



PLANNING AND ENVIRONMENTAL COMMISSION

April 22, 2019, 1:00 PM

Town Council Chambers

75 S. Frontage Road - Vail, Colorado, 81657

1. Call to Order

Present: Brian Gillette, Rollie Kjesbo, Ludwig Kurz, Karen Perez, Brian Stockmar

Absent: Pam Hopkins, John-Ryan Lockman

2. Site Visits

2.1. 1309 Elkhorn Drive - Town of Vail Public Works

2.2. 224/226 Forest Road
454 Beaver Dam Road
54 Beaver Dam Road/95 Forest Road

2.3. 706 Forest Road - Ostling Residence

3. Main Agenda

3.1. A request for review of Minor Subdivision, pursuant to Section 13-4, Minor Subdivisions, Vail Town Code, to allow for removal of the platted building envelopes, located at 694 and 670 Forest Road /Lots 7 and 8, Block 1, Vail Village Filing 6, and setting forth details in regard thereto. (PEC19-0009) 20 min.

Applicant: Frances Biszantz & LSC 27 LLC, represented by Mauriello Planning Group

Planner: Jonathan Spence

Planner Spence introduced the project. Staff agrees with the history presented by Mauriello. Staff is in support of this subdivision.

Dominic Mauriello, (Applicant) discussed the property history. Applicant presented slides showing the properties. Purpose of the subdivision is to eliminate envelopes created in 1997. No plans to build or alter properties at this time. Applicant continued with the development history. Notably, staff and PEC in 1997 required the building envelopes, despite no code requirement for it. Plat note restricted most everything to be built within the envelopes.

Gillette: Asked if construction would conform to current setback requirements?

Applicant: No, when initially built a setback variance was allowed.

Gillette: How are the building envelopes more restrictive than the setbacks?

Perez: Concurred and asked if the footprints were created with respect to lot size and coverage requirements.

Applicant: That may be, but people have been able to build with more flexibility due to not having these envelopes. Asks to be treated the same

as everyone else.

Gillette: Is the only encroachment in the front setback? Garage only?

Applicant: Suspects more than the garage is in the front setback, but it was approved legally with a variance back in the day. When first constructed, Applicant suspects that garages could be allowed in the front setback.

Spence: Staff would not allow the garage placement outside the building envelope without an amendment to the plat.

Gillette: Was the intent of the envelopes to constrain the bulk and mass?

Applicant: This may be the case, but doesn't think there was a direct link established to bulk. Without the envelopes, PEC and DRB could still deny based on such concerns. Reiterated fairness with surrounding properties.

Mauriello: Speaking to the criteria for the subdivision application and how the proposed subdivision complies. All surrounding lots are zoned the same and have consistent size and shape. Neighboring property has submitted a letter stating their support for this change

Public Comment: None

Perez: Understands the goal of the applicant, but feel like this is bootstrapping. Building envelopes are generally done for specific reasons. These lots transferred GRFA and other requirements between each other and the envelopes were a condition of this. In context of the history, this may be a grant of special privilege. Building envelope is in proportion with the size of the lots.

Applicant: The two lots that ended up being created in 1997, but the lots were conforming to the code regardless.

Spence: Since GRFA allowances scale with lot size, the ultimate transfer of GRFA was a small amount.

Gillette: Somewhat torn on this. However, since any development has to go back to boards for review anyway, he is in favor.

Kurz, Kjesbo, and Stockmar also concur with staff.

Ludwig Kurz moved to approve. Brian Gillette seconded the motion and it passed (4-1).

Ayes: (4) Gillette, Kjesbo, Kurz, Stockmar

Nays: (1) Perez

Absent: (2) Hopkins, Lockman

- 3.2. A request for the review of variances from Section 12-6D-9-6 Setbacks, Vail Town Code, in accordance with the provisions of Section 12-17-1, Variances, Vail Town Code, to allow for variances to the front setback of 20 feet to facilitate the redevelopment of both east and west units, located at 706 Forest Road Units A & B/Lot 9, Vail Village Filing 6, and setting forth details in regard thereto. (PEC19-00010) 20 min.

