



Memorandum

TO: Planning and Environmental Commission

FROM: Community Development Department

DATE: October 12, 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 12-16-7: Use Specific Criteria and Standards, Vail Town Code, to amend the use specific criteria for funiculars and other similar conveyances, and setting forth details in regard thereto. (PEC20-0023)

Applicant: Mauriello Planning Group representing LSC 27 LLC
Planner: Jonathan Spence

I. SUMMARY

The applicant, Mauriello Planning Group representing LSC 27 LLC, is requesting 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 12-16-7: Use Specific Criteria and Standards, Vail Town Code, to amend the use specific criteria for funiculars and other similar conveyances.

Based upon staff's review of the criteria outlined in Section VI of this memorandum and the evidence and testimony presented, the Community Development Department recommends the Planning and Environmental Commission forward a **recommendation of approval** to the Vail Town Council for the proposed Prescribed Regulations Amendment.

II. DESCRIPTION OF REQUEST

This is a request for a recommendation to the Vail Town Council to amend the use specific criteria for funiculars and other similar conveyances. The proposed amendment will revise the criterion to allow for the use of a funicular to gain pedestrian access to accessory structures and recreation facilities/structures. Currently the use criterion restricts the use of funiculars to the access of residential dwellings only.

Please see Section IV of the report for the proposed modifications to the use criterion.

III. BACKGROUND

Prior to 2003, the use of funiculars and other similar conveyances was an accessory use in residential zone districts. As an accessory use (customary and incidental to permitted uses) review was limited to the Design Review Board (DRB) with no specific criteria.

In 2003 staff proposed reclassifying the use as a Conditional Use in response to community concerns that as an accessory use the review process and community engagement were inadequate. On November 10, 2003, the Planning and Environmental Commission (PEC) voted to recommend approval of the request without any use specific criteria.

Subsequently, the Town Council, upon review of the use reclassification, added use specific criteria. Use specific criteria are additional criterion for specific Conditional Uses. Examples of other uses with use specific criterion are Brewpubs and Bakeries. This new language was not remanded to the PEC for further analysis and consideration. The criterion added by the Town Council had unintended consequences of effectively banning new funiculars, specifically by limiting their use to situations where vehicular access to a dwelling unit was not possible due to identified site constraints.

IV. PROPOSED TEXT AMENDMENT

New language is shown in bold.

12-16-7 Use Specific Criteria and Standards

The following criteria and standards shall be applicable to the uses listed below in consideration of a conditional use permit. These criteria and standards shall be in addition to the criteria and findings required by section [12-16-6](#) of this chapter.

11. Funiculars and other similar conveyances:

*a. Funiculars and other similar conveyances shall only be allowed when designed for the purpose of providing **pedestrian or vehicular** access to a residential dwelling, **an accessory structure, or recreation facility/structure**, as determined by the planning and environmental commission.*

*b. Funiculars and other similar conveyances shall only be allowed when significant site constraints prevent conventional means of **pedestrian or vehicular** access to the residential dwelling, **an accessory structure, or recreation facility/structure**, as determined by the planning and environmental commission. "Significant site constraints" shall be defined as natural features such as mature trees, natural drainages, stream courses, and other natural water features, rock outcroppings, wetlands, excessive slopes, other natural features, and existing structures that may create practical difficulties in the site planning and development of the lot.*

c. Funiculars and other similar conveyances shall only be allowed when designed to be compatible with both the site upon which they are located and the residential

dwelling to which they provide access, as determined by the planning and environmental commission.

d. Funiculars and other similar conveyances shall only be allowed when designed to be appropriately screened.

V. APPLICABLE PLANNING DOCUMENTS

Title 12 – Zoning Regulations, Vail Town Code

Section 3-7 Amendment (in part)

A. Prescription: The regulations prescribed in this title and the boundaries of the zone districts shown on the official zoning map may be amended or repealed by the town council in accordance with the procedures prescribed in this chapter.

B. Initiation:

1. An amendment of the regulations of this title or a change in zone district boundaries may be initiated by the town council on its own motion, by the planning and environmental commission on its own motion, by petition of any resident or property owner in the town, or by the administrator.

