



## Memorandum

TO: Planning and Environmental Commission

FROM: Community Development Department

DATE: August 26, 2019

SUBJECT: A request for review of a Conditional Use Permit pursuant to Section 12-9C-3, Conditional Uses, Vail Town Code, in accordance with Title 12, Chapter 16, Conditional Use Permits, Vail Town Code, to allow for an amendment to the conditional use permit for the Town of Vail Public Works facility located at 1289 Elkhorn Drive/Unplatted, and setting forth details in regard thereto. (PEC19-0039)

Applicant: Town of Vail, represented by Greg Hall  
Planner: Chris Neubecker

### I. SUMMARY

The Town of Vail submitted an application for a Conditional Use Permit to allow for demolition of a portion of an existing building, constructing a new building for the Town of Vail Streets Department, and constructing a new retaining wall at the Town of Vail Public Works facility, located at 1289 Elkhorn Drive/Unplatted. The expanded use includes approximately 23,175 square feet of additional buildings, plus 36,500 square feet of expanded outdoor storage space for a vehicle impound lot and special event equipment.

The Conditional Use Permit is required by the Vail Town Code for public buildings and grounds within the General Use (GU) zone district.

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 and conditions noted in Section VIII of this memorandum.

## **II. DESCRIPTION OF REQUEST**

The proposed improvements are identified in Phase 1 of the 2019 Public Works Master Plan. The applicant is requesting the review and approval of an amendment to the existing Conditional Use Permit for the following:

- Constructing a new building for the Town of Vail Streets Department
- Constructing a new retaining wall
- Relocating the existing greenhouse building
- Expanded storage space for a vehicle impound lot and special event equipment

## **III. BACKGROUND**

The subject property is unplatted. The property was annexed into the Town of Vail in 1977 via Ordinance 25, Series of 1977.

In 1994 the Town of Vail obtained a Conditional Use Permit for the expansion of the Administration Building.

In April 2019 the Town of Vail received approval for the Public Works Master Plan. The Plan provides a summary of the immediate needs and the long term use of the Public Works site within the Town of Vail. The Plan provides a roadmap to guide future development of the site, while helping the Town understand the possible costs and impacts of future development. The Plan identifies a need for a new Streets Department building, as well as the need for additional outdoor storage for special events.

The timeframe for the Master Plan is 20 years. The proposed Streets Department building and retaining wall are the first projects that will help to implement the Plan.

## **IV. APPLICABLE PLANNING DOCUMENTS**

### **VAIL LAND USE PLAN**

#### **CHAPTER II – LAND USE PLAN GOALS / POLICIES:**

*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.*
- 1.6 Development proposals on the hillsides should be evaluated on a case by case basis. Limited development may be permitted for some low intensity uses in areas that are not highly visible from the Valley floor. New projects should be carefully controlled and developed with sensitivity to the environment.*
- 1.10 Development of Town owned lands by the Town of Vail (other than parks and open space) may be permitted where no high hazards exist, if such development is for public use.*
- 1.12 Vail should accommodate most of the additional growth in existing developed areas (infill areas).*

**6. Community Services**

- 6.1 Services should keep pace with increased growth.*
- 6.2 The Town of Vail should play a role in future development through balancing growth with services.*
- 6.3 Services should be adjusted to keep pace with the needs of peak periods.*

**2019 PUBLIC WORKS MASTER PLAN**

**Public Works 20 Year Master Plan Update Summary**

*This document is intended to provide a summary of the immediate needs and the long-term use of the Public Works site in the Town of Vail. The intention of this document is to provide a roadmap forward which guides the development of this*

*site while remaining aware of anticipated costs and allowing for flexibility in the future.*

*Employee Housing, Public Works Administration, Transit, Fleet Maintenance, Streets & Parks, and Facilities Maintenance are the Subjects of this Public Works 20 Year Master Plan Update along with Solar Energy Systems, Snow Dump/Storage, and Site Parking.*

*Included are the strategic findings from the Staff Interviews conducted in search of additional building areas, site functions, additional housing, and overall Public Works operational needs along with additional site parking in support of Staff and Facilities growth over the next 20 years.*