Applicant: Paul & Danita Ostling, represented by Mauriello Planning Group

Planner: Ashley Clark

Planner Clark introduced the project

Clark: Directed commissioners to the memo to see all proposed changes.

Small correction that the primary and secondary units were switched in the memo, everything else is correct. Two previous variances for the property exist on the property. One had a condition that no further encroachment into rear setback would occur. Provided surrounding property context with regard to other variances provided.

Clark: Staff could not support the idea that this lot is unique to the surrounding lots. All lots are long and have an extensive amount of steep slope hazard. Staff recommends denial of the variance.

Dominic Mauriello (Applicant): Introduced the project team. Presented current conditions of the lot and properties. Presented proposed designs for redevelopment. Presented the history of the property, which was built when front setback requirement was smaller. This lot has also received front and side setback variances. Plan is to demolish the secondary unit and redevelop the primary unit to match later. The change will result in less GRFA in the front setback. Stated that DRB was happy with the architectural direction. Nothing proposed will come out any further than the front deck. Detailed what is being removed and added to the front setback.

Gillette: If this is a teardown and rebuild, why can't it all be rebuilt in the meeting the setback?

Mauriello: The steep slopes in the back yard push the property forward. The unit may be able to be pushed back, but the units will be inconsistent with secondary unit being visibly pushed back in comparison to the primary unit.

Mauriello: Detailed what is being added and removed from the east setback. Presented a number of slides showing the proposed changes to the building footprint and decks. To build further up the hill would require significant expense and excavation. Applicant argues that the number of surrounding homes (5+) that have had front setback variances due to the slopes shows that this would not be a special privilege.

Perez: Had a question regarding existing setbacks along the street where this lot is located.

Planner Clark was able to provide this information in her memo.

There is a letter of support from a neighboring property

Public Comment: None

Kjesbo: The goal should be to minimize the variance. However, on the east side of the property the encroachment will be worse. Has an issue with the east side setback. Likes what is being proposed on the front. Is livable square footage moving further out front?

Mauriello: No

Gillette: In support. Should be comparing this property to those that don't have the steep slope hardship. This kind of proposal is what variances are for.

Kurz: Split. Has concerns about this becoming more non-conforming than it already is. Since one side will be more conforming and one less, isn't sure whether approval would be worth it to the town. Leaning toward voting in favor.

Neubecker: It is the commission's job to interpret whether this application fits the code criteria. Whether the town will look better with this proposal is less of a concern for the commissioners. Please focus decision on the variance criteria.

Perez: Also somewhat torn. Has an issue with this not being *necessary* for the property. Looking at other properties can be good, but is a bit of a red herring in this case. The conditions of past variance approvals were very clear that the setbacks should not be pushed further. Feels this would be a special privilege.

Stockmar: Has gone back and forth. The commission has tight constraints to work in. This is not a unique issue to the area since surrounding lots have faced similar issues. Ultimately feels this is not unique beyond the shared hardship that most properties have on that street.

Mauriello: Compared to everything else in the same zoning district, these conditions are quite unique.

Gillette: If every property on the street got variances, why is this variance locally unique and a grant a special privilege?

Perez: Argues that you need to look at the property on its own. Also, variances should be granted as narrowly as possible.

Stockmar: Still does not see all necessary criteria being met.

Mauriello: Sees that all the other houses have been able to get this to work.

Perez: This property could be made to have a smaller variance, however.

Mauriello: All properties on this street could have built something without variances, but they were building properties appropriate to the neighborhood. Could still ask for and potentially get a variance even if this was a teardown and rebuild.

Perez: Agrees that a variance could be given, but doesn't feel this variance is truly necessary.

Stockmar: You have been able to pull back from the west, but encroach on the east. Acknowledges that the slope is different on each side but expresses discomfort with this approach. It is time to call the question.

Perez moved to call the question, Kurz seconded.

Applicant: Requests a tabling and asks for direction from the commission.

