



## 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 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 and setting forth details in regard thereto. (PEC18-0039)

Applicant: Bighorn Townhouse Association, represented by Mauriello Planning Group  
Planner: Jonathan Spence

### I. SUMMARY

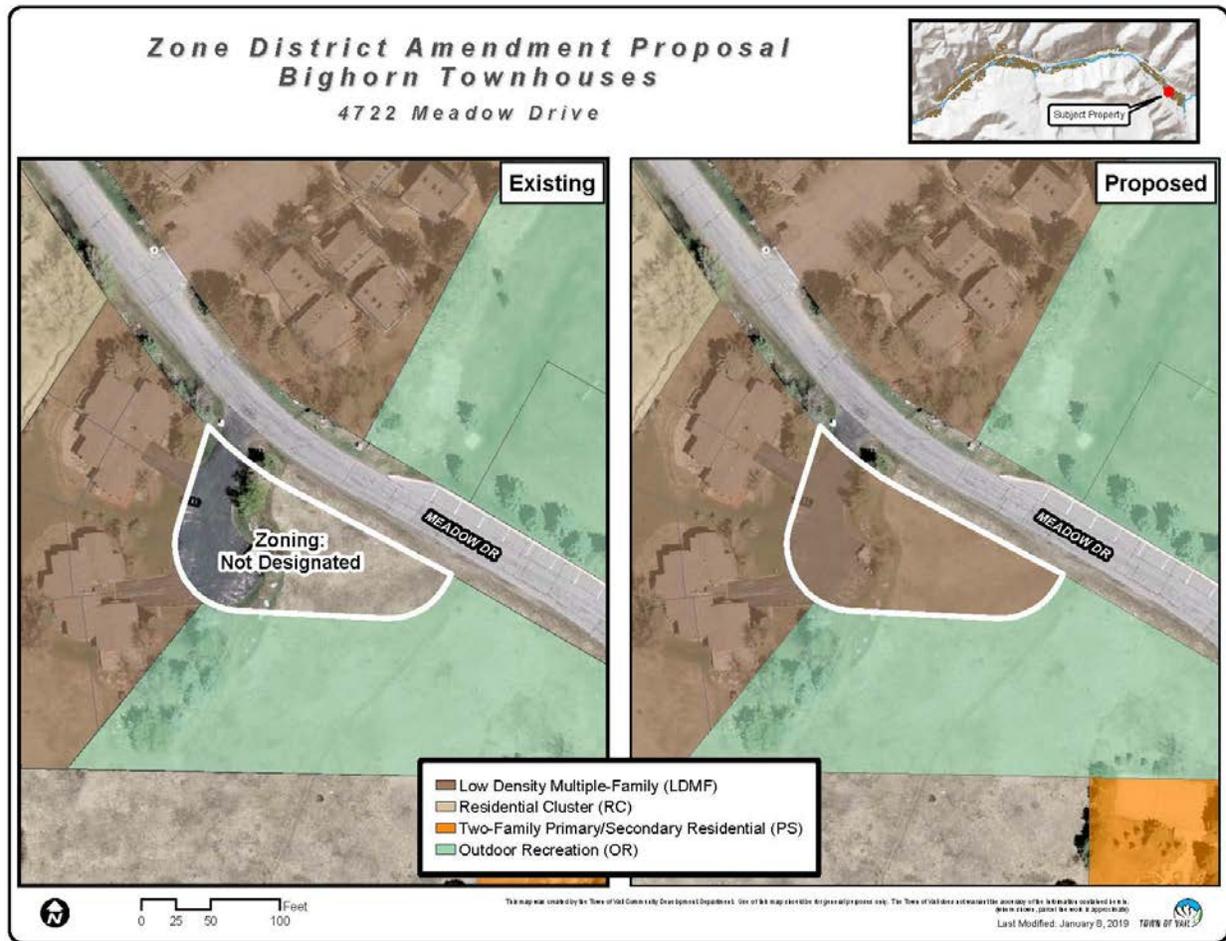
The applicant, Bighorn Townhouse Association, represented by Mauriello Planning Group, is requesting a recommendation to the Vail Town Council for a zone district boundary amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to allow for the rezoning of 4722 Meadow Drive (Bighorn Townhouses "Parking Easement" Parcel, as shown on the plat of Bighorn Townhouses recorded November 13, 1968) from unidentified to Low Density Multiple-Family District (LDMF).

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**, to the Vail Town Council, for a zone district boundary amendment, subject to the findings noted in Section VIII of this memorandum.

### II. DESCRIPTION OF THE REQUEST

The applicant is requesting a recommendation to the Vail Town Council for 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.