*It is generally understood that the growth throughout the next 20 years is driven by additional Public Buildings and Facilities to maintain along with other elevated Town Service levels.*

### **Rockfall & Debris Flow**

#### *Mitigation notes*

*The site is in a moderate to high rockfall hazard area. Site Specific Rockfall Mitigation should be done for new buildings particularly on the West end of the property. HP Kumar provided a preliminary assessment of the Rock Fall and Debris Flow Hazards to the site.*

*Suggested mitigation includes:*

- 1. Meshing, bolting, and or shotcreting of entire rock outcrop in the source zone.*
- 2. Stabilization or scaling of individual rock blocks in the source zone.*
- 3. Installation of rockfall barrier and catchment area (rigid MSE wall, soil berm, or flexible fence) in the runout zone.*

*Recommended mitigation:*

*Option 3 with a combination of the MSE wall, soil berm, and fencing.*

**Master Plan Update Priorities:** *The following are the Master Plan Update priorities.*

- 1. Streets and Parks Building expansion*
- 2. Housing opportunities which may be available at this site*
- 3. Solar opportunities to help offset Town of Vail energy consumption*
- 4. Frontage road turn-lane and improvements to support future expansion*
- 5. Snow Dump/Storage expansion*
- 6. Site utility upgrades*

*This document includes:*

- 1. Existing site conditions, including hazards and site limitations*
- 2. Summary of user group needs*
- 3. Options for consideration to address user group needs and opportunities*
- 4. Suggested path forward*

### **Seasonal Habitat – Bighorn Sheep**

*The Wildlife Habitat should be protected and should be enhanced where possible. In order to protect the Sheep Habitat, the following Guidelines should be followed:*

- 1. No outdoor recreation should be allowed behind the buildings on site and the trail behind the Public Works site should be closed in winter.*
- 2. Dogs should not be allowed on site.*
- 3. Site specific Wildlife studies should be conducted for the implementation of Utility Grade Solar. Generally, priority for utility grade solar should be in the smooth brome stand area that has already been disturbed.*
- 4. Site specific Wildlife studies should be conducted for Housing projects proposed on the existing administration and Buzzard Park sites. Housing generally does not create much of an impact. The housing that backs up the hillside should be kept below the rock areas on the hill.*
- 5. Site specific Wildlife studies should include specific criteria to mitigate the impacts on Wildlife.*
- 6. The Town should commit to further Wildlife Habitat Enhancement where appropriate.*

### **5.1 Project Phasing of Recommended Option C**

*Phase 1: 2-4 years*

- Demolition of existing streets building.*
- Relocate the existing greenhouse.*
- Construct new approximate 24,000 sq. ft. stand along Streets Building.*
- Expand Shipping and receiving.*
- Construct new Solar panels on the roof of new streets building.*
- Regrade and construct new first phase of permanent North Shoring wall behind new streets building.*
- Construct 12-24 scalable housing along the 1-70 berm.*
- Electric Utility upgrades for electric bus charging.*

*Phase 2: 3-5 years*

- Construct the balance of the permanent North Shoring wall.*
- Construct cold storage area behind the now new Streets Building with*

- parking on the roof.*
- *Construct Ramp to access the new parking.*
- *Expand snow storage area.*
- *Construct first set of Utility Grade Solar.*

*Phase 3: 5-7 years*

- *Construct new Facilities Maintenance Building along North Shoring wall*
- *Construct new Administration as Bridge and Meeting Room between the two buildings.*
- *Provide new rooftop Solar on Administration Bridge and Maintenance Building.*
- *Construct second set of Utility Grade Solar.*
- *Option for temporary housing or other temporary use in Administration Building until it is torn down for new Housing.*

*Phase 4: 5-7 years*

- *Upgrade Fleet Maintenance*
- *Upgrade Transportation*
- *Replace Roof on Fleet and Bus Barn to accept Solar Panel.*
- *Construct Access improvement to site for additional housing*

*Phase 5: 10+ years*

- *Demolish existing Administration Building.*
- *Construct 40 new housing units in Administration Building Location with underground parking.*

