



Memorandum

TO: Vail Town Council

FROM: Community Development Department

DATE: August 2, 2022

SUBJECT: An appeal hearing, pursuant to Section 12-3-3, Appeals, Vail Town Code, to address four (4) separate appeals of the final decision and conditions of approval of the Town of Vail Design Review Board on May 18, 2022, approving a Change to Approved Plans application to amend the design of a proposed 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. (TC22-0001)

Appellants: Deborah King Ford, Regina Grisafi & John Reimers, Jill & Robert Rutledge, and Betsey Kiehl
Planner: Jonathan Spence

I. SUBJECT PROPERTY

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

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 Design Review Board with respect to the provisions of Title 12, Zoning Regulations, and Title 14, Development Standards, 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, July 5, 2022, Public Hearing was sent to the local newspaper on June 16, 2022, and published on June 20, 2022, 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 June 7, 2022, the appellants filed their appeals.

IV. SUMMARY

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

Should the May 18, 2022, decision of the Design Review Board be upheld?

Pursuant to Section 12-3-3, Vail Town Code, the Vail Town Council must uphold, uphold with modifications, or overturn the Design Review Board's May 18, 2022, decision.

V. BACKGROUND

Vail Corp the Fixed Assets Department, represented by OZ Architecture, requested the final review of a design review board "Change to Approved" application, pursuant to Section 12-11 Design Review, 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 May 18, 2022, the Design Review Board held a public hearing on the Change to Approved Plans application and voted 4-1 (Middleton opposed) to approve the application, with conditions, included below:

Conditions:

1. The applicant shall demonstrate on the submitted construction documents that the new bus stop shelters will be the typical TOV bus shelter.
2. Prior to commencing any earthwork, the applicant shall provide and implement a tree preservation program for those trees identified to be preserved.

3. Prior to building permit submittal, the applicant shall, in good faith, reach out to CDOT to inquire about planting on CDOT property. The applicant shall work with staff to amend the landscape plan if permission is granted.
4. Prior to building permit submittal, the applicant shall obtain fire department approval for related turning movements.

VI. APPLICABLE DOCUMENTS

The applicable Code sections are Vail Town Code, Title 14, Development Standards of the Vail Town Code, as linked below.

https://codelibrary.amlegal.com/codes/vailco/latest/vail_co/0-0-0-28651

VII. DISCUSSION ITEM

Should the May 18, 2022, decision of the Design Review Board 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 Design review Board's May 18, 2022, 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 of the Design Review Board, the following motion is recommended:

"I move that the Town Council uphold the May 18, 2022, decision of the Design Review Board, because the DRB properly determined that the Change to Approved application complies with the following sections of Title 14, Chapter 10, of the Vail Town Code:

1. 14-10-3: SITE PLANNING;
2. 14-10-4: ARCHITECTURAL PROJECTIONS, DECKS, BALCONIES, STEPS; BAY WINDOWS, ETC;
3. 14-10-5: BUILDING MATERIALS AND DESIGN;
4. 14-10-6: RESIDENTIAL DEVELOPMENT;
5. 14-10-7: OUTDOOR LIGHTING;
6. 14-10-8: LANDSCAPING, DRAINAGE, AND EROSION CONTROL.

Should the Vail Town Council choose to overturn the decision of the Design Review Board, the following motion is recommended:

"I move that the Town Council overturn the May 18, 2022, decision of the Design Review

Board, because the submitted Change to Approved application fails to comply with the Title 14, Chapter 10, of the Vail Town Code, for the following reasons:

[LIST SPECIFIC REASONS HERE]"

IX. ATTACHMENTS

- A. DRB19-0652.001 Plan Set
- B. Deborah King Ford Appeal
- C. Regina Grisafi & John Reimers Appeal
- D. Jill & Robert Rutledge Appeal
- E. Betsey Kiehl Appeal
- F. Written Response to Appeal, Vail Resorts, June 29, 2022 with all associated provided attachments.