2. A petition for amendment of the regulations or a change in zone district boundaries shall be filed on a form to be prescribed by the administrator. The petition shall include a summary of the proposed revision of the regulations, or a complete description of proposed changes in zone district boundaries and a map indicating the existing and proposed zone district boundaries. If the petition is for a change in zone district boundaries, the petition shall include a list of the owners of all properties within the boundaries of the area to be rezoned or changed, and the property adjacent thereto. The owners' list shall include the names of all owners, their mailing and street addresses, and the legal description of the property owned by each. Accompanying the list shall be stamped, addressed envelopes to each owner to be used for the mailing of the notice of hearing. The petition also shall include such additional information as prescribed by the administrator.

VI. REVIEW CRITERIA

Section 12-3-7(C)(2) of the Zoning Regulations identifies the criteria that the Planning and Environmental Commission must consider before making a recommendation for a change to the text of the code. These criteria include the following:

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

The proposed text amendment expands, in a limited manner, the use of funiculars on unique properties in the Town of Vail and furthers the general and specific purposes of the zoning regulations as follows (emphasis added):

12-1-2 A

General: These regulations are enacted for the purpose of 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.

12-1-2 B

5. To conserve and maintain established community qualities and economic values.

10. To assure adequate open space, recreation opportunities, and other amenities and facilities conducive to desired living quarters.

Staff finds this criterion to be met.

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 is compatible with the development objectives of the town and speaks to the origins of Vail and its Tyrolean roots. The following are relevant goals of the Town's Comprehensive Plan:

Vail Land Use Plan:

- Goal 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.
- Goal 1.3. The quality of development should be maintained and upgraded whenever possible.
- Goal 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.
- Goal 2.1. The community should emphasize its role as a destination resort while accommodating day visitors.

Vail 20/20

- Sense of Place and Character: Vail values the strong history of the town and its unique character and legacy while acknowledging the importance of reinvention. This is reflected in the high quality of the built environment with design and features that endure over time.

Staff finds this criterion to be met.

3. The extent to which 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 criterion that was added by the Town Council in 2003 was not evaluated by the PEC and had the unintended consequence of effectively banning new funiculars, as demonstrated by no new development application or approvals in the last 17 years. The minor amendment is consistent with the underlying intent of the original language and maintains the additional review and community notification requirements of a Conditional Use.

Staff finds this criterion to be met.

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

The proposed text amendment clarifies the use of funiculars while maintaining the extra review process and criterion afforded Conditional Uses. The amendment preserves a harmonious, convenient, and workable relationship among land uses consistent with municipal objectives.

As a result, staff finds this criterion to be met.

5. Such other factors and criteria the planning and environmental commission and/or council deem applicable to the proposed text amendment.

VII. STAFF RECOMMENDATION

Based upon the analysis of the review criteria contained in Section VI of this memorandum and on the evidence and testimony presented, the Community Development Department recommends that the Planning and Environmental Commission make a recommendation to the Vail Town Council to **approve** a Prescribed Regulation Amendment pursuant to Section 12-3-7 Amendment, Vail Town Code to amend Section 12-16-7: Use Specific Criteria and Standards, Vail Town Code, to amend the use specific criteria for funiculars and other similar conveyances, and setting forth details in regard thereto.

If the Planning and Environmental Commission chooses to recommend **approval** of the proposed text amendment, the Community Development Department recommends 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 12-16-7: Use Specific Criteria and Standards, Vail Town Code, to amend the use specific criteria for funiculars and other similar conveyances, and setting forth details in regard thereto.”

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 the review of the criteria outlined in Section VI of the Community Development Department memorandum dated October 12, 2020 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; 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.*

VII. ATTACHMENTS

- A. Applicant's Narrative dated August 17, 2020

696 FOREST ROAD



Funicular Conditional Use Permit & Zoning Regulations Amendment

Location: 696 Forest Road / 2101-072-11-038
LOT 8, BLOCK 1, VAIL VILLAGE FILING 6

Date Submitted: August 17, 2020



INTRODUCTION

The owners of 696 Forest Road / Lot 8, Block 1, Vail Village Filing 6, LSC 27 LLC, are requesting a Conditional Use Permit to allow for a funicular. The property is zoned Two-Family Primary/Secondary Residential, and “funiculars” are allowed as a conditional use by Section 12-6D-3: *Conditional Uses*. In addition, the owners are requesting an amendment to Chapter 12-16: *Conditional Use Permits*, to amend the “Use Specific Criteria” for funiculars.



Current construction at 696 Forest Rd.

