



Memorandum

TO: Planning and Environmental Commission

FROM: Community Development Department

DATE: August 26, 2019

SUBJECT: A request for review of a Minor Subdivision, pursuant to Section 13-4, Minor Subdivisions, Vail Town Code, to adjust the common lot line between Lot 5, Block 1, Vail/Lionshead Filing One and Lot 2, Lionshead Sixth Filing, located at 520 and 560 East Lionshead Circle/Lot 5, Block 1, Vail Lionshead Filing 1, and setting forth details in regard thereto. (PEC19-0030)

Applicant: Vail Lionshead Centre Condo, represented by JS Designs
Planner: Jonathan Spence

I. SUMMARY

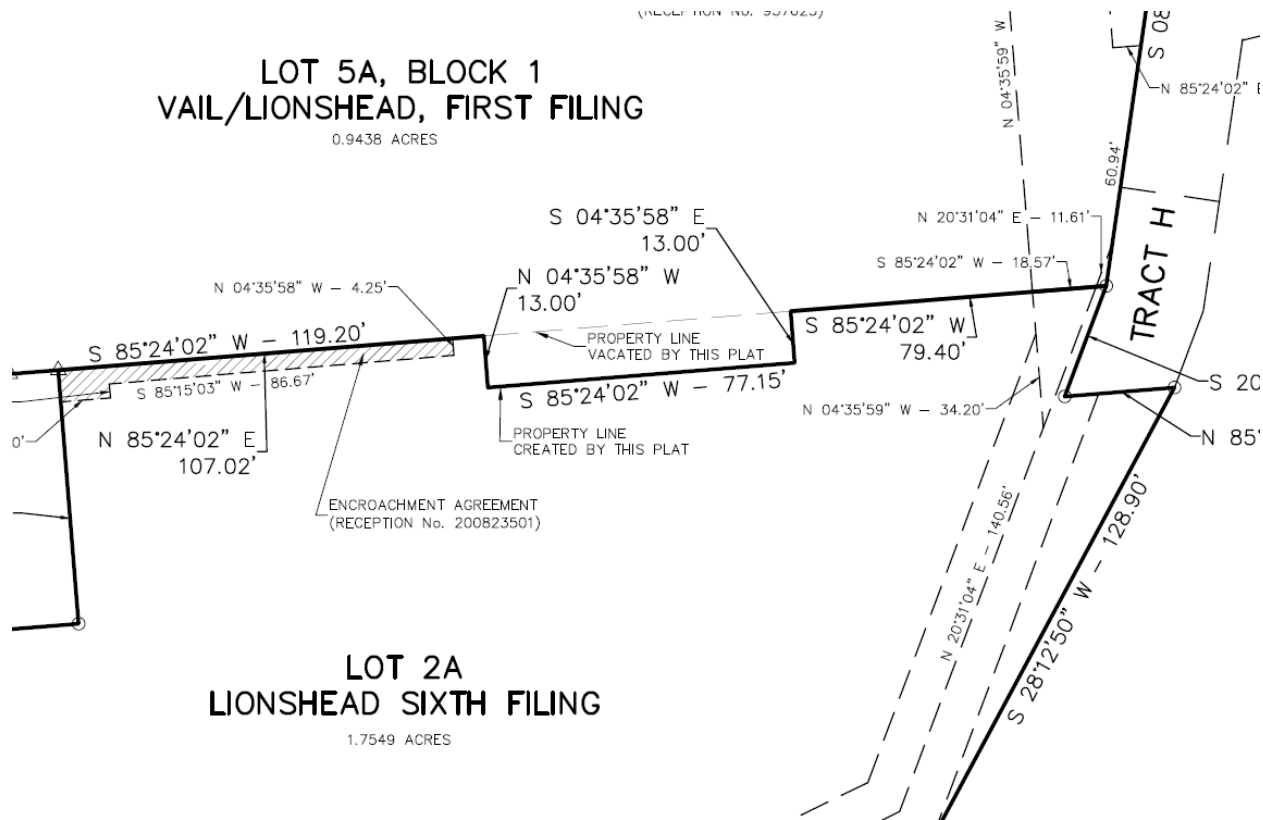
The applicant, Vail Lionshead Centre Condo, represented by JS Designs, is requesting the review of a final plat, pursuant to Title 13, Chapter 4, Minor Subdivisions, Vail Town Code, to adjust the common lot line between Lot 5, Block 1, Vail/Lionshead Filing One and Lot 2, Lionshead Sixth Filing, located at 520 and 560 East Lionshead Circle/Lot 5, Block 1, Vail Lionshead Filing 1 to address a long standing encroachment issue.

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 **approval** of this application, subject to the findings in Section VIII of this memorandum.

