



Memorandum

TO: Planning and Environmental Commission

FROM: Community Development Department

DATE: May 22, 2017

SUBJECT: A request for review of a Variance from Section 12-7B-16, Landscaping and Site Development, Vail Town Code, in accordance with Section 12-17, Variances, Vail Town Code, to allow for a reduction in landscape area, located at 231 Gore Creek Drive/Lot A, Block 5B, Vail Village Filing 1, and setting forth details in regard thereto. (PEC17-0009)

Applicant: Gasthof Gramshammer, Inc. / Pepi's Restaurant,
represented by Russell Gies, Gies Architects, Inc.

Planner: Matt Panfil

I. SUMMARY

The applicant, Gasthof Gramshammer, Inc. / Pepi's Restaurant, represented by Russell Gies, Gies Architects, Inc., is requesting the review of a variance from Section 12-7B-16, Landscaping and Site Development, Vail Town Code, and in accordance with Section 12-17, Variances, Vail Town Code, to allow for a reduction in the previously approved landscape area, located at 231 Gore Creek Drive.

Based upon staff's review of the criteria outlined in Section VII of this memorandum and the evidence and testimony presented, the Community Development Department recommends **denial** of the proposed landscaping variance, subject to the findings noted in Section VIII of this memorandum.

II. DESCRIPTION OF REQUEST

The applicant, Gasthof Gramshammer, Inc. / Pepi's Restaurant, represented by Russell Gies, Gies Architects, Inc. is requesting the review of a variance to allow for a reduction in the landscaping required by Vail Town Code and depicted in plans previously approved by the Planning and Environmental Commission (PEC) on April 11, 2016 (PEC16-0011). The applicant is requesting the right to not install two (2) new planter areas, one 115 square foot area in front of the northeast window of Pepi's Sports and one 25 square foot area directly in front of the sliding glass door system, that were part

of the approved plans for PEC16-0011. Instead of the previously approved planter areas, the applicant is proposing to install two (2) 11 square foot planters and to add 14 square feet of landscaping to the retaining wall near the Bridge Street entrance and also 34 square feet of landscaping in front of the beer garden area along Gore Creek Drive. The resulting net reduction in landscaping versus the 2016 approved plans is 70 square feet.

A vicinity map (Attachment A), project narrative with applicant's response to variance criteria (Attachment B), photos (Attachment C), plan set dated March 27, 2017 (Attachment D), and minutes from the April 11, 2016 PEC meeting (Attachment E) are attached for review.

III. BACKGROUND

The Tyrolean style Hotel Gasthof Gramshammer was constructed in 1964. Town files indicate a variety of applications have been presented before the PEC and the Design Review Board (DRB) for improvements such as addition of accommodation units and residential dwelling units, basement renovations, landscape modifications, and patio remodels. Most recently, on April 11, 2016, the applicant received approval from the PEC for an addition and remodel to the Bridge Street entrance.

The property's current zoning designation of Commercial Core 1 District (CC1) was established as part of the original Town of Vail zoning regulations via Ordinance No. 8, Series of 1973, adopted on August 7, 1973.

IV. APPLICABLE PLANNING DOCUMENTS

Staff finds that the following provisions of the Vail Town Code are relevant to the review of this proposal:

Title 12 – Zoning Regulations, Vail Town Code

Chapter 2, Definitions (in part)

LANDSCAPING: *Natural or significant rock outcroppings, native vegetation, planted areas and plant materials, including trees, shrubs, lawns, flowerbeds and ground cover, shall be deemed landscaping together with the core development such as walks, decks, patios, terraces, water features, and like features not occupying more than twenty percent (20%) of the landscaped area.*

Chapter 7, Article B. Commercial Core 1 (CC1) District (in part)

12-7B-16: LANDSCAPING AND SITE DEVELOPMENT:

No reduction in landscape area shall be permitted without sufficient cause shown by the applicant or as specified in the Vail Village design considerations as adopted in section 12-7B-20 of this article.