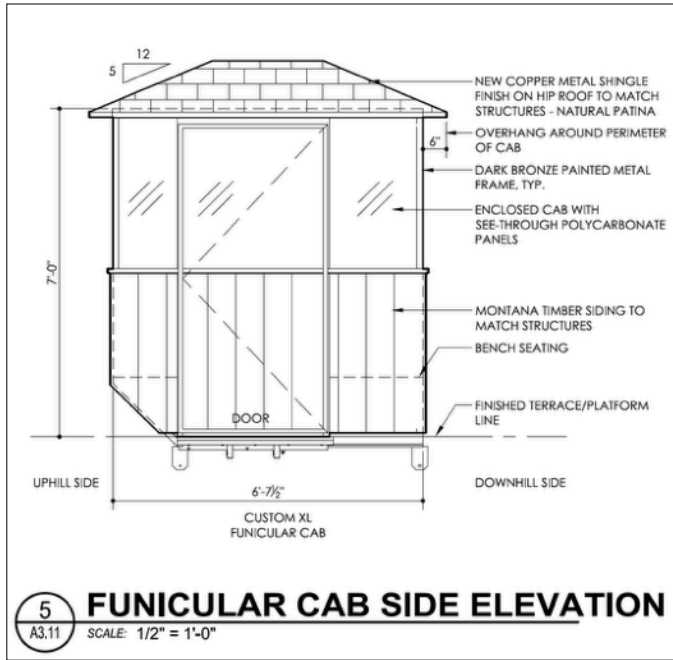
The applicants have been approved to construct a recreation facility, which includes ski lockers and indoor recreational uses in a structure with a 745 sq. ft. footprint and exterior swimming pool. The recreation facility was originally approved on March 4, 2020, and construction began in July of 2020. The facility is proposed to be accessed via a funicular and a set of stairs.

The Town Code defines a funicular (and similar conveyances) as:

Exterior, tramlike vehicles, designed to move up and down steep slopes by use of rails or tracks.

The Town Code distinguishes funiculars from ski lifts and tows as two separate uses within the Code. A ski lift and tow are not subject to use specific criteria that are applicable to a funicular.

The proposed funicular is a 6-seater cab that is customized to match the architecture and materials of the home. The intent is that the cab will match the architecture of the home and will generally blend into the environment. The track is also proposed to be bronze, and varies in height between 4 ft. to 7 ft. off the ground to allow for snow clearance. The total length of track is 260 ft., and it will climb 105 ft. of elevation. The cab is driven by an electric variable speed motor at the top, which uses a cable and drum system, so noise is minimal, and well below the Town’s noise standards.



Proposed funicular cab. The cab will be customized to match the materials of the home. The materials used on the home will be used on the funicular, including timber siding, bronze frame, and copper metal shingles.



BACKGROUND

Funiculars have been used as a popular solution to moving people and freight up and down steep terrain since the 1860s. While many funicular systems are public methods of transportation, in mountain and resort communities, funicular systems have been privately developed as a method to overcome issues of connectivity where terrain prohibits the ability for pedestrians or vehicles to achieve access. For example, there are a couple of private funiculars in Telluride. Private funiculars are also popular in some lakeside resort communities to provide access down to the waterfront.

In the Town of Vail prior to 2003, funiculars were approved as an accessory use to residential dwelling units. This means that there was no review required beyond Design Review. There have been a few funiculars constructed in the Town of Vail.

There are two private funiculars currently in the Town of Vail. Both of these were constructed prior to 2003, and no new funiculars have been constructed since.

There was previously a funicular in East Vail at 4842 Meadow Lane, however, this one was demolished as part of a demo/rebuild in 2015 so there is little available information on it. In addition, there is a private gondola that was constructed in the late 1980s, but a gondola is



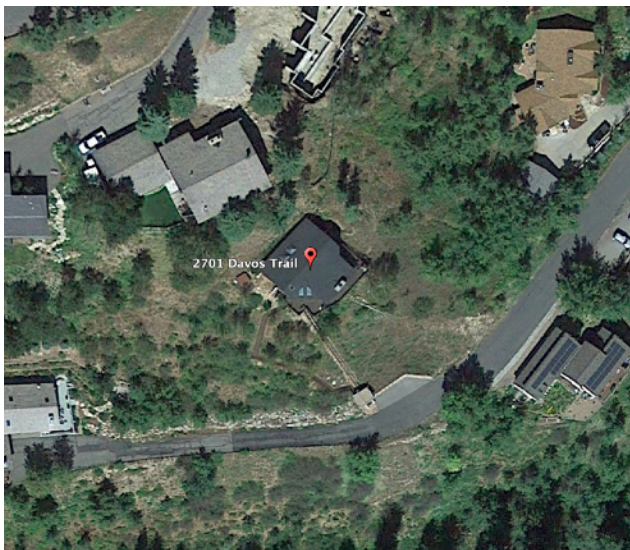
Six-person funicular at Element 52 in Telluride, CO