Kurtz: It is not appropriate for the commission to give direction, but tabling is ok.

Perez and Kurz remove their motion to call.

Ludwig Kurz moved to table to May 13, 2019. Karen Perez seconded the motion and it passed (5-0).

Absent: (2) Hopkins, Lockman

- 3.3. A request for a recommendation to the Vail Town Council, pursuant to Section 12-3-7, Amendment, Vail Town Code, concerning an update to the Master Plan for the Public Works Department site, Unplatted, Section: 9 Township: 5 Range: 80 PCLIN N1/2NE1/4-N1/2NW 1/4, located at 1309 90 min.

Elkhorn Dr. and setting forth details in regard thereto. (PEC19-0006)

Applicant: Town of Vail

Planner: Chris Neubecker

Planner Neubecker introduced the project and introduced the Public Works Director, Greg Hall, and architect representatives, Chris Juergens and Mark Donaldson.

Neubecker: The goal of this application is to update the old Master Plan. Wants to give a formal hearing for the PEC and to point out changes since the last work session to the PEC. Also wants to take in suggestions and changes from the community and the PEC. Master Plan assesses future growth and needs for Public Works. There was a review of existing conditions, natural and built environments on the site, zoning, hazards, as well as wildlife habitat. Town feels there is an opportunity to add more employee housing on the site. Also an opportunity to install solar panels to offset the Town's energy use. There are also proposed improvement to transportation concerns, recommendations in the Plan on wildlife, and a phasing timeline.

Neubecker: Presented the proposed analysis and layout of the site on overhead slides. There is some wildlife habitat range on the east side of the property, so this will need to be considered throughout the process. Talked about the conditions and need related to transportation. He discussed the needs for administrative offices. Site is oriented well for solar energy and the Town plan recommends that solar be considered for Town buildings, so solar is being seriously considered for this site.

Stockmar: Is there also battery storage for the solar being proposed?

Greg Hall (Representing the Applicant): The buildings will have some battery storage, but still needs to be looked into and researched further

Neubecker: Some current buildings are quite old and should be replaced at some point regardless. There is a greater need for storage for other departments such as the police and events department. This area could potentially fill that need. Spoke to the need and proposal for additional employee housing on the site. If housing is expanded beyond 24 additional units, which is anticipated, an expansion of the underpass entry to the site beneath I-70 would be required.

Gillette: Would the entry expansion be able to handle the maximum proposed housing units?

Hall: Yes

Neubecker: Began to describe changes to the plan since PEC last saw it introduced at a work session. Revised plan added some new wildlife information, including a recommendation on banning dogs from the site, and new wildlife studies planned for new proposed buildings.

Gillette: Expressed concern over the public having an issue with development in wildlife habitat.

Hall: This is just the master plan; all new buildings will need to go through the board review process as well. Expects more pushback may happen then. All information is publicly available currently as well.

Stockmar: While the public may not be as invested at this stage, Stockmar stressed that the PEC should look into this and be kept aware of public concerns through all stages.

Neubecker: Revised plan adds information on traffic capacity as a result of additional units. Also, plan recommends a bus stop on the site for the added housing. The other plan change was just an estimation of time for each phase. A cross-section of the site was also added to the plan.

Neubecker: What questions does the board still have that staff and the plan have not yet answered? What does the PEC recommend being want added to the plan? What additional information does the PEC still need to make a recommendation to Town Council?

Kjesbo: Many citizens don't realize what is back there. If the need for housing continues to grow on the site, will that remove the ability for Public Works to add to its own facilities on site, due to site constraints? Is extensive housing appropriate for this site?

Gillette: In the master plan, Kjesbo's concern should be addressed.

Stockmar: Also stressed the fact that Public Works will continue to grow, so growth needs to be carefully considered. Recognizes the need for housing, but expressed concern over the quantity of housing needs to be on this site specifically.

Kurz: Also concurring, wonders if the housing should only be available to Public Works employees, or at least prioritized to them. Also concerned with the safety of the underpass even if expanded, especially when considering adding new living units to the site.

Kurz: What other consultants have you used?