*Phase 6: 10+ years*

- *Demolish existing Buzzard Park.*
- *Construct 80 new housing units and community building at Buzzard Park Site.*

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

**12-9C-1: PURPOSE:**

*The general use district is intended to provide sites for public and quasi-public uses which, because of their special characteristics, cannot be appropriately regulated by the development standards prescribed for other zoning districts, and for which development standards especially prescribed for each particular development proposal or project are necessary to achieve the purposes prescribed in section 12-1-2 of this title and to provide for the public welfare. The general use district is intended to ensure that public buildings and grounds and certain types of quasi-public uses permitted in the district are appropriately*

*located and designed to meet the needs of residents and visitors to Vail, to harmonize with surrounding uses, and, in the case of buildings and other structures, to ensure adequate light, air, open spaces, and other amenities appropriate to the permitted types of uses. (Ord. 29(2005) § 28: Ord. 21(1994) § 10)*

**12-9C-3: CONDITIONAL USES: (in part)**

*A. Generally: The following conditional uses shall be permitted in the GU district, subject to issuance of a conditional use permit in accordance with the provisions of chapter 16 of this title:*

*Public buildings and grounds.*

*Public utility and public service uses.*

**12-9C-4: ACCESSORY USES: (in part)**

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

*Other uses customarily incidental and accessory to permitted or conditional uses, and necessary for the operation thereof, with the exception of buildings. (Ord. 29(2005) § 28: Ord. 21(1994) § 10)*

**12-9C-5: DEVELOPMENT STANDARDS:**

*A. Prescribed By Planning And Environmental Commission: In the general use district, development standards in each of the following categories shall be as prescribed by the planning and environmental commission:*

- 1. Lot area and site dimensions.*
- 2. Setbacks.*
- 3. Building height.*
- 4. Density control.*
- 5. Site coverage.*
- 6. Landscaping and site development.*
- 7. Parking and loading.*

*B. Reviewed By Planning And Environmental Commission: Development standards shall be proposed by the applicant as a part of a conditional use permit*

*application. Site specific development standards shall then be determined by the planning and environmental commission during the review of the conditional use request in accordance with the provisions of chapter 16 of this title. (Ord. 29(2005) § 28: Ord. 21(1994) § 10)*

#### **12-9C-6: ADDITIONAL DEVELOPMENT STANDARDS:**

*Additional regulations pertaining to site development standards and the development of land in the general use district are found in chapter 14 of this title. (Ord. 29(2005) § 28: Ord. 21(1994) § 10)*

### **CHAPTER 16 – CONDITIONAL USE PERMITS**

#### **12-16-1: PURPOSE; LIMITATIONS:**

*In order to provide the flexibility necessary to achieve the objectives of this title, specified uses are permitted in certain districts subject to the granting of a conditional use permit. Because of their unusual or special characteristics, conditional uses require review and evaluation so that they may be located properly with respect to the purposes of this title and with respect to their effects on surrounding properties. The review process prescribed in this chapter is intended to assure compatibility and harmonious development between conditional uses and surrounding properties and the town at large. Uses listed as conditional uses in the various districts may be permitted subject to such conditions and limitations as the town may prescribe to ensure that the location and operation of the conditional uses will be in accordance with development objectives of the town and will not be detrimental to other uses or properties. Where conditions cannot be devised to achieve these objectives, applications for conditional use permits shall be denied. (Ord. 8(1973) § 18.100)*

#### **12-16-5: PLANNING AND ENVIRONMENTAL COMMISSION ACTION:**

*A. Possible Range Of Action: Within thirty (30) days of the application for a public hearing on a conditional use permit, the planning and environmental commission shall act on the application. The commission may approve the application as submitted or may approve the application subject to such modifications or conditions as it deems necessary to accomplish the purposes of this title, or the commission may deny the application. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to such other conditions as the commission may prescribe. Conditions may include, but shall not be limited to, requiring special setbacks, open spaces, fences or walls, landscaping or screening, and street dedication and improvement; regulation of vehicular access and parking, signs, illumination, and hours and methods of operation; control of potential nuisances; prescription of standards for maintenance of buildings and grounds; and prescription of development schedules.*