II. DESCRIPTION OF REQUEST

The applicant, Vail Lionshead Centre Condo, represented by JS Designs, is requesting the review of a final plat, pursuant to Title 13, Chapter 4, Minor Subdivisions, Vail Town Code, to adjust the common lot line between Lot 5, Block 1, Vail/Lionshead Filing One and Lot 2, Lionshead Sixth Filing, located at 520 and 560 East Lionshead Circle/Lot 5, Block 1, Vail Lionshead Filing 1 to address a long standing encroachment issue. The lot line adjustment will facilitate the transfer of 1,002.95 square feet of property.

The graphic below shows the proposed adjustment.



A vicinity map (Attachment A), cover letter with photos (Attachment B) and proposed plat (Attachment C) are attached for review.

III. BACKGROUND

Lot 5, Block 1, Vail/Lionshead Filing One (520 East Lionshead Circle) contains the Lionshead Centre mixed-use development constructed in 1970 under Town of Vail jurisdiction.

Lot 2, Lionshead Sixth Filing (560 East Lionshead Circle) contains the restroom building, Eagle Bahn Gondola and the Born Free Express Lift (Chair 8) lower terminals.

At some time in the past, an outdoor swimming pool for the Lionshead Centre residential condominiums was installed encroaching over the shared property line.

IV. APPLICABLE PLANNING DOCUMENTS

Staff finds the following provisions of the Vail Town Code relevant to the review of this proposal:

Title 12 – Zoning Regulations, Vail Town Code

Chapter 6, Article H. Lionshead Mixed Use 1 (LMU-1) District (in part)

12-7H-1: PURPOSE:

The Lionshead mixed use 1 district is intended to provide sites for a mixture of multiple-family dwellings, lodges, hotels, fractional fee clubs, timeshares, lodge dwelling units, restaurants, offices, skier services, and commercial establishments in a clustered, unified development. Lionshead mixed use 1 district, in accordance with the Lionshead redevelopment master plan, is intended to ensure adequate light, air, open space and other amenities appropriate to the permitted types of buildings and uses and to maintain the desirable qualities of the zone district by establishing appropriate site development standards. This zone district is meant to encourage and provide incentives for redevelopment in accordance with the Lionshead redevelopment master plan.

This zone district was specifically developed to provide incentives for properties to redevelop. The ultimate goal of these incentives is to create an economically vibrant lodging, housing, and commercial core area. The incentives in this zone district include increases in allowable gross residential floor area, building height, and density over the previously established zoning in the Lionshead redevelopment master plan study area. The primary goal of the incentives is to create economic conditions favorable to inducing private redevelopment consistent with the Lionshead redevelopment master plan. Additionally, the incentives are created to help finance public off site improvements adjacent to redevelopment projects. With any development/redevelopment proposal taking advantage of the incentives created herein, the following amenities will be evaluated: streetscape improvements, pedestrian/bicycle access, public plaza redevelopment, public art, roadway improvements, and similar improvements.

Title 13 – Subdivision Regulations, Vail Town Code

Chapter 1, General Provisions (in part)

13-1-2: PURPOSE:

- A. Statutory Authority: The subdivision regulations contained in this title have been prepared and enacted in accordance with Colorado Revised Statutes title 31, article 23, for the purpose of promoting the health, safety and welfare of the present and future inhabitants of the town.*
- B. Goals: To these ends, these regulations are intended to protect the environment, to ensure efficient circulation, adequate improvements, sufficient open space and in general, to assist the orderly, efficient and integrated development of the town. These regulations also provide for the proper arrangement of streets and ensure proper distribution of population. The regulations also coordinate the need for public services with*

governmental improvement programs. Standards for design and construction of improvements are hereby set forth to ensure adequate and convenient traffic circulation, utilities, emergency access, drainage, recreation and light and air. Also intended is the improvement of land records and surveys, plans and plats and to safeguard the interests of the public and subdivider and provide consumer protection for the purchaser; and to regulate other matters as the town planning and environmental commission and town council may deem necessary in order to protect the best interests of the public.

