

**ORDINANCE NO. 9
SERIES 2017**

**AN ORDINANCE ESTABLISHING SPECIAL DEVELOPMENT DISTRICT
NO. 42, VAIL MOUNTAIN VIEW RESIDENCES, PURSUANT TO
ARTICLE A, CHAPTER 9, TITLE 12 OF THE VAIL TOWN CODE**

WHEREAS, Article A, Chapter 9, Title 12 of the Vail Town Code outlines the procedure for establishing a special development district ("SDD");

WHEREAS, Lunar Vail LLC, represented by Mauriello Planning Group (the "Applicant"), is the owner of the property legally described as Vail Village Filing 5, Lot 1, a resubdivision of Tract D (the "Property");

WHEREAS, on March 27, 2017, the Applicant submitted an application to the Town to establish SDD No. 42, Vail Mountain View Residences, on to facilitate the development of a mixed-use project including deed restricted employee housing units, accommodation units, dwelling units and attached accommodation units (the "Application");

WHEREAS, on April 24, 2017, the Planning and Environmental Commission (the "PEC") opened a properly-noticed public hearing on the Application and continued that public hearing to May 22, 2017;

WHEREAS, on May 22, 2017, the Planning and Environmental Commission (the "PEC") opened the continued public hearing on the Application and continued that public hearing to June 12, 2017;

WHEREAS, on June 12, 2017, the Planning and Environmental Commission (the "PEC") opened the continued public hearing on the Application;

WHEREAS, upon due consideration, the PEC found that the request complies with the criteria set forth in Chapter 9, Title 12 of the Vail Town Code;

WHEREAS, the PEC forwarded to the Town Council a recommendation of approval of the Application, with conditions, by a vote of 4-3-0; and

WHEREAS, after considering the PEC's recommendation, the staff report and public comment presented at the public hearing, the Vail Town Council wishes to approve the Application, subject to certain conditions as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VAIL, COLORADO, THAT:

Section 1. Findings. The Town Council hereby finds and determines as follows:

a. The Application complies with the standards set forth in Section 12-9A-8.A. of the Vail Town Code;

b. The Application is consistent with the adopted goals, objectives and policies outlined in the Comprehensive Plan and compatible with the development objectives of the Town;

c. The Application is compatible with and suitable to adjacent uses and appropriate for the surrounding areas; and

d. The Application 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.

Section 2. District Established. Based on the foregoing findings, Special Development District No. 42, Vail Mountain View Residences ("SDD No. 42"), is hereby established, and shall be reflected as such on the Town's Official Zoning Map. The underlying zoning for the Property is High Density Multiple-Family ("HDMF").

Section 3. Development Plan.

a. The following plan sheets prepared by 359 Design, entitled "Vail Mountain View Residence Development Plan Set" and dated June 29, 2017 shall constitute the Development Plan for SDD No. 42:

Sheet #:	Title:
A0.0	COVER
C1.01A	GRADING - A
C1.02	PLAN - UTILITY
C1.03	DETAILS
C1.04	FIRE STAGING & LADDER TRUCK SIMULATION PLAN
L1.1	LANDSCAPE PLAN
A1.00	PLAN-ARCHITECTURAL SITE
A2.0.01	GARAGE LEVEL 1
A2.0.02	GARAGE LEVEL 2
A2.0.03	GARAGE LEVEL 3
A2.01	OVERALL LEVEL 1 (8226'-0")
A2.02	OVERALL LEVEL 2 (8236'-6")
A2.03	OVERALL LEVEL 3 (8247'-0")
A2.04	OVERALL LEVEL 4 ((8258'-0")
A2.05	OVERALL DORMER LEVEL (8269'-0")
A2.06	GRFA PLANS - Garage
A2.07	GRFA PLANS- Building
A2.08	GRFA PLANS - Building

A2.10	SITE COVERAGE
A2.10B	SITE COVERAGE
A2.11	LANDSCAPE COVERAGE
A2.12	ROOF HEIGHT
A2.13	HISTORIC GRADE MAP
A4.00	3D MASSING
A4.02	OVERALL BUILDING ELEVATIONS
A4.03	OVERALL BUILDING ELEVATIONS
A4.04	OVERALL BUILDING ELEVATIONS
A4.05	OVERALL BUILDING ELEVATIONS

b. The Town Council finds that the Development Plan for SDD No. 42 complies with each of the requirements set forth in Sections 12-9A-5 and 12-9A-6 of the Vail Town Code, and hereby approves the Development Plan, subject to all other provisions of this Ordinance.