Small funicular providing access from a private residence down to the waterfront.

considered a ski lift and listed separately from funiculars. The existing funiculars and the private gondola are described in additional detail below:

2701 Davos Trail: The Town's files on this property are corrupted and inaccessible so little is known about the background on this property. The residence at 2701 Davos Trail was constructed in 1981 and sits high on the lot, with significant vertical separation from Davos Trail. In 1985, a separated garage was constructed at the street level, and in 1998 a funicular was constructed connecting the garage to the residence. Based on the information available, the funicular was treated as an accessory use to the residence and the Town's data management system does not indicate that a conditional use permit was issued on this property.



Funicular located at 2701 Davos Trail.

97 Rockledge Road: The property at 97 Rockledge Road was redeveloped in the early 2000s. The funicular provides pedestrian access from Forest Road up to the residence on Rockledge Road. The funicular was part of a major redevelopment of two homes, 86 Forest Road and 97 Rockledge Road. The funicular was reviewed as an accessory use to the residence.



Funicular located at 97 Rockledge Road.

Following a neighbor controversy when this funicular was constructed, the Vail Town Council directed staff to amend the Zoning Code to require the issuance of a conditional use permit for funiculars.

In 2003, the Town of Vail amended the Zoning Regulations to add regulations and requirements for “funiculars.” A definition was added into Chapter 12-2, which states:

FUNICULARS AND OTHER SIMILAR CONVEYANCES: Exterior, tramlike vehicles, designed to move up and down steep slopes by use of rails or tracks.

In addition, “funicular and other similar conveyances” was added as conditional use in the residential zone districts, including Hillside Residential, Single-Family Residential, Two-Family Residential, Two-Family Primary/Secondary Residential, Low Density Multiple-Family, Medium Density Multiple-Family, and High Density Multiple-Family, and Housing Districts.

On November 10, 2003, the Planning and Environmental Commission voted to recommend approval of the request, which was then reviewed by the Town Council. What the PEC recommended was to simply require a conditional use permit without any use specific criteria.

The Town Council decided that in addition to making funiculars a conditional use in the residential zone districts, additional use specific criteria should be added to Chapter 12-16: Conditional Use Permits. Ordinance No. 33, Series of 2003, was adopted by the Town Council

on second reading January 6, 2004. The use specific criteria for funiculars and other similar conveyances are as follows:

11. Funiculars and other similar conveyances:

a. Funiculars and other similar conveyances shall only be allowed when designed for the purpose of providing access to a residential dwelling, as determined by the planning and environmental commission.

b. Funiculars and other similar conveyances shall only be allowed when significant site constraints prevent conventional means of vehicular access to the residential dwelling, as determined by the planning and environmental commission. "Significant site constraints" shall be defined as natural features such as mature trees, natural drainages, stream courses, and other natural water features, rock outcroppings, wetlands, excessive slopes, other natural features, and existing structures that may create practical difficulties in the site planning and development of the lot.

c. Funiculars and other similar conveyances shall only be allowed when designed to be compatible with both the site upon which they are located and the residential dwelling to which they provide access, as determined by the planning and environmental commission.

d. Funiculars and other similar conveyances shall only be allowed when designed to be appropriately screened from view, as determined by the planning and environmental commission.

APPLICANT'S REQUEST

The applicant's request has two components: (1) a text amendment to allow more flexibility in the approval of a funicular; and (2) a request for a conditional use permit based on this revised use specific criteria. The applicant is proposing slight changes to the use specific criteria, as proposed below (language to be added indicated in **bold and underline**):

*a. Funiculars and other similar conveyances shall only be allowed when designed for the purpose of providing **pedestrian or vehicular** access to a residential dwelling, **an accessory structure, or recreation facility/structure**, as determined by the planning and environmental commission.*

*b. Funiculars and other similar conveyances shall only be allowed when significant site constraints prevent conventional means of **pedestrian or** vehicular access to the residential dwelling, **an accessory structure, or recreation facility/structure**, as determined by the planning and environmental commission. "Significant site constraints" shall be defined as natural features such as mature trees, natural drainages, stream courses, and other natural water features, rock outcroppings, wetlands, excessive slopes, other natural features, and existing structures that may create practical difficulties in the site planning and development of the lot.*

c. Funiculars and other similar conveyances shall only be allowed when designed to be compatible with both the site upon which they are located and the residential dwelling to which they provide access, as determined by the planning and environmental commission.

d. Funiculars and other similar conveyances shall only be allowed when designed to be appropriately screened from view, as determined by the planning and environmental commission.