C. Specific Purposes: These regulations are further intended to serve the following specific purposes:

- 1. To inform each subdivider of the standards and criteria by which development proposals will be evaluated, and to provide information as to the type and extent of improvements required.*
- 2. To provide for the subdivision of property in the future without conflict with development on adjacent land.*
- 3. To protect and conserve the value of land throughout the municipality and the value of buildings and improvements on the land.*
- 4. To ensure that subdivision of property is in compliance with the town's zoning ordinance, to achieve a harmonious, convenient, workable relationship among land uses, consistent with town development objectives.*
- 5. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation, and other public requirements and facilities and generally to provide that public facilities will have sufficient capacity to serve the proposed subdivision.*
- 6. To provide for accurate legal descriptions of newly subdivided land and to establish reasonable and desirable construction design standards and procedures.*
- 7. To prevent the pollution of air, streams and ponds, to assure adequacy of drainage facilities, to safeguard the water table and to encourage the wise use and management of natural resources throughout the town in order to preserve the integrity, stability and beauty of the community and the value of the land.*

13-3-4: COMMISSION REVIEW OF APPLICATION; CRITERIA AND NECESSARY FINDINGS

The planning and environmental commission shall conduct a public hearing on an application for a preliminary plan for subdivision. The planning and environmental commission shall consider the application, relevant additional materials, staff report and recommendations as well as any other comments or public information given at the hearing. The planning and environmental commission may discuss advisable changes to the proposed subdivision with the applicant. The burden of proof shall rest with the applicant to show that the application is in compliance with the intent and purposes of this chapter, the zoning ordinance and other pertinent regulations that the planning and environmental commission deems applicable. Due consideration shall be given to the recommendations made by public agencies, utility companies and other agencies consulted under subsection 13-3-C of this chapter.

- A. Before recommending approval, approval with conditions or disapproval of the preliminary plan, the planning and environmental commission shall consider the following criteria with respect to the proposed subdivision:*
- 1. The extent to which the proposed subdivision 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; and*
 - 2. The extent to which the proposed subdivision complies with all of the standards of this title, as well as, but not limited to, title 12, "Zoning Regulations", of this code, and other pertinent regulations that the planning and environmental commission deems applicable; and*
 - 3. The extent to which the proposed subdivision presents a harmonious, convenient, workable relationship among land uses consistent with municipal development objectives; and*
 - 4. The extent of the effects on the future development of the surrounding area; and*
 - 5. The extent to which the proposed subdivision is located and designed to avoid creating spatial patterns that cause inefficiencies in the delivery of public services, or require duplication or premature extension of public facilities, or result in a "leapfrog" pattern of development; and*
 - 6. The extent to which the utility lines are sized to serve the planned ultimate population of the service area to avoid future land disruption to upgrade undersized lines; and*

7. *The extent to which the proposed subdivision provides for the growth of an orderly viable community and serves the best interests of the community as a whole; and*
8. *The extent to which the proposed subdivision 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; and*
9. *Such other factors and criteria as the commission and/or council deem applicable to the proposed subdivision.*

B. Necessary Findings: Before recommending and/or granting an approval of an application for a major subdivision, the planning and environmental commission shall make the following findings with respect to the proposed major subdivision:

1. *That the subdivision is in compliance with the criteria listed in subsection A of this section.*
2. *That the subdivision is consistent with the adopted goals, objectives and policies outlined in the Vail comprehensive plan and compatible with the development objectives of the town.*
3. *That the subdivision is compatible with and suitable to adjacent uses and appropriate for the surrounding areas.*
4. *That the subdivision 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.*

V. ZONING AND SITE ANALYSIS

Addresses:	520 East Lionshead Circle and 560 East Lionshead Circle
Legal Descriptions:	Lot 5, Block 1, Vail/Lionshead Filing One and Lot 2, Lionshead Sixth Filing
Zoning:	Lionshead Mixed Use 1 (LMU-1) District
Land Use Plan Designations:	Lionshead Redevelopment Master Plan
Current Land Uses:	Mixed-Use, Resort Operations
Geological Hazards:	None

Development Standard	Allowed / Required	Existing	Proposed	Change
520 East Lionshead Circle				
Site Area	10,000 SF	40,109	41,112	+1,002.95
560 East Lionshead Circle				
Site Area	10,000 SF	77,446	76,443	-1,002.95

VI. SURROUNDING LAND USES AND ZONING

	<u>Existing Land Use:</u>	<u>Zoning District:</u>
North:	Mixed-Use	Lionshead Mixed Use 1 (LMU-1) District
South:	Streamtract	Agricultural and Open Space
East:	Resort Residential	Lionshead Mixed Use 1 (LMU-1) District
West:	Mixed-Use	Lionshead Mixed Use 1 (LMU-1) District

VII. REVIEW CRITERIA

The following are review criteria for a minor subdivision, as outlined in Section 13-3-4, Commission Review of Application; Criteria and Necessary Findings, Vail Town Code:

- 1. The extent to which the proposed subdivision 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; and***

Staff finds that the proposed subdivision is consistent with all 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. The proposed lot line adjustment has no effect on the uses or their operational characteristics.

Staff finds the proposed subdivision meets this criterion.

