.*
- 7. To prevent excessive population densities and overcrowding of the land with structures.*
- 8. To safeguard and enhance the appearance of the town.*
- 9. To conserve and protect wildlife, streams, woods, hillsides, and other desirable natural features.*
- 10. To assure adequate open space, recreation opportunities, and other amenities and facilities conducive to desired living quarters.*
- 11. To otherwise provide for the growth of an orderly and viable community.*

Staff finds the proposed rezoning to be consistent with the following purpose of the Low Density Multiple-Family (LDMF) District identified in Section 12-6F-1, Purpose, Vail Town Code:

The low density multiple-family district is intended to provide sites for single-family, two-family and multiple-family dwellings at a density not exceeding nine (9) dwelling units per acre, together with such public facilities as may appropriately be located in the same zone district. The low density multiple-family district is intended to ensure adequate light, air, privacy and open space for each dwelling, commensurate with low density occupancy, and to maintain the desirable residential qualities of the zone district by establishing appropriate site development standards.

Therefore, Staff finds the proposed rezoning meets this review criterion.

2. The extent to which the zone district amendment is suitable with the existing and potential land uses on the site and existing and potential surrounding land uses as set out in the town's adopted planning documents.

Existing surrounding uses include multi-family residential, open space and active park uses. The scale and intensity of these uses is compatible with the uses permitted under the Low

Density Multiple-Family (LDMF) District. The Vail Land Use Plan, as amended, identifies the subject properties and many of those in the general vicinity as Low Density Residential.

Staff finds that the proposed rezoning is suitable with the existing and potential uses on the site and with potential and existing surrounding uses. Therefore, Staff finds the proposed rezoning meets this review criterion.

3. The extent to which the zone district amendment presents a harmonious, convenient, workable relationship among land uses consistent with municipal development objectives.

The proposed zone district amendment from unidentified to the Low Density Multiple-Family (LDMF) District for the property located at 4722 Meadow Drive will allow for development that is harmonious with its surrounding uses. Potential concerns including vehicular circulation and visual impacts will be reviewed for required compliance with the Vail Town Code. The proposed amendment allows for the development of residential garages. Therefore, Staff finds the proposed rezoning meets this review criterion.

4. The extent to which the zone district amendment provides for the growth of an orderly viable community and does not constitute spot zoning as the amendment serves the best interests of the community as a whole.

The development standards of Low Density Multiple-Family (LDMF) District will ensure appropriate, compatible development that is in the best interest of the community. This zoning amendment does not result in the granting of privilege nor is it incompatible with the Vail Comprehensive Plan, two tests for a determination of spot zoning. Therefore, Staff does not believe the applicant's proposal constitutes a spot zoning and finds the proposed rezoning meets this review criterion.

5. The extent to which the zone district amendment results in adverse or beneficial impacts on the natural environment, including, but not limited to, water quality, air quality, noise, vegetation, riparian corridors, hillsides and other desirable natural features.

Staff finds that rezoning of the subject properties from unidentified to the Low Density Multiple-Family (LDMF) District will not substantially alter the impacts on the natural environment in comparison to existing conditions. All appropriate measures to address issues including stormwater run off and water quality shall be required with any development proposal. The property does not contain any desirable natural features for consideration. Therefore, Staff finds the proposed rezoning meets this review criterion.

6. The extent to which the zone district amendment is consistent with the purpose statement of the proposed zone district.

As identified above, Staff finds that the proposed rezoning is consistent with the purpose of the Low Density Multiple-Family (LDMF) District. The rezoning and subsequent development

further the purpose of the zone district by providing a suitable location for residential garages, designed and constructed to maintain the desirable residential qualities of the district, and the greater neighborhood. Therefore, Staff believes the proposed rezoning meets this review criterion.

7. The extent to which the zone district amendment demonstrates how conditions have changed since the zoning designation of the subject property was adopted and is no longer appropriate.

As described in detail in the applicant's narrative, the historical zoning of the subject parcel is uncertain. As a result, the current Official Zoning Map has no designation for this property. Therefore, Staff believes this criterion is not applicable to this application.

8. Such other factors and criteria as the commission and/or council deem applicable to the proposed rezoning.

VI. RECOMMENDED MOTION

Should the Vail Town Council choose to approve Ordinance No.1, Series of 2019, upon first reading, the Community Development Department recommends the Council pass the following **motion**:

"The Vail Town Council approves, on first reading, Ordinance No. 1, Series of 2019, ordinance to allow for the rezoning of 4722 Meadow Drive (Bighorn Townhouses "Parking Easement" Parcel, as shown on the plat of Bighorn Townhouses recorded November 13, 1968) from unidentified to Low Density Multiple-Family District and setting forth details in regard thereto"

Should the Vail Town Council choose to approve Ordinance No. 1 Series of 2019, 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 January 14, 2019 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.”

VII. ATTACHMENTS

- A. Ordinance No. 1, Series of 2019
- B. Staff Memorandum, PEC18-0039, January 14, 2019
- C. PEC Minutes, January 14, 2019
- D. Bighorn Townhouses Rezoning and Setback Variance narrative dated December 15, 2018