*B. Variances: A conditional use permit shall not grant variances, but action on a variance may be considered concurrently with a conditional use permit application on the same site. Variances shall be granted in accordance with the procedure prescribed in chapter 17 of this title. (Ord. 29(2005) § 38: Ord. 16(1978) § 4(b): Ord. 8(1973) § 18.500)*

**12-16-6: CRITERIA; FINDINGS:**

*A. Factors Enumerated: Before acting on a conditional use permit application, the planning and environmental commission shall consider the following factors with respect to the proposed use:*

- 1. Relationship and impact of the use on development objectives of the town.*
- 2. Effect of the use on light and air, distribution of population, transportation facilities, utilities, schools, parks and recreation facilities, and other public facilities and public facilities needs.*
- 3. Effect upon traffic, with particular reference to congestion, automotive and pedestrian safety and convenience, traffic flow and control, access, maneuverability, and removal of snow from the streets and parking areas.*
- 4. Effect upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses.*
- 5. Such other factors and criteria as the commission deems applicable to the proposed use.*
- 6. The environmental impact report concerning the proposed use, if an environmental impact report is required by chapter 12 of this title.*

*B. Necessary Findings: The planning and environmental commission shall make the following findings before granting a conditional use permit:*

- 1. That the proposed location of the use is in accordance with the purposes of this title and the purposes of the zone district in which the site is located.*
- 2. That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.*

3. That the proposed use will comply with each of the applicable provisions of this title. (Ord. 29(2005) § 38: Ord. 10(1998) § 9: Ord. 22(1996) § 3: Ord. 36(1980) § 1: Ord. 8(1973) § 18.600)

**12-16-8: PERMIT APPROVAL AND EFFECT:**

*Approval of a conditional use permit, or an amendment to an existing conditional use permit, shall lapse and become void if a building permit is not obtained and construction not commenced and diligently pursued toward completion or the use for which the approval has been granted has not commenced within two (2) years from when the approval becomes final. Approval of a conditional use permit shall also lapse and become void if the use for which the approval has been granted is discontinued for a period of two (2) years, regardless of any intent to resume operation of the use. (Ord. 12(2008) § 26)*

**12-16-9: CONFLICTING PROVISIONS:**

*In addition to the conditions which may be prescribed pursuant to this chapter, a conditional use shall also be subject to all other procedures, permits, and requirements of this chapter and other applicable ordinances and regulations of the town. In the event of any conflict between the provisions of a conditional use permit and any other permit or requirement, the more restrictive provision shall prevail. (Ord. 10(1998) § 10: Ord. 8(1973) § 18.900)*

**V. ZONING ANALYSIS**

Address:	1289 Elkhorn Dr.
Legal Description:	Unplatted
Lot Area:	17.32 acres / (754,459 sq. ft.)
Zoning:	General Use (GU)
Land Use Designation:	Public / Semi-Public

**VI. SURROUNDING LAND USES AND ZONING**

	<u>Land Use</u>	<u>Zoning</u>
North:	USFS	None
South:	I-70	None
East:	USFS	None
West:	Open Space	Agricultural and Open Space

## VII. REVIEW CRITERIA – CONDITIONAL USE

According to Section 12-6I-3, Conditional Uses, Vail Town Code, the following criteria shall be evaluated by the Planning and Environmental Commission for the construction of dwelling units within the Housing (H) zone district:

### *12-16-6: CRITERIA; FINDINGS*

Before acting on a Conditional Use Permit application, the Planning and Environmental Commission shall consider the following factors with respect to the proposed use:

#### **1. Relationship and impact of the use on the development objectives of the Town.**

The proposed uses are consistent with the development objectives of the Town of Vail. Specifically, the proposed expansion of the Streets Department building is recommended in Phase 1 of the 2019 Public Works Master Plan. The Master Plan identified that more development area was needed at the Public Works site to meet the future needs of the community and to provide critical municipal services. The proposed retaining wall will create a flat storage area at the rear of the site, out of view from the general public and the interstate, which will provide for needed outdoor storage and circulation space.

Staff finds that the proposal **meets** to this criterion.