12-7B-20: VAIL VILLAGE URBAN DESIGN GUIDE PLAN:

- A. Adoption: The Vail Village urban design guide plan and design considerations are adopted for the purposes of maintaining and preserving the character and vitality of the Vail Village (CC1) and to guide the future alteration, change and improvement in the CC1 district. Copies of the Vail Village design guide plan and design considerations shall be on file in the department of community development.*

Chapter 17, Variances (in part)

12-17-1: PURPOSE:

- A. Reasons For Seeking Variance: In order to prevent or to lessen such practical difficulties and unnecessary physical hardships inconsistent with the objectives of this title as would result from strict or literal interpretation and enforcement, variances from certain regulations may be granted. A practical difficulty or unnecessary physical hardship may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from topographic or physical conditions on the site or in the immediate vicinity; or from other physical limitations, street locations or conditions in the immediate vicinity. Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be a reason for granting a variance.*
- B. Development Standards Excepted: Variances may be granted only with respect to the development standards prescribed for each zone district, including lot area and site dimensions, setbacks, distances between buildings, height, density control, building bulk control, site coverage, usable open space, landscaping and site development, and parking and loading requirements; or with respect to the provisions of chapter 11 of this title, governing physical development on a site.*

12-17-5: PLANNING AND ENVIRONMENTAL COMMISSION ACTION:

Within twenty (20) days of the closing of a public hearing on a variance application, the planning and environmental commission shall act on the application. The commission may approve the application as submitted or may approve the application subject to such modifications or conditions as it deems necessary to accomplish the purposes of this title, or the commission may deny the application. A variance may be revocable, may be granted for a limited time

period, or may be granted subject to such other conditions as the commission may prescribe.

12-17-6: CRITERIA AND FINDINGS:

A. Factors Enumerated: Before acting on a variance application, the planning and environmental commission shall consider the following factors with respect to the requested variance:

- 1. The relationship of the requested variance to other existing or potential uses and structures in the vicinity.*
- 2. The degree to which relief from the strict or literal interpretation and enforcement of a specified regulation is necessary to achieve compatibility and uniformity of treatment among sites in the vicinity, or to attain the objectives of this title without grant of special privilege.*
- 3. The effect of the requested variance on light and air, distribution of population, transportation and traffic facilities, public facilities and utilities, and public safety.*
- 4. Such other factors and criteria as the commission deems applicable to the proposed variance.*

B. Necessary Findings: The planning and environmental commission shall make the following findings before granting a variance:

- 1. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone district.*
- 2. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.*
- 3. That the variance is warranted for one or more of the following reasons:*
 - a. The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this title.*
 - b. There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone district.*

- c. *The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone district.*

Vail Village Urban Design Guide Plan – Design Considerations

Urban Design Considerations (in part)

C. Streetscape Framework

To improve the quality of the walking experience and give continuity to the pedestrian ways, as a continuous system, two general types of improvements adjacent to the walkways are considered:

- 1. Open space and landscaping – berms, grass, flowers and tree planting as a soft, colorful framework linkage along pedestrian routes; and plazas and park green spaces as open nodes and focal points along those routes.*

Vail Village Master Plan

Chapter V. Goals, Objectives, Policies and Action Steps (in part)

Goal #3: To recognize as a top priority the enhancement of the walking experience throughout the village.

Objective 3.1: Physically improve the existing pedestrian ways by landscaping and other improvements.

V. SURROUNDING LAND USES AND ZONING

Existing Land Use

North: Village Master Plan
East: Village Master Plan
South: Village Master Plan
West: Village Master Plan

Zoning District

Commercial Core 1
Commercial Core 1
Commercial Core 1
Commercial Core 1

VI. ZONING / SITE ANALYSIS

Address: 231 East Gore Creek Drive
Legal Description: Lot A, Block 5B, Vail Village Filing 1
Existing Zoning: Commercial Core 1

Existing Land Use Designation: Vail Village Master Plan
 Mapped Geological Hazards: None

Development Standard	Allowed / Required	Existing	Proposed	Change
Site Area	5,000 sq. ft.	15,856 sq. ft. buildable site area		No Change
Setbacks	No setbacks required by the Urban Design Guide Plan			No Change
Building Height	43' for up to 40% of building, 33' for remainder of building	53.3% between 33'43' and 46.7% under 33'*		No Change
Site Coverage	Max. 80%	12,563 sq. ft. (79.2%)		No Change
Landscaping	No reduction allowed	863 sq. ft.**	793 sq. ft.	- 70 sq. ft.

* Approved via Variance, 1998

** Required per Vail Town Code and depicted in plans previously approved by the PEC on April 11, 2016 (PEC16-0011)

VII. VARIANCE REVIEW CRITERIA

The review criteria for a variance request are prescribed in Title 12, Chapter 17, Variances, Vail Town Code.