The changes allow for the use of a funicular to gain pedestrian access to accessory structures and recreation facilities/structures. The applicant believes allowing a funicular is more beneficial than allowing for a ski lift, which is allowed without these additional criteria, as the impacts are less by not having towers and aerial trams located well above the ground. This change allows funiculars in a residential setting, in the same circumstances as ski lifts. The criteria for review of the zoning text amendment and conditional use permit are provided in the following sections.

CRITERIA FOR REVIEW: ZONING REGULATIONS AMENDMENT

Section 12-3-7: AMENDMENT, of the Vail Town Code provides the criteria for review of a prescribed regulations amendment. These criteria, along with an analysis, are provided below:

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

Applicant Response: The general and specific purposes of the zoning regulations are provided in Section 12-1-2 of the Vail Town Code. The regulations state:

A. General: These regulations are enacted for the purpose of 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.

B. Specific: These regulations are intended to achieve the following more specific purposes:

- 1. To provide for adequate light, air, sanitation, drainage, and public facilities.*
- 2. To secure safety from fire, panic, flood, avalanche, accumulation of snow, and other dangerous conditions.*
- 3. To promote safe and efficient pedestrian and vehicular traffic circulation and to lessen congestion in the streets.*
- 4. To promote adequate and appropriately located off street parking and loading facilities.*
- 5. To conserve and maintain established community qualities and economic values.*
- 6. To encourage a harmonious, convenient, workable relationship among land uses, consistent with municipal development objectives.*
- 7. To prevent excessive population densities and overcrowding of the land with structures.*
- 8. To safeguard and enhance the appearance of the town.*

9. *To conserve and protect wildlife, streams, woods, hillsides, and other desirable natural features.*

10. *To assure adequate open space, recreation opportunities, and other amenities and facilities conducive to desired living quarters.*

11. *To otherwise provide for the growth of an orderly and viable community.*

The proposed text amendments are consistent with the general and specific purposes of the Zoning Regulations as noted above. Specifically related to Chapter 12-16, Conditional Uses, Vail Town Code, a funicular is an uncommon residential use that exhibits special characteristics that warrant additional consideration and review by the Town of Vail. The amendment is relatively minor, providing only some clarification to the regulations as adopted in 2003. The proposed amendment provides the flexibility to allow such a use while ensuring the adequate review of such a “special” use.

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

Applicant Response: Funiculars, while relatively rare in the United States, have been transporting both people and cargo for generations in Europe. The use of a funicular to access a home, or other accessory structures on a property, harkens back to Vail’s Tyrolean roots, which is supported by various goals and objectives of the Vail Comprehensive Plan, as evidenced with the following:

Vail 20/20

- *Sense of Place and Character: Vail values the strong history of the town and its unique character and legacy while acknowledging the importance of reinvention. This is reflected in the high quality of the built environment with design and features that endure over time.*
- *20/20 Vision: The pedestrian ambiance and scale of Vail Village and LionsHead continues into 2020, where the European alpine charm of Vail is replicated in its new development.*
- *The unique character of Vail is evident from the Tyrolean building style that speaks of Vail’s history, to the mountain contemporary style that heralds technological advancement.*

The proposed text amendments better implement the goals, objectives, and policies of the Comprehensive Plan and are compatible with the development objectives of the Town.

3. The extent to which 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

Applicant Response: The applicant is not proposing major changes to the text of the regulations regarding funiculars. In fact, the amendment is minor, providing only additional clarification to the idea that a funicular may be permitted by a conditional use permit to access a portion of a residential unit or accessory and recreational structures/facilities that may be difficult to access via conventional means, such as by vehicular access. When the regulation was adopted in 2003, it was in response to a neighbor concern about the funicular at 97 Rockledge Road. As an accessory use, no notification to adjacent properties was required. As a result, the neighbors felt that they had no input on the impacts to adjacent property owners. With the requirement now for a conditional use permit, neighbors are notified of a proposed funicular and their comments and concerns can be addressed by both the applicant and the Planning and Environmental Commission. The applicant believes that the regulation, when adopted in 2003, did not appropriately take into consideration those circumstances where the use would be appropriate. The PEC never reviewed the use specific criteria in 2003, and thus never had the opportunity to evaluate the impacts of the regulations. Due to the significant changes made to the regulations by the Town Council, the changes should have been remanded back to the PEC for review and recommendation. Now 17 years later, the applicant believes that the conditions that have changed are related to not recognizing reasonable circumstances where the use might be appropriate. The minor clarification to the use specific criteria for funiculars addresses this criterion.