#### **2. The effect of the use on light and air, distribution of population, transportation facilities, utilities, schools, parks and recreation facilities, and other public facilities needs.**

The proposed conditional use will have minimal effects on light and air, and other public facilities needs. There will be positive impacts from the proposed development on transportation facilities, including positive impacts on local roads, by providing the Town with the needed facilities to improve and expand public works services. The proposed uses are not expected to have any significant impacts on distribution of population, utilities, schools, or parks and recreation facilities.

Staff finds that the proposal **meets** to this criterion.

#### **3. Effect upon traffic with particular reference to congestion, automotive and pedestrian safety and convenience, traffic flow and control, access, maneuverability, and removal of snow from the street and parking areas.**

There will be no significant impacts from the proposed buildings or retaining walls on traffic facilities, congestion, automotive and pedestrian safety and convenience. There will be improved traffic flow and control, access, maneuverability within the site from the proposed changes, which include areas for improved internal vehicle circulation.

The expansion of the Streets Department building will result in improved services, including removal of snow from public streets.

Staff finds that the proposal **meets** to this criterion.

**4. Effect upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses.**

The existing character of the Public Works facility will not change with the proposed buildings, walls or uses. The existing buildings are simple, utilitarian buildings used for storage of heavy equipment. The site is not highly visible from nearby properties, and is screened with a berm and heavy landscaping. The proposed Streets Department building is larger than the existing building, but will be similar in character.

Staff finds that the proposal **meets** to this criterion.

**5. Such other factors and criteria as the commission deems applicable to the proposed use.**

**6. The environmental impact report concerning the proposed use, if an environmental impact report is required by Chapter 12 of this title.**

The administrator has waived the requirement for an environmental impact report (EIR) for this phase of the Public Works site; however, an EIR may be required for future phases of development.

## **VIII. ENVIRONMENTAL IMPACTS**

The proposed development of the Streets Department building is in an already disturbed area, and will not have impacts on hydrology, atmospheric conditions, geology, vegetation, odor, scenic values, and transportation or population characteristics. The proposed retaining wall will cut into the hillside, and will remove approximately 36,500 square feet (0.84 acres) of previously disturbed land, which could be used as foraging for sheep. However, this area is at the toe of the slope, adjacent to the Public Works activities with vehicle circulation that occurs around the clock.

## **IX. STAFF RECOMMENDATION**

The Community Development Department finds that the application meets the required criteria in Section 12-16-6, Criteria; Findings, Vail Town Code. We recommend the Town of Vail Planning and Environmental Commission **approve** this application, with conditions.

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

*“The Planning and Environmental Commission approves the applicant’s request for an amendment to a Conditional Use Permit pursuant to Section 12-9C-3, Conditional Uses, Vail Town Code, in accordance with Title 12, Chapter 16, Conditional Use Permits, Vail Town Code, to allow for an amendment to the conditional use permit for the Town of Vail Public Works facility located at 1289 Elkhorn Drive/Unplatted, and setting forth details in regard thereto. (PEC19-0039) with the following findings and conditions:*

**Findings:**

1. *That the proposed location of the use is in accordance with the purposes of Title 12, Vail Town Code, and the purposes of the zone district in which the site is located.*
2. *That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.*
3. *That the proposed use will comply with each of the applicable provisions of this title.*

**Conditions:**

- 1 *Approval of this Conditional Use Permit is contingent upon the applicant obtaining approval of an associated Design Review Board application for the design of the building and retaining wall.*
- 2 *Applicant shall at all times abide by the Conditional Use Permit regulations in Title 12, Chapter 16, of the Vail Town Code.*
- 3 *Any conditional use which is discontinued for a period of two (2) years, regardless of any intent to resume operation, shall not be resumed thereafter; any future use of the site or structures thereon shall conform to the provisions of Title 12, Chapter 16, Vail Town Code.”*

**X. ATTACHMENTS**

- A. Vicinity Map
- B. Applicant Narrative
- C. Development Plans from Victor Mark Donaldson Architects, July 25, 2019
- D. Site Photos
- E. Geologic Hazards Report, H-P Kumar, November 6, 2018
- F. 2019 Public Works Master Plan