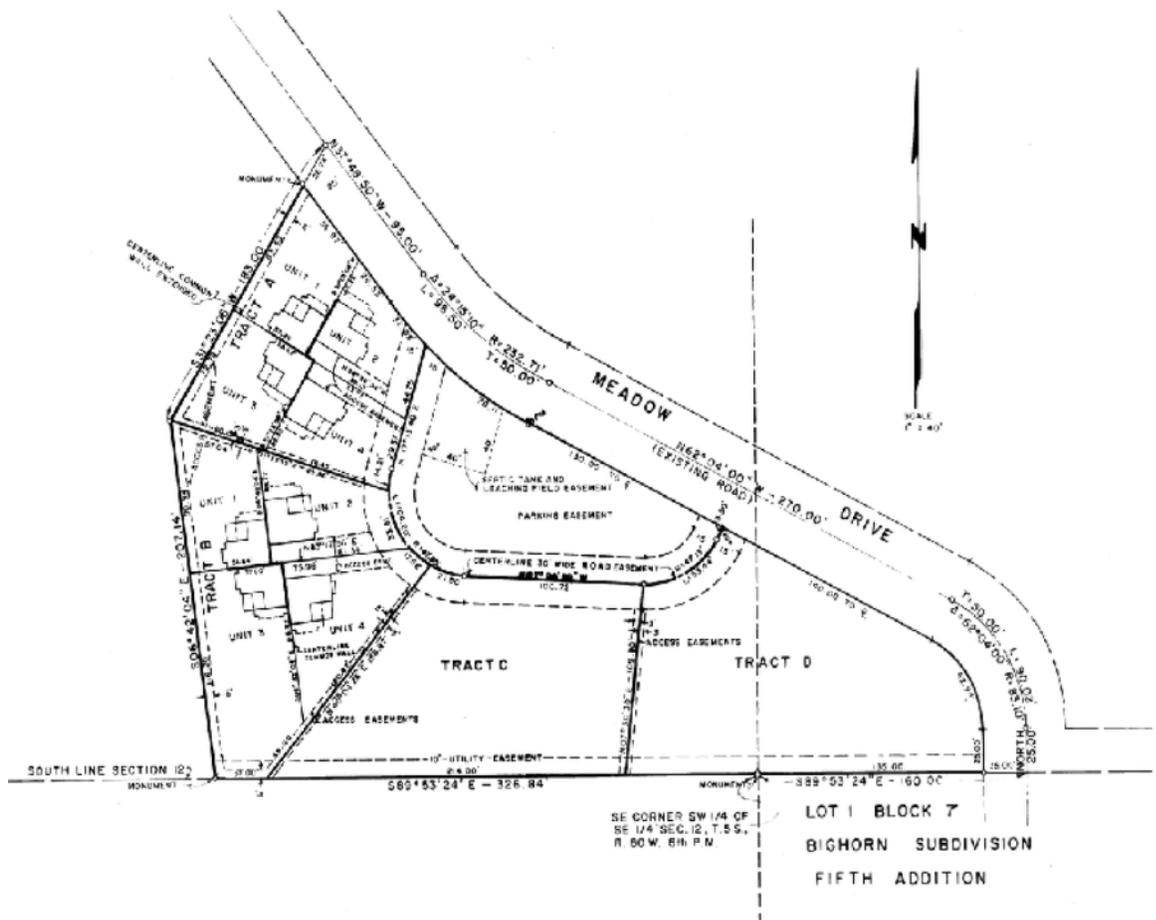
The map below shows the existing Official Zoning Map and the result of the amendment, if approved by the Town Council.



### 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, included for reference as Attachment B.

## **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. Title 12, Zoning Regulations, Vail Town Code (in part)**

Chapter 12-1: Title, Purpose and Applicability

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.*

Article 12-6F Low Density Multiple-Family (LDMF) District

12-6F-1: PURPOSE:

*The low density multiple-family district is intended to provide sites for single-family, two-*  
**Town of Vail**

*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.*

**12-6F-2: PERMITTED USES:**

*The following uses shall be permitted in the LDMF district:*

*Employee housing units, as further regulated by [chapter 13](#) of this title.*

*Multiple-family residential dwellings, including attached or row dwellings and condominium dwellings.*

*Single-family residential dwellings.*

*Two-family residential dwellings.*

**12-6F-3: CONDITIONAL USES:**

*The following conditional uses shall be permitted in the LDMF district, subject to issuance of a conditional use permit in accordance with the provisions of [chapter 16](#) of this title:*

*Bed and breakfasts, as further regulated by section [12-14-18](#) of this title.*

*Dog kennels.*

*Funiculars and other similar conveyances.*

*Home child daycare facilities, as further regulated by section [12-14-12](#) of this title.*