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

Applicant Response: A residential funicular is an uncommon and unique use. The Planning and Environmental Commission is afforded the ability to review the special characteristics of a funicular on an individual case-by-case basis. The Planning and Environmental Commission has

the ability to evaluate a funicular in terms of operation (i.e. hours of use, noise, lighting, etc.) and compatibility with the site and the neighboring properties. Additionally, the Planning and Environmental Commission may impose conditions and limitations on the use of a funicular 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.

Generally, the track for a funicular has a footprint of 1 to 8 sq. ft. for each 20 ft. section of track. The track also lets lots of light through, so vegetation can continue growing underneath the track. This is particularly important on hillsides as the vegetation adds stability to the slope.

The proposed text amendments will better clarify the use of funiculars to provide a harmonious, convenient, and workable relationship among land uses consistent with municipal objectives.

5. Such other factors and criteria the planning and environmental commission and/or council deem applicable to the proposed text amendment.

Applicant Response: Any additional questions by the Planning and Environmental Commission can be addressed as necessary.

CRITERIA FOR REVIEW: CONDITIONAL USE PERMIT

Section 12-16-6: CRITERIA AND FINDINGS, of the Vail Town Code provides the criteria for review for a conditional use approval. These criteria, along with an analysis, are provided below:

1. The relationship and impact of the use on development objectives of the town.

Applicant Response: When the Vail Land Use Plan was adopted in 1986, and again when it was updated in 2009, there has been an emphasis on creating a destination resort community ambiance similar to what one would find in Europe. The Vail 20/20 plan recognizes the Tyrolean character of the town, while at the same time acknowledges the “importance of reinvention.” The use of a funicular similar to those used in similarly steep environments in Europe to help residents access their homes and portions of their property is a unique and appropriate way of giving the residents of this property access to the ski slopes.

In reviewing the Vail Land Use Plan and the Vail 20/20 plan, this is an advancement that pays homage to the Tyrolean style destination ski resort that Vail has become.

Vail Land Use Plan

- *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. 4.3. The ambiance of the Village is important to the identity of Vail and should be preserved. (Scale, alpine character, small town feeling, mountains, natural settings, intimate size, cosmopolitan feeling, environmental quality).*
- *2. Land Use Pattern. The pattern of existing land uses in Vail has been shaped by the natural characteristics of the Valley in concert with the man-made features that have been constructed over the years. The predominant features of the Valley which have played a major role in Vail's design include the proximity of steep slopes, the location of Gore Creek and its floodplain, the location of the ski mountain and attendant ski facilities and the presence of a major transportation corridor – Interstate 70 and its interchanges.*
- *3. Development proposals on the hillsides may be appropriate, in a limited number of cases, for low density residential uses. These proposals would need to be evaluated on a case-by-*

case basis, with development being carefully controlled as to sensitivity to the environment and visibility from the Valley floor.

Vail 20/20

- *Sense of Place and Character: Vail values the strong history of the town and its unique character and legacy while acknowledging the importance of reinvention. This is reflected in the high quality of the built environment with design and features that endure over time.*
- *20/20 Vision: The pedestrian ambiance and scale of Vail Village and LionsHead continues into 2020, where the European alpine charm of Vail is replicated in its new development.*
- *The unique character of Vail is evident from the Tyrolean building style that speaks of Vail's history, to the mountain contemporary style that heralds technological advancement.*

The proposed funicular has little impact on the development objectives of the Town but acts to reflect the development objectives by allowing less impactful way of gaining access to accessory structures or recreation structures/facilities versus that of a driveway or paved trail.

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 and public facilities needs.

Applicant Response: The proposed funicular is for private use only for a home in a two-family residential district and will be used to transport residents of the home to their recreation facility. Therefore, it will have no impact 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.

Applicant Response: The proposed funicular is for private use only for a home in a two-family residential district. Therefore, it will have no impact on traffic.

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.

Applicant Response: There are two other homes in the vicinity that utilize solutions to move people on the steep terrain. One home also has a private funicular, while the other home has a private gondola. The funicular offers the opportunity to move people from one place on the steep property to another in a minimally intrusive yet safe way.



