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**Memorandum**

TO: Vail Town Council

FROM: Community Development Department

DATE: August 16, 2016

SUBJECT: A request for a major amendment to SDD No. 24, Warner Development, pursuant to Section 12-9A-10, Amendment Procedures, Vail Town Code to remove Section 5, Item 3 requiring the pool area on Lot 4 to be permanently restricted to a pool, from the conditions of approval within Ordinance No. 11, Series of 1990, located at 1825 Sunburst Drive/Lot 4, Vail Valley Filing 3, and setting forth details in regard thereto (PEC16-0027).

Applicant: Deborah Webster, represented by Current Architects  
Planner: Matt Panfil

**I. SUMMARY**

The applicant, Deborah Webster, represented by Michael Current of Current Architects, is requesting a recommendation to the Vail Town Council for a major amendment to Special Development District (SDD) No. 24, Warner Development, pursuant to Section 12-9A-10, Amendment Procedures, Vail Town Code, to remove Section 5, Item 3 requiring the pool area on Lot 4 to be permanently restricted to a pool, from the conditions of approval within Ordinance No. 11, Series of 1990, located at 1825 Sunburst Drive.

**II. ACTION REQUESTED OF THE TOWN COUNCIL**

The Vail Town Council shall approve, approve with modifications, or deny Ordinance No. 20, Series of 2016, upon first reading.

**III. BACKGROUND**

At their meeting on March 12, 1990, the PEC voted unanimously 7-0 to recommend that the Town Council deny the request to establish SDD No. 24, Warner Development. According to the minutes, the rationale behind the PEC's recommendation of denial was that it felt any site planning or design aspects of the

proposal could be accomplished under the existing zoning regulations and that the request for an SDD was an attempt to circumvent the underlying Two-Family Primary / Secondary Residential District standards in regards to site coverage and gross residential floor area (GRFA) for Lot 4 by offering three (3) employee housing units (EHUs) as a concession for the requested density increases.

At the April 3, 1990, Vail Town Council meeting, the applicant, Mr. Robert Warner, stated that due to his wife’s chronically bad back, her doctor prescribed daily swimming as treatment. Mr. Warner argued that it was this need for a pool that required GRFA beyond what was permitted by the underlying zoning. The Town Council voted to approve SDD No. 24, with the condition that the pool area be permanently restricted to use as a pool, because they believed the offer to provide three (3) EHUs, one (1) EHU at each of the three (3) lots within the SDD, was a benefit to the Town. Therefore Section 4-D-2 of Ordinance No. 11, Series of 1990 allowed Lot 4 a maximum of 5,500 square feet of GRFA.

In 2004, changes were made to the Vail Town Code with regard to the calculation of GRFA resulting in the subject property having an excess amount of allowable GRFA. The applicant contends that this excess amount of allowable GRFA precludes the necessity of the pool restriction.

#### IV. ZONING / SDD NO. 24 ANALYSIS

Standard	Allowed / Required	Existing	Proposed
Site Area	Min. 15,000 sq ft	16,216 sq ft	No Change
Site Coverage	Max. 3,726 sq ft	3,726 sq ft	No Change
Setbacks	Front: 20’ Rear: 15’ Sides: 15’	Per Site Plan	No Changes
Height	33’ (sloping roof)	Per Elevations	No Change
GRFA	5,500 sq ft*	5,242 sq ft	No Change
Density	1 primary/secondary structure per lot	1 primary/secondary structure	No Change
Landscaping	Per Landscape Plan	Per Landscape Plan	No Change
Parking	Min. 5 paces	5 spaces	No Change

\* Based on existing Town Code, the underlying Two-Family Primary / Secondary Residential District would allow a maximum GRFA of 6,713 square feet.

#### V. PLANNING AND ENVIRONMENTAL COMMISSION RECOMMENDATION

Should the Vail Town Council choose to approve Ordinance No. 11, Series of 2014, upon first reading, the Community Development Department recommends the Council passes the following **motion**:

*“The Vail Town Council approves Ordinance No. 20, Series of 2016, an ordinance repealing and reenacting Ordinance No. 11, Series 1990, establishing Special Development District No. 24, Warner Development, pursuant to Article A, Special Development (SDD) District, Chapter 9, Title 12, Zoning Regulations, Vail Town Code and setting forth details in regard thereto.”*

Should the Vail Town Council choose to approve Ordinance No. 20, Series of 2016, the Community Development Department recommends the Council makes the following **findings**:

*“Based upon the review of the criteria outlined in Section VII of the Staff memorandum to the Planning and Environmental Commission dated August 8, 2016 and the evidence and testimony presented, the Vail Town Council finds:*

- 1. That the special development district amendment complies with the standards listed in Article 12-9A, Special Development District, or that a practical solution consistent with the public interest has been achieved;*
- 2. That the special development district amendment is consistent with the adopted goals, objectives and policies outlined in the Vail comprehensive plan and compatible with the development objectives of the town;*
- 3. That the special development district amendment is compatible with and suitable to adjacent uses and appropriate for the surrounding areas; and*
- 4. That the special development district 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.”*
- 5. As a result of the 2004 changes to GRFA calculations, the subject property complies with current GRFA regulations.*

## **VI. ATTACHMENTS**

- A. Ordinance No. 20, Series of 2016
- B. PEC Memorandum dated August 8, 2016
- B. Project Narrative with Floor Plans, dated July 11, 2016.