*Private clubs.*

*Public and private schools.*

*Public buildings, grounds and facilities.*

*Public park and recreation facilities.*

*Public utility and public service uses.*

*Religious institutions.*

*Ski lifts and tows.*

**12-6F-4: ACCESSORY USES:**

*The following accessory uses shall be permitted in the LDMF district:*

*Home occupations, subject to issuance of a home occupation permit in accordance with the provisions of section [12-14-12](#) of this title.*

*Private greenhouses, toolsheds, playhouses, attached garages or carports, swimming pools, patios, or recreation facilities customarily incidental to single-family, two-family or low density multiple-family residential uses.*

*Other uses customarily incidental and accessory to permitted or conditional uses, and necessary for the operation thereof.*

**12-6F-5: LOT AREA AND SITE DIMENSIONS:**

*The minimum lot or site area shall be ten thousand (10,000) square feet of buildable area and each site shall have a minimum frontage of thirty feet (30'). Each site shall be of a size and shape capable of enclosing a square area eighty feet (80') on each side within its boundaries.*

**12-6F-6: SETBACKS:**

*In the LDMF district, the minimum front setback shall be twenty feet (20'), the minimum side setback shall be twenty feet (20'), and the minimum rear setback shall be twenty feet (20').*

**12-6F-7: HEIGHT:**

*For a flat roof or mansard roof, the height of buildings shall not exceed thirty five feet (35'). For a sloping roof, the height of buildings shall not exceed thirty eight feet (38').*

**12-6F-8: DENSITY CONTROL:**

*A. Gross Residential Floor Area: Not more than forty four (44) square feet of gross residential floor area (GRFA) shall be permitted for each one hundred (100) square feet of buildable site area. Total density shall not exceed nine (9) dwelling units per acre of buildable site area.*

*A dwelling unit in a multiple-family building may include one attached*

accommodation unit no larger than one-third ( $\frac{1}{3}$ ) of the total floor area of the dwelling.

*B. Exemptions: All projects that have received final design review board approval as of December 19, 1978, shall be exempt from the changes in this section as long as the project commences within one year from the date of final approval. If the project is to be developed in stages, each stage shall be commenced within one year after the completion of the previous stage.*

**12-6F-9: SITE COVERAGE:**

*Site coverage shall not exceed thirty five percent (35%) of the total site area.*

**12-6F-10: LANDSCAPING AND SITE DEVELOPMENT:**

*At least forty percent (40%) of each site shall be landscaped. The minimum of any area qualifying as landscaping shall be fifteen feet (15') with a minimum area not less than three hundred (300) square feet.*

**12-6F-11: PARKING:**

*Off street parking shall be provided in accordance with [chapter 10](#) of this title. No parking shall be located in any required front setback area, except as may be specifically authorized in accordance with the provisions of [chapter 17](#) of this title.*

**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. SITE ANALYSIS**

Address: 4722 Meadow Drive

Legal Description: (Bighorn Townhouses "Parking Easement" Parcel, as shown on the plat of Bighorn Townhouses recorded November 13, 1968

Zoning: TBD

Land Use Plan Designation: TBD (See PEC18-0046)

Current Land Use: Surface Parking

Geological Hazards: None (Formerly impacted by avalanche hazard prior to hazard map amendment)

Dimensional Requirements

Standard	Allowed / Required LDMF	Subject Parcel	Complies (Y/N)
Site Area	Min. 10,000 sq. ft.	15,129 sq. ft. (.347 acres)	Yes
Frontage	Min. 30 ft.	200 ft.	Yes
Site Dimension	Square area eighty feet (80') on each side	80' by 72' square	No*
Height	Flat or Mansard Roof – 35' Sloping Roof – 38'	TBD	TBD
Site Coverage	Max. 35% of site area or 17,234 sq. ft.	TBD	TBD

\*The subject site is a component of the Bighorn Townhouse Development Lot. The subject parcel is not and will not be a standalone development site. This will be ensured through a future plat note and a clause in the rezoning ordinance.

**VII. ZONE DISTRICT BOUNDARY AMENDMENT CRITERIA**

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

***Note\*** Staff’s analysis is based on an assumption that the Vail Land Use Plan is recommended for approval and adopted by resolution.*

**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.**

## **VIII. STAFF RECOMMENDATION**

The Community Development Department recommends the Planning and Environmental Commission forwards a **recommendation of approval**, to the Town Council for 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 and setting forth details in regard thereto (PEC18-0039). Staff's recommendation is based upon the review of the criteria described in Section VII of this memorandum and the evidence and testimony presented.

It should be noted that if the Planning and Environmental Commission chooses to recommend approval, it is contingent on the Town Council approving PEC18-0046, the Land Use Plan Map Amendment.

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 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 and setting forth details in regard thereto. (PEC18-0039)"*

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 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; and*

2. *That the amendment furthers the general and specific purposes of the zoning regulations; and*
3. *That the 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.*

## **IX. ATTACHMENTS**

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