Section 4. Development Standards. The development standards for SDD No. 42 are as follows:

a. Uses: The permitted, conditional, and accessory uses allowed in SDD No. 42 shall be the same as the permitted, conditional and accessory uses in the HDMF District.

b. Lot Area: The minimum lot area for SDD No. 42 shall be 56,410 square feet (1.295 acres).

c. Setbacks: The minimum setbacks for SDD No. 42 shall be those setbacks shown on the Development Plan approved in Section 3 hereof.

d. Height: The maximum allowable building height for SDD No. 42 shall be as indicated on the Development Plan approved in Section 3 hereof.

e. Density: The maximum allowable gross residential floor area ("GRFA") for SDD No. 42 shall be 76,977 square feet. The maximum allowable unit count shall be 25 for-sale dwelling units (DUs), 10 Type-III deed-restricted employee housing units (EHUs), 15 attached accommodation units (AAUs) and 19 accommodation units.

f. Site Coverage: The maximum allowable site coverage for SDD No. 42 shall be 71% or 39,526 square feet of the total lot area.

g. Landscaping and Site Development: At least 30% of the total site area for SDD No. 42 shall be landscaped. The minimum width and length of any area qualifying as landscaping shall be 15', with a minimum area of 300 square feet. The landscaping plan and site development shall be as shown on the Development Plan approved in Section 3 hereof.

h. **Parking and Loading:** Off-street parking and loading shall be provided in accordance with Title 12, Chapter 10 of the Vail Town Code. At least seventy-five percent (75%) of the required parking shall be located within the main building or buildings and hidden from public view. No at grade or above grade surface parking or loading shall be located in any required front setback area. The minimum number of loading berths shall be one (1) as indicated on the Vail Mountain View Residences Approved Development Plan, described in Section 2 herein.

Section 5. Conditions of Approval. The approval of SDD No. 42 is expressly contingent upon the Applicant's satisfaction of all of the following conditions:

a. Approval of an associated Design Review Board ("DRB") application. Although building mass and scale and relationship to adjacent properties is largely determined through the PEC review, the DRB shall have the flexibility to require changes to building articulations, step-backs and step-downs that will not affect overall height but may result in changes to the perceived mass and scale, to create an architecturally unified site development that is compatible with existing structures and surroundings.

b. Prior to submittal of the DRB application, the Applicant shall work with Town staff to increase the number and size of the new landscape plantings.

c. Prior to submittal of the DRB application, the Applicant shall provide Town additional information concerning the proposed operation and configuration of the loading space, and if Town staff determines that the loading space will conflict with the adjacent pedestrian walkway, the Applicant shall propose an alternative location.

d. Prior to the issuance of the first certificate of occupancy for the project, the Applicant shall execute and record, in a format approved by the Town Attorney, a pedestrian easement for the paved path and stairs from the South Frontage Road right-of-way to the Town's recreational path.

e. Prior to issuance of the first certificate of occupancy for the project, the Applicant shall construct a continuous 10'-wide separated concrete sidewalk along the South Frontage Road from Vail Valley Drive to the easternmost driveway that is shared by Mountain View and Apollo Park. The alignment (Option A or B), shall be approved by the Town prior to construction, and the sidewalk shall be designed in conjunction with the ongoing conceptual design of the South Frontage Road improvements in this area. The sidewalk shall include a snowmelt system and the Applicant shall execute the Town's standard snowmelt agreement, which makes the Applicant responsible for providing the heat source and the ongoing maintenance of the sidewalk and snowmelt system.

f. Prior to issuance of the first building permit for the project, the Applicant shall update the Traffic Study dated March 14, 2017 and the Turn Lane Study dated April 19, 2017 to address any change in the number of units or density, including the net

new PM peak hour generated trips, and shall implement any changes required by the updated studies.

g. Prior to issuance of the first building permit for the project, the Applicant shall pay the Traffic Mitigation Fees for the net new increase in development traffic, based on the updated Traffic Study. The Traffic Mitigation Fees shall be \$11,200 per net new development PM peak hour trip.

h. Prior to issuance of the first building permit for the project, the Applicant shall provide a construction staging plan and parking plan to demonstrate that the construction will not impact parking or adjacent properties.

i. Prior to issuance of the first building permit for the project, the Applicant shall engage the Town's Art in Public Places Board on the determination of an acceptable public art installation. The minimum value of the public art installation shall be \$50,000.

j. Prior to the issuance of the first building permit for the project, the Applicant shall pay the recreational amenities tax as required by Section 12-9A-11 of the Vail Town Code.

k. Prior to the issuance of the first certificate of occupancy for the project, the Applicant shall execute and record deed restrictions, in a format approved by the Town Attorney, for the EHUs

l. Prior to submitting any building permit application for the project, the Applicant shall obtain approval from the Colorado Department of Transportation ("CDOT") for all proposed work within the CDOT right-of way, and shall submit evidence of such approval to the Town.

Section 5. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 6. The Town Council hereby finds, determines, and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town and the inhabitants thereof.

Section 7. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this 1st day of July, 2017 and a public hearing for second reading of this Ordinance set for the 14th day of August, 2017, at 6:00 PM in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED this 14th day of August, 2017.

Dave Chapin, Mayor

ATTEST:

Patty McKenny, Town Clerk