Hall: Architects, a variety of engineers (traffic, civil, electrical, mechanical, traffic, etc...), a wildlife biologist, also hired a solar consultant. The additional housing proposed is meant for Town of Vail employees, the demand exists. Employees can only live in the same Town housing for 2 years as well, then they need to move out.

Stockmar: Could the housing be designed to be easily added too?

Hall: Housing should be scalable in this plan. There is some flexibility built into this plan.

Gillette: Make sure the solar consultant is also asked to look at a variety of potential build out scenarios, and payback time.

Perez: While on the site visit, Perez asked how many employees worked on the site. Was told it is over 100. What is the rule for the Housing Authority as it relates to the site?

Hall: Housing is all rental, not for sale.

Perez: Where would the funds for the housing come from?

Hall: Normally, the Town of Vail pays for it.

Perez: Asks that the Town looks to the housing authority to find every opportunity to reduce cost. Asking since this is Town owned, not owned by a third party.

Neubecker: Since this is intended to be Town of Vail employee housing, it would still need a covenant/ deed restriction.

Perez: There are ways to prioritize Town of Vail renters without violating any Fair Housing laws.

Gillette: (Summarizing) There are 3 concerns. Housing funding options

raised by Perez, Public Works and housing needs tradeoff raised by Kjesbo, and having consultants look at a variety of build out options suggested by Gillette.

Ludwig Kurz moved to recommend approval with a condition that the three issues summarized by Commissioner Gillette be addressed in the plan.

Rollie Kjesbo seconded the motion and it passed (5-0).

Absent: (2) Hopkins, Lockman

- 3.4. A request for a recommendation to the Vail Town Council, pursuant to Section 12-3-7, Amendment, Vail Town Code, to amend Section 12-2-2, Definitions, Vail Town Code, to add a definition for sloped roof, amend the definition for flat roof, and add a definition for parapet, and to amend Section 14-10-4, Architectural Projections, Decks, Balconies, Steps, Bay Windows, Etc., Vail Town Code, to add regulations for parapet heights, and setting forth details in regard thereto. (PEC19-0011) 15 min.

Applicant: Town of Vail

Planner: Ashley Clark

Ashley Clark introduced the proposal. Staff seeks to update the zoning code to clarify definitions of sloped roof and flat roof. Current code also does not define parapets. Staff presented to DRB at 3 meetings, and the DRB has provided a recommendation on the proposed language. Staff provided notice to local architects on the proposed text amendments.

Clark reviewed the existing code and proposed text, and also provided some background on legislative history. Existing code allows 33' height for sloped roofs, and 30' for flat roofs in most low-density residential zone districts. Parapets are currently measured to the same height as roofs, and not allowed any additional height. Code exemptions on Architectural Projections does not work for parapets. A recent development with a flat roof brought these code concerns to staff's attention. Proposed language is that a sloped roof is a rise of greater than 2" rise over 12" run. Proposed text amendment would allow a 30" parapet in addition to the height limit of 30'.

Stockmar – That means that a perceived height of 33' height with a parapet, even though 30' is what code allows.

Clark – An applicant had a proposal for a low sloping roof with 33' height. There was no clear standard in the code, and so staff referred to the Building Code for direction. Staff recommends improving the code with more precise descriptions of flat and sloping roofs. Other communities staff researched have definitions in their codes.

Perez – How does a Mansard roof fall into these definitions?

Clark showed examples of a Mansard roof.

Public Comment

Pavan Kruger, Architect – A flat roof with 30" parapet, would that be allowed? Could a small guardrail be added on top of the parapet to meet building code?

Clark indicated that the guardrail would need to be reviewed by the DRB

Gillette – Every board will review or interpret codes differently, so if we need clarification it should be added to code.

Mike Suman, Architect – I attended the DRB for the discussion. The flat roof membrane was measured to 30', and a guardrail would not be allowed more than 30" above the membrane.

Gillette – Add language that guardrails shall be measured the same as a parapet.