- 2. The extent to which the proposed subdivision complies with all of the standards of this title, as well as, but not limited to, title 12, "Zoning Regulations," of this code, and other pertinent regulations that the planning and environmental commission deems applicable; and***

Staff finds that the proposed subdivision is in compliance with all of the standards of Title 12, Zoning Regulations, Vail Town Code, and Title 13, Subdivision Regulations, Vail Town Code. As proposed, the two (2) development lots maintain conformance with all applicable development standards.

Staff finds the proposed subdivision meets this criterion.

3. *The extent to which the proposed subdivision presents a harmonious, convenient, workable relationship among land uses consistent with municipal development objectives; and*

Staff finds that the proposed subdivision presents a harmonious, convenient, workable relationship among land uses consistent with municipal development objectives. As stated previously, the proposed lot line adjustment has no effect on the uses or their operational characteristics.

Staff finds the proposed subdivision meets this criterion.

4. *The extent of the effects on the future development of the surrounding area; and*

Staff finds that the proposed reconfiguration will have no negative impacts on the future development of the surrounding area. Also, the surrounding area has been developed and an alteration to a shared private property line between the subject properties will not affect the surrounding area, now, or in the future.

Staff finds the proposed subdivision meets this criterion.

5. *The extent to which the proposed subdivision is located and designed to avoid creating spatial patterns that cause inefficiencies in the delivery of public services, or require duplication or premature extension of public facilities, or result in a "leapfrog" pattern of development; and*

Staff finds that the proposed subdivision will not cause any inefficiency in the delivery of public services and will not require duplication or premature extension of public services, and will not result in a leapfrog development pattern because the applicant is proposing a subdivision of existing platted lots already served by public facilities.

Staff finds the proposed subdivision meets this criterion.

6. *The extent to which the utility lines are sized to serve the planned ultimate population of the service area to avoid future land disruption to upgrade undersized lines; and*

Staff finds that the proposed subdivision is already served by appropriately sized utility lines, resulting in no future land disruptions to upgrade undersized lines.

Staff finds the proposed subdivision meets this criterion.

7. *The extent to which the proposed subdivision provides for the growth of an orderly viable community and serves the best interests of the community as a whole; and*

Staff finds that the proposed subdivision provides for the growth of an orderly viable community and serves the best interests of the community as a whole because there will be no negative impact to the community as a whole while facilitating the community's goal to allow for the maintenance and upgrading of existing development within the Town.

Staff finds the proposed subdivision meets this criterion.

8. *The extent to which the proposed subdivision 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; and*

Staff finds that the proposed subdivision will not result in any adverse 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 the proposed subdivision meets this criterion.

9. *Such other factors and criteria as the commission and/or council deem applicable to the proposed subdivision.*

VIII. STAFF RECOMMENDATION

Based upon the review of the criteria outlined in Section VII of this memorandum and the evidence and testimony presented, the Community Development Department recommends **approval**, of a final plat pursuant to Title 13, Chapter 4, Minor Subdivisions, Vail Town Code, to adjust the common lot line between Lot 5, Block 1, Vail/Lionshead Filing One and Lot 2, Lionshead Sixth Filing, located at 520 and 560 East Lionshead Circle/Lot 5, Block 1, Vail Lionshead Filing 1, and setting forth details in regard thereto..

Should the Planning and Environmental Commission choose to **approve** this minor subdivision, the Community Development Department recommends the Planning and Environmental Commission pass the following **motion**:

"The Planning and Environmental Commission approves the applicant's request for a final plat, pursuant to Title 13, Chapter 4, Minor Subdivisions, Vail Town Code, to adjust the common lot line between Lot 5, Block 1, Vail/Lionshead Filing One and Lot 2, Lionshead Sixth Filing, located at 520 and 560 East Lionshead Circle/Lot 5, Block 1, Vail Lionshead Filing 1, and setting forth details in regard thereto."

Should the Planning and Environmental Commission choose to **approve** this minor subdivision, the Community Development Departments recommends the Planning and Environmental Commission makes the following **findings**:

“Based upon a review of Section VII of the August 26, 2019 staff memorandum to the Planning and Environmental Commission, and the evidence and testimony presented, the Planning and Environmental Commission finds:

- 1. That the subdivision is in compliance with the criteria listed in Section 13-3-4, Minor Subdivisions, Vail Town Code; and*
- 2. That the subdivision is consistent with the adopted goals, objectives and policies outlined in the Vail comprehensive plan and compatible with the development objectives of the town;*
- 3. That the subdivision is compatible with and suitable to adjacent uses and appropriate for the surrounding areas; and*
- 4. That the subdivision 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. Applicant Cover Letter and Photos, July 15, 2019
- C. Proposed Plat

A. Vicinity Map

