



## Memorandum

TO: Vail Town Council

FROM: Community Development Department

DATE: May 19, 2020

SUBJECT: Air Conditioning Units in the Vicinity of 292 East Meadow Drive (Mountain Haus),  
Permission to Proceed

### I. DESCRIPTION OF REQUEST

The owner of the Mountain House, located at 292 East Meadow Drive, represented by K.H. Webb Architects, requests permission to proceed through the Design Review process for air conditioning (A/C) units servicing the building that are located partially on Town of Vail property with landscaping screening on Town of Vail Stream Tract. The applicant requests permission to proceed through the Design Review Board processes and, if approved, enter into a lease agreement with the Town of Vail for the improvements.

It should be noted that the Vail Town Council is not being asked to approve the improvements, their location or design, but rather to authorize the applicant to move forward with a planning application that utilizes town-owned property for private uses.

### II. BACKGROUND/PROPOSAL

The Mountain Haus Building was constructed in 1970. The property line for this building was drawn very close to the outline of the building itself, with Town of Vail Right-of-Way boarding to the North, Town of Vail Stream Tract bordering to the West and South, and the Vail Mountain Lodge bordering to the East. The applicant is requesting use of Town of Vail property in order to install and distribute A/C units around the building.

The applicant attempted to receive a previous permission to proceed for A/C units on April 7, 2020. The Town Council denied this application for a number of reasons including concerns over noise generation, clean energy use for these improvements, and the need for use of town-owned property. The applicant has returned with an updated application that includes new proposed locations for some A/C units and a letter from the Mountain Haus Condominium Homeowner's Association (Attachment

B) addressing issues brought up during the previous permission to proceed application.

All A/C units would be placed adjacent to the building. In the current proposal, two A/C units are proposed on the North side of the building adjacent to the pool enclosure along East Meadow Drive. These two units are proposed to be screened by fencing to match existing fencing around the pool enclosure. The A/C units proposed for the South side of the building are proposed within Mountain House property, however, screening will need to be placed on town Stream Tract. Screening here is proposed to be vegetated screening. There will also be additional A/C units and screening being proposed on the east side of the building, subject to an agreement between the owners of Mountain Haus and Vail Mountain Lodge. All other improvements occur entirely within private property.

The applicant has explored the possibility of adding these A/C units onto the roof of Mountain Haus, however the older building does not have the weight capacity to hold the units. Adding the units onto the roof would also add at least 8 additional feet to the overall building height, which would not be supported by Town Staff.

Please see the applicant's narrative (Attachment A), letter from the Mountain Haus Condominium HOA (Attachment B), and proposed plans (Attachment C).

### III. APPLICABLE PLANNING DOCUMENTS

While there are no criteria for the review of a permission to proceed request, staff finds that the following provisions are relevant to this proposal.

#### VAIL 20/20 (in part)

##### **Environmental Sustainability**

***Goal #2 Energy Management in Buildings and Transportation:*** Reduce the town's 2007 baseline green house gas emissions.

- *Partner with Holy Cross and other utility companies to promote and educate consumers about energy efficiency.*
- *Encourage adoption of green building strategies and practices.*

#### VAIL VILLAGE MASTER PLAN (in part)

***Objective 1.2:*** Encourage the upgrading and redevelopment of residential and commercial facilities.

**Policy 1.2.2:** *Development and improvement projects shall be coordinated to minimize the unintended negative consequences associated with construction activity in a pedestrianized commercial area. For instance, the noise abatement project completion guarantees, temporary parking, traffic control, etc.*

**Objective 2.5:** *Encourage the continued upgrading, renovation and maintenance of existing lodging and commercial facilities to better serve the needs of our guests.*

**Goal #3:** *To recognize as a top priority the enhancement of the walking experience throughout the village.*

**Policy 3.4.4:** *Encroachment of private improvements on the town-owned Gore Creek stream tract shall be prohibited.*

VAIL TOWN CODE (in part)

**Title 5 – Public Health and Safety, Chapter 1: Public Nuisances**

**5-7-1: Noise Prohibited:**

- A. *Prohibited Act: The making and creating of an excessive or an unusually loud noise at any location within the town heard and measured in a manner hereinafter set forth, shall be unlawful, except when made under and in compliance with a permit issued pursuant to subsection E of this section.*
- B. *Definition: an "excessive or unusually loud noise" shall be defined as follows:*
  - 1. *Noise of any duration which exceeds the allowable noise limit for the zone in which the noise source is located by fifteen (15) decibels.*
  - 2. *A noise, one minute or more in duration out of any ten (10) minute period, which exceeds the allowable noise limit for the zone in which the noise source is located by ten (10) decibels.*
  - 3. *A noise of five (5) minutes in duration and a total of five (5) minutes out of any ten (10) minute period, which exceeds the allowable noise limit for the zone in which the noise source is located by three (3) decibels.*
- D. *Allowable Limits: The following shall be the allowable noise limits for the time periods and zones specified:*

Zoning Designation Of Property On Which Source Of Noise Is Located	Maximum Number Of Decibels Permitted From <u>7:00 A.M. To 11:00 P.M.</u>	Maximum Number Of Decibels Permitted From <u>11:00 P.M. To 7:00 A.M.</u>
All residential zones excepting HDMF	55 decibels	50 decibels
Commercial plus HDMF	65 decibels	60 decibels
Industrial service zones	80 decibels	75 decibels

**IV. ACTION REQUESTED**

The Community Development Department requests that the Town Council evaluate the proposal to utilize Town of Vail property and Stream Tract for the addition of air conditioning units and screening servicing the Mountain Haus building. This utilization of Town of Vail property would be subject to the terms of a license agreement and could be discontinued and removed if required to do so.

**V. ATTACHMENTS**

- A. Applicant's narrative
- B. Letter from the Mountain Haus Condominium Homeowner's Association
- C. Proposed plans