Mike Suman – There was discussion that 2:12 and greater would be better to meet definition of flat roof, rather than greater than 2:12. I support proposed language.

Ludwig Kurz moved to recommend approval with additional language that guardrails shall be included in the allotted height for a parapet. Rollie Kjesbo seconded the motion and it passed (5-0).

Absent: (2) Hopkins, Lockman

- 3.5. A request for a recommendation to the Vail Town Council, pursuant to Section 12-3-7, Amendment, Vail Town Code, to amend Section 14-10-6: Residential Development, Vail Town Code, to add a paragraph pertaining to the unified architectural design requirement as it relates to existing separated duplexes, and setting forth details in regard thereto. (PEC19-0012) 45 min.

Applicant: Town of Vail

Planner: Erik Gates

Erik Gates introduced the proposal on Separated Duplexes. The separation of dwelling units is allowed under the current code, subject to review and approval by the DRB, with special conditions on the property. There are several existing properties in town that have separated duplexes with different architecture, which is not currently allowed by the code. This results in property owners facing very expensive upgrades when minor work is proposed, in order to meet the current code. Staff recommends amending the code to allow different architecture only for existing separated duplex, and staff will maintain a list of qualifying properties.

Gates discussed some of the separated duplex properties that exist in Town. He reviewed some properties where architecture is very similar, but do not fully meet the current code. He also showed examples of separated duplexes with extremely different architecture between units.

Stockmar – Is it right that there are about 40 separated duplexes in town, but only 15 have different architecture?

Gates – That is correct.

Stockmar – We are trying to solve an existing problem with more than a band-aid.

Gillette – What is the hardship that these properties have?

Gates – These properties would not meet the criteria for a variance. These problems are not related to the land.

Mike Suman – I am working on two of these properties. They have

architecture from completely different decades. One was built in the 1960s and the other was built in the 1990s. The Venturi house is another good example; you are not going to tear down one to make it look like the other. Staff is in a tough spot, and they and DRB need some direction. Right now DRB can't approve projects with different designs.

Gillette – Still not sure why we are not adding the list of properties in the code.

Mike Suman – DRB should be the ones that determine the list. They are the ones to determine separated duplexes, and should be the ones that review design.

Gillette – Before this comes back to us, the DRB should determine the list of properties, then present the list to the PEC. The Administrator should identify the property, then the list approved by the DRB.

Stockmar – Sounds like it would be possible for the list to be maintained by staff, and available for inspection by the general public. Will you have that list by the time this is presented to Town Council?

Mike Suman – I would love for the PEC to give direction to keep this process moving forward, and allow staff to develop list before review by Town Council.

Gillette – For me to support this, I recommend photographing all the separated duplexes, and creating your list of qualifying properties. Present the list to DRB for their approval.

Kjesbo – I am familiar with 167/197 Rockledge which will be torn down. When they are torn down, is the new home allowed to have completely different designs, even when rebuilt? If so, we are perpetuating this issue, and essentially creating single family lots.

Gillette – There will be no need to meet required setbacks between units. They could be built very close, almost connected.

Stockmar – There is a small number of properties that this will apply to.

Mike Suman – We will still need to get Joint Property Owner approval, and there are already a number of protections in the code. There are a small number of properties that can take advantage of this proposed language.

Perez – It would be nice to have the issues addressed that were previously recommended. I could live with staff going to DRB with the list, before going to Council.

Kurz – Comfortable that staff does not need to come back to PEC.
Brian Gillette moved to recommend approval with the added requirement that Staff present the inventory of qualifying properties to the Design Review Board, which shall approve the inventory for approval prior to first reading by Town Council. Rollie Kjesbo seconded the motion and it passed (5-0).

Absent: (2) Hopkins, Lockman

4.1. April 8, 2019 PEC Results

Brian Gillette moved to approve. Rollie Kjesbo seconded the motion and it passed (5-0).

Absent: (2) Hopkins, Lockman

5. Adjournment

Rollie Kjesbo moved to adjourn. Karen Perez seconded the motion and it passed (5-0).

Absent: (2) Hopkins, Lockman

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