Gondola located at 330 Rockledge Road.



Funicular located at 97 Rockledge Road.

The exterior of the funicular will blend with the natural environment and has been designed to be compatible with the site and the surrounding area. The proposed funicular is a 6-person cab that is customized to match the architecture and materials of the home. The total length of track is 260 ft., and it will climb 105 ft. of elevation. The site is heavily treed, and the applicant has made every effort to preserve the natural vegetation on the site, working closely with staff and the Design Review Board. The track is proposed to be bronze, and varies in height between 4 ft. to 7 ft. off the ground to allow for snow clearance. The cab is driven by an

electric variable speed motor at the top, which uses a cable and drum system, so noise is minimal. The drum system is located within an enclosure, as shown in the photo. The system meets the setback requirement of 15 ft., and as indicated on the specifications, without any mitigating factors, the decibel level is 41 db at 15 ft., well within noise limitations of the Town of Vail. The specification for the noise levels is provided below:



Cable and drum motor system which powers the funicular.



HILL HIKER® INCLINED ELEVATOR EQUIPMENT NOISE SPECIFICATION

Hill Hiker® Inclined Elevator systems are designed to operate at an ambient noise level that is unobtrusive to the surrounding environment. That being said the noise level of the system varies based on many factors such as the size and type of drive system and the distance from the system.

Distance From Drive System	Noise Level
2 in	80 db
2 ft	59 db
5 ft	51 db
10 ft	45 db
15 ft	41 db
20 ft	39 db
25 ft	36.5 db

NOTE - Testing was completed using an Extech Instruments Sound Level Meter model 407730 on a variety of different Hill Hiker drive system configurations including differing foundation types and motor sizes. Testing occurred throughout the entire travel length of each elevator with sound levels ranging from 47 to 80 decibels at a 2 inch testing distance from drive system.

NOTE - Max decibel readings witnessed occurred during the short startup period when the elevator begins to move.

NOTE - Formula used to calculate noise level change related to distance: *Decibels of Change*=20xlog(distance 1/distance 2). Reference: <http://www.mcsquared.com/dbframe.htm>

Factors not measured that could further lessen the decibel level include but are not limited to:

- Landscape plantings, vegetation or other environmental factors
- Motor Drive cover/housing
- Insulation of motor cover/housing
- Power-pack mounted in a wall/floor motor area

The proposed funicular is designed to be screened from view both from above on the ski slope as well as from below the residential dwelling. There is significant existing vegetation which screens the funicular track and the DRB and staff will review the landscape plan to ensure proper screening of the track. The applicant proposes to make the track disappear from view of any neighbors. Because the funicular is located behind the existing home, and due to dense vegetation, it cannot be viewed from the public street. The cab will be parked at the bottom or top of the track, directly adjacent to structure and generally disappear from view.

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

Applicant Response: Any additional questions by the Planning and Environmental Commission can be addressed as necessary.

6. The environmental impact report concerning the proposed use, if an environmental impact report is required by [chapter 12](#) of this title.

Applicant Response: No Environmental Impact Report is required for this application.

CRITERIA FOR REVIEW: USE SPECIFIC CRITERIA AND STANDARDS

Section 12-16-7(11): USE SPECIFIC CRITERIA AND STANDARDS, Funiculars and other similar conveyances, of the Vail Town Code provides the criteria for review for a conditional use approval. The criteria are proposed to be amended concurrently with this application and the language below reflects the proposed change, with the text to be added underlined for reference. These criteria, along with an analysis, are provided below:

- a. Funiculars and other similar conveyances shall only be allowed when designed for the purpose of providing pedestrian or vehicular access to a residential dwelling, an accessory structure, or recreation facility/structure, as determined by the planning and environmental commission.**

Applicant Response: The funicular requested here is to provide access between the recreational facility (a portion of a residential dwelling) near the ski slope and the residential dwelling at the bottom, and therefore complies with this criterion. The applicant explored other options to access the facility, including vehicular access (use by right), paved trail for use by an all terrain vehicle (use by right) or the use of a ski lift or tow (conditional use permit). It was determined that a funicular would minimize site disturbance as it can follow the natural slope and allows for a route that reduces the need for removal of trees. Low noise and limited visibility were also important considerations. A private gondola, similar to the existing gondola at 330 Rockledge Road, remains an option for the property depending on the outcome of this application. This would



Drone shot of the construction occurring for the recreation facility of 696 Forest Road. The applicant has worked closely with Town staff and DRB to project the existing vegetation.

still require a conditional use permit, but the review of a gondola is not subject to these additional review criteria that a funicular is subject to.

b. Funiculars and other similar conveyances shall only be allowed when significant site constraints prevent conventional means of pedestrian or vehicular access to the residential dwelling, an accessory structure, or recreation facility/structure, as determined by the planning and environmental commission. "Significant site constraints" shall be defined as natural features such as mature trees, natural drainages, stream courses, and other natural water features, rock outcroppings, wetlands, excessive slopes, other natural features, and existing structures that may create practical difficulties in the site planning and development of the lot.

