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## Memorandum

**TO:** Vail Town Council

**FROM:** Community Development Department

**DATE:** October 15, 2019

**SUBJECT:** An appeal hearing, pursuant to Section 12-3-3, Appeals, Vail Town Code, to address seven separate appeals of the final decision of the Town of Vail Planning and Environmental Commission on August 26, 2019 to approve a development plan pursuant to Vail Town Code § 12-6I-13 for a residential development on the real property located at 3700 North Frontage Road East/Lot 1, Vail, Colorado, known as the East Vail Workforce Housing Subdivision. (TC19-0001)

Appellants: William Robert Essin, Collins Kelley, Julie Conn, Deborah and Rob Ford, Betsy Kiehl, Anthony and Cynthia Ryerson and Penny Turilli  
Planner: Jonathan Spence

### I. SUBJECT PROPERTY

The subject property is located at 3700 North Frontage Road East/Lot 1, Vail, Colorado, known as the East Vail Workforce Housing Subdivision.

### II. VAIL TOWN COUNCIL JURISDICTION

Pursuant to Section 12-3-3C-1 Vail Town Code, the Town Council must hear and decide appeals from any decision, determination or interpretation by the Planning and Environmental Commission with respect to the provisions of Title 12, Zoning Regulations, Vail Town Code.

### III. PROCEDURAL CRITERIA FOR APPEALS

Pursuant to Sections 12-3-3C-2 and 12-3-3C-3, Vail Town Code, there are three basic procedural criteria for an appeal:

A) Standing of the Appellants

Pursuant to Section 12-3-3, Vail Town Code and the determinations made by the Community Development Director, the appellants have standing as aggrieved or adversely affected persons.

B) Adequacy of the Notice of the Appeal

A copy of the Public Notice of the Vail Town Council, October 15, 2019, Public Hearing was sent to the local newspaper on September 26, 2019 and published on September 27, 2019, pursuant to Section 12-3-3C-3, Vail Town Code.

C) Timeliness of the Notice of Appeal

Section 12-3-3C-3 of the Vail Town Code requires appeals to be filed within twenty (20) days of the decision being appealed. On or before September 16, 2019, the appellants filed their appeals.

#### IV. SUMMARY

The question to be answered by the Vail Town Council regarding this appeal is:

Should the August 26, 2019 decision of the Planning and Environmental Commission be upheld?

Pursuant to Section 12-3-3, Vail Town Code, the Vail Town Council must uphold, uphold with modifications, or overturn the Planning and Environmental Commission's August 26, 2019, decision.

#### V. BACKGROUND

Triumph Development requested the review of a Development Plan, pursuant to Section 12-6I-11, Vail Town Code, for a new housing development located at 3700 North Frontage Road East/Lot 1, East Vail Workforce Housing Subdivision (the "Booth Heights Neighborhood").

On August 26, 2019, the Planning and Environmental Commission held a public hearing on the Development Plan application and voted 4-3 to approve the Development Plan application.

#### VI. APPLICABLE DOCUMENTS

The applicable Code sections are Vail Town Code, Title 12, Chapter 6, Article I of the Vail Town Code, as linked below.

[http://www.sterlingcodifiers.com/codebook/index.php?book\\_id=560&chapter\\_id=34588](http://www.sterlingcodifiers.com/codebook/index.php?book_id=560&chapter_id=34588)

and the project's materials and public hearing minutes are linked below:

<https://www.vailgov.com/projects/booth-heights-timeline>

## **VII. DISCUSSION ITEM**

Should the August 26, 2019 decision of the Planning and Environmental Commission be upheld?

## **VIII. REQUIRED ACTION**

Pursuant to Section 12-3-3, Vail Town Code, the Vail Town Council must uphold, uphold with modifications, or overturn the Planning and Environmental Commission's August 26, 2019 decision. The Town Council must act by motion, with such motion to be approved by a majority of those present.

Should the Vail Town Council choose to uphold the decision, the following motion is recommended:

*"I move that the Town Council uphold the August 26, 2019 decision of the Planning and Environmental Commission, because the PEC properly determined that the Development Plan for the Booth Heights Neighborhood complies with Title 12, Chapter 6, Article I of the Vail Town Code for the following reasons:*

- 1. The use proposed in the Development Plan complies with Section 12-6I-2;*
- 2. The setbacks proposed in the Development Plan comply with Section 12-6I-5.*
- 3. The site coverage proposed in the Development Plan complies with Section 12-6I-6.*
- 4. The landscaping proposed in the Development Plan complies with Section 12-6I-7.*
- 5. The parking and loading proposed in the Development Plan complies with Section 12-6I-8.*
- 6. The Development Plan satisfies all of the criteria set forth in Section 12-6I-13."*

Should the Vail Town Council choose to overturn the decision of the Planning and Environmental Commission, the following motion is recommended:

*"I move that the Town Council overturn the August 26, 2019 decision of the Planning and Environmental Commission, because the submitted Development Plan for the Booth Heights Neighborhood fails to comply with the Title 12, Chapter 6, Article I of the Vail Town Code, for the following reasons:*

*[LIST SPECIFIC REASONS HERE]"*

## **IX. ATTACHMENTS**

- A.** William Robert Essin Appeal
- B.** Julie Conn Appeal

- C.** Deborah and Rob Ford Appeal
- D.** Betsy Kiehl Appeal
- E.** Anthony and Cynthia Ryerson Appeal
- F.** Penny Turilli Appeal
- G.** Collins Kelly Appeal
- H.** Applicant Memo Concerning the Appeal, October 10, 2019
- I.** Applicant Memo Concerning Review Criteria, October 10, 2019