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**Memorandum**

TO: Planning and Environmental Commission

FROM: Community Development Department

DATE: September 14, 2020

SUBJECT: A request for a recommendation to the Vail Town Council for a Prescribed Regulation Amendment pursuant to Section 12-3-7 Amendment, Vail Town Code to amend Section 12-15-2 GRFA Requirements by Zone District, Vail Town Code, to correct the error in the GRFA calculation table for the PA Zone District, and setting forth details in regard thereto. (PEC20-0020)

Applicant: Town of Vail  
Planner: Greg Roy

**I. SUMMARY**

The applicant, Town of Vail, is proposing to update the Vail Town Code to correct the GRFA calculation in the table of Section 12-15-2, to match the correct GRFA number for the PA Zone District.

**II. DESCRIPTION OF REQUEST**

The Applicant requests a recommendation of approval to the Vail Town Council for a prescribed regulation amendment pursuant to Section 12-3-7 Amendment, Vail Town Code to amend Section 12-15-2 GRFA Requirements by Zone District, Vail Town Code, to correct the GRFA calculation in the table for the PA Zone District, and setting forth details in regard thereto.

**III. BACKGROUND**

In Ordinance No. 12, Series of 1978 the PA Zone District listed the allowable GRFA as 80 SF per buildable area. Ordinance No. 23, Series of 1999, increased the allowable GRFA to 150 SF but there was no corresponding change to the table in Section 12-15-2 that lists the allowed GRFA for all the zone districts.

**IV. PROPOSED TEXT AMENDMENT LANGUAGE**

The applicant proposes the following language to be amended in Title 12:

The proposed amendments are as follows (text to be deleted is in ~~strikethrough~~, text that is to be added is **bold**).

12-15-2: GRFA Requirements by Zone District;

PA Public accommodation	<del>0.80</del> <b>1.50</b> of buildable area	None
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## V. ROLES OF REVIEWING BODIES

### Order of Review:

Generally, text amendment applications will be reviewed by the Planning and Environmental Commission, and the Commission will forward a recommendation to the Town Council. The Town Council will then review the text amendment application and make the final decision.

### Planning and Environmental Commission:

The Planning and Environmental Commission is responsible for the review of a text amendment application, pursuant to Section 12-3-7, Amendment, Vail Town Code, and the forwarding of a recommendation to the Town Council.

### Town Council:

The Town Council is responsible for final approval, approval with modifications, or denial of a text amendment application, pursuant to Section 12-3-7, Amendment, Vail Town Code.

### Staff:

The Town Staff facilitates the application review process. Staff reviews the submitted application materials for completeness and general compliance with the appropriate requirements of the Town Code. Staff also provides the Planning and Environmental Commission a memorandum containing a description and background of the application; an evaluation of the application in regard to the criteria and findings outlined by the Town Code; and a recommendation of approval, approval with modifications, or denial.

## VI. APPLICABLE PLANNING DOCUMENTS

Staff believes that following provisions of the Vail Town Code and Vail Land Use Plan are relevant to the review of this proposal:

Vail Comprehensive Plan

Town of Vail

*Land Use and Development Goal #3*

- *Develop a streamlined design review process and include in regulation updates.*

**VII. CRITERIA FOR REVIEW**

**1. The extent to which the text amendment furthers the general and specific purposes of the zoning regulations; and**

The general purposes of the zoning regulations are for “*promoting the health, safety, morals, and general welfare of the town, and to promote the coordinated and harmonious development of the town in a manner that will conserve and enhance its natural environment and its established character as a resort and residential community of high quality*”. This text amendment is intended to advance these purposes by providing clear standards in the zoning code that is consistent and less ambiguous.

**2. The extent to which the text amendment would better implement and better achieve 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**

The proposed text amendment will provide staff, as well as anyone who references the code, clear standards for planning and development review that can be applied consistently.. The clarification of this section will help better implement and better achieve the adopted goals, objectives and policies in Vail.

**3. The text amendment demonstrates how conditions have substantially changed since the adoption of the subject regulation and how the existing regulation is no longer appropriate or is inapplicable; and**

The PA Zone District section of the code was changed in 1999, but the table was never corrected to match. The correction is necessary to have consistent application of the code and matching regulations.

**4. The extent to which the text amendment provides a harmonious, convenient, workable relationship among land use regulations consistent with municipal development objectives; and**

By increasing transparency in the zoning code, the proposed text amendment would promote a harmonious, convenient and workable relationship among land use regulations consistent with municipal development objectives. The text amendment does not conflict with other existing land use documents or municipal development objectives.

**5. Such other factors and criteria the Planning and Environmental Commission and/or council deem applicable to the proposed text amendments**

Staff will provide additional information as needed should the PEC and/or council determine other factors or criteria applicable to the proposed text amendments.

**VIII. STAFF RECOMMENDATION**

The Community Development Department recommends that the Planning and Environmental Commission forward a **recommendation of approval** for the prescribed regulation amendment to the Vail Town Council. This recommendation is based upon the review of the criteria outlined in Section VII of this memorandum and the evidence and testimony presented.

Should the Planning and Environmental Commission choose to forward a recommendation of approval to the Vail Town Council for the proposed prescribed regulation amendment, the Community Development Department recommends the Commission pass the following **motion**:

*"The Planning and Environmental Commission forwards a recommendation of approval to the Vail Town Council for a prescribed regulation amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to amend Section 12-15-2 GRFA Requirements by Zone District, Vail Town Code, to correct the GRFA calculation in the table for the PA Zone District, and setting forth details in regard thereto. (PEC20-0020)."*

Should the Planning and Environmental Commission choose to forward a recommendation of approval to the Vail Town Council for the proposed prescribed regulation amendment, the Community Development Department recommends the Commission makes the following **findings**:

*"Based upon a review of Section VII of the September 14, 2020 staff memorandum to the Planning and Environmental Commission, and the evidence and testimony presented, the Planning and Environmental Commission finds:*

- 1. That the amendment is consistent with 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. That the amendment furthers the general and specific purposes of the Zoning Regulations outlined in Section 12-1-2, Purpose, Vail Town Code; and*
- 3. That the amendment 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."*