Applicant Response: The property at 696 Forest Road is heavily forested with large aspen trees, with slopes in excess of 40% in some locations. The elevation gain from the bottom of the lot to the top is more than 300 feet and the proposed funicular climbs 105 feet in elevation. These constitute significant site constraints that prevent accessing the recreation facility by conventional means, and thus the proposed funicular complies with this criterion. A vehicular access would need to traverse the site to allow for appropriate grade, which would then require the elimination of a large number of trees and the need for extensive grading. The proposed funicular is a more sensitive solution that reduces permanent scarring of the landscape.



Existing vegetation and steep slopes at 696 Forest Road.

In this instance, the funicular is being requested for the purpose of safely providing a means of moving residents between the recreational facility near the ski slopes and the existing home. It will be surrounded by trees and will have minimal visual impact to surrounding properties.

c. Funiculars and other similar conveyances shall only be allowed when designed to be compatible with both the site upon which they are located and the residential dwelling to which they provide access, as determined by the planning and environmental commission.

Applicant Response: The proposed funicular is designed to be compatible with the site and the surrounding area as well as to be compatible with the home. The proposed funicular is a 6-person cab that is custom bronze metal and wood siding. The intent is that that cab will match the architecture of the home and will generally blend into the environment. The track is also proposed to be bronze, and varies in height between 4 ft. to 7 ft. off the ground to allow for snow clearance. The total length of track is 240 ft., and it will climb 105 ft. of elevation. The cab is driven by an electric variable speed motor at the top, which uses a cable and drum system, so noise is minimal.



Example of the funicular track proposed and how it can blend with the site.

d. Funiculars and other similar conveyances shall only be allowed when designed to be appropriately screened from view, as determined by the planning and environmental commission.

Applicant Response: The proposed funicular is designed to be screened from view both from above on the ski slope as well as from below the residential dwelling. There is significant existing vegetation which screens the funicular track. Additional landscaping may also be required by the DRB. As a result, the funicular will be screened from view and complies with this criterion.

ADJACENT PROPERTIES

MAURIELLO PLANNING GROUP PO BOX 4777 EAGLE, CO 81631	RUMFORD, THEA J. 675 FOREST RD. VAIL, CO 81657-5518	EPGT LLC, CORPORATION TRUST CENTER 1209 N. ORANGE ST. WILMINGTON, DE 19801-1120
LSC 27 LLC 4514 COLE AVE STE 1175 DALLAS, TX 75205-4183	COLMAR LLC MAHER 3465 N PINES WAY STE104 #71 WILSON, WY 83014-9129	KAUFFMAN, JULIA IRENE 5955 MISSION DR PRAIRIE VILLAGE, KS 66208-1206
670 FOREST RD LLC 6464 S QUEBEC ST STE 400 ENGLEWOOD, CO 80111-6730	MILLERS LIONSHEAD LLC, JEFF FENTRIS 12770 MERIT DR., STE 300 DALLAS, TX 75251-1402	VAIL HOLDINGS LLC 800 S DOUGLAS RD FL 12 CORAL GABLES, FL 33134-3125
OSTLING, PAUL J. & DANITA K. 1196 SMITH RIDGE RD. NEW CANAAN, CT 06840-2332	TREE LINE LLC, BECKETT, TACKETT & JETEL, PLLC 7800 N. MOPAC EXPY, STE. 210 AUSTIN, TX 78759-8959	THOMAS S. IRWIN AND CECELIA J. IRWIN REVOCABLE TRUST 2018 16 VITTORIA RDG BOERNE, TX 78006-4702
HATHORN, MARY M. - ENGLEMAN, JOHN 655 FOREST RD VAIL, CO 81657-5517	UNITED STATES OF AMERICA W 6TH AVE & KIPLING ST LAKEWOOD, CO 80225-0546	706 FOREST ROAD B LLC PO BOX 2181 EDWARDS, CO 81632-2181