1. The relationship of the requested variance to other existing or potential uses and structures in the vicinity.

The subject property is bordered on all sides by similar mixed-use structures and identical Commercial Core 1 District zoning. If approved, the removal of landscaping is counter to established goals and recommendations identified in the Vail Village Master Plan and Vail Village Urban Design Guide Plan. Specifically, the Vail Village Urban Design Guide Plan encourages, “berms, grass, flowers and tree planting as a soft, colorful framework linkage along pedestrian routes. Also, the Vail Village Master Plan established a goal, “to recognize as a top priority the enhancement of the walking experience throughout the village.” The first objective to accomplish this goal is to, “physically improve the existing pedestrian ways be landscaping and other improvements.” (see pages 4 and 5).

Staff finds the proposed variance does not meet this criterion.

2. The degree to which relief from the strict and literal interpretation and enforcement of a specified regulations is necessary to achieve compatibility and uniformity of treatment among sites in the vicinity or to attain the objectives of this title without a grant of special privilege.

The intent of landscape requirements within the Commercial Core 1 District and Vail Village Urban Design Guide Plan area is to provide a colorful framework linkage along pedestrian routes. Staff finds that the strict and literal interpretation of the landscaping standards does not impose on the applicant any hardship different from any other similarly zoned site. In fact, in PEC16-0011, the applicant already demonstrated the feasibility of meeting the minimum landscape requirements. The proposed removal of landscape area is not a physical necessity.

Staff finds that granting the requested variance would be a grant of special privilege in that there are no exceptional or extraordinary circumstances or conditions applicable to the subject property that do not apply generally to other properties located within the Commercial Core 1 District.

Staff finds that the proposed variance does not meet this criterion.

3. The effect of the requested variance on light and air, distribution of population, transportation and traffic facilities, public facilities and utilities, and public safety.

A net 70 square foot reduction in landscaping would not have an effect on light and air, distribution of population, transportation and traffic facilities, public facilities and utilities, or public safety.

Staff finds the proposed variance meets this criterion.

4. Such other factors and criteria as the commission deems applicable to the proposed variance.

VIII. STAFF RECOMMENDATION

The Community Development Department recommends **denial** of the requested review of a variance from Section 12-7B-16, Landscaping and Site Development, Vail Town Code, in accordance with the provisions of Section 12-17, Variances, Vail Town Code, to allow for a reduction in landscape area, located at 231 Gore Creek Drive / Lot 1, Block 5B, Vail Village Filing 1, and setting forth details in regard thereto.

Should the Planning and Environmental Commission choose to **deny** this variance request, the Community Development Department recommends the Commission pass the following **motion**:

"The Planning and Environmental Commission denies the applicant's request for a variance from Section 12-7B-16, Landscaping and Site Development, Vail Town Code, in accordance with the provisions of Section 12-17, Variances, Vail Town Code, to allow for a reduction in landscape area, located at 231 Gore

Creek Drive / Lot A, Block 5B, Vail Village Filing 1, and setting forth details in regards thereto.”

Should the Planning and Environmental Commission choose to **deny** this variance request, the Community Development Department recommends the Commission make the following **findings**:

“The Planning and Environmental Commission finds:

- 1. The granting of this variance will constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone district; and*
- 2. The variance is not warranted for the following reasons:*
 - a. The strict or literal interpretation and enforcement of the specified regulation would not result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of Title 12, Zoning Regulations, Vail Town Code;*
 - b. There are no exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone district; and*
 - c. The strict or literal interpretation and enforcement of the specified regulations will not deprive the applicant of privileges enjoyed by the owners of other properties in the Commercial Core 1 District.*

Motion to Approve

Should the Planning and Environmental Commission choose to **approve** this variance request, the Community Development Department recommends the Commission pass the following **motion**:

“The Planning and Environmental Commission approves the applicant’s request for a variance from Section 12-7B-16, Landscaping and Site Development, Vail Town Code, in accordance with the provisions of Section 12-17, Variances, Vail Town Code, to allow for a reduction in landscape area, located at 231 Gore Creek Drive / Lot A, Block 5B, Vail Village Filing 1, and setting forth details in regards thereto.”

Should the Planning and Environmental Commission choose to **approve** this variance request, the Community Development Department recommends the Commission make the following **findings**:

“The Planning and Environmental Commission finds:

1. *The granting of this variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone district;*
2. *The granting of the variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity; and*
3. *The variance is warranted for the following reasons:*
 - a. *The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of Title 12, Zoning Regulations, Vail Town Code;*
 - b. *There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone district; and*
 - c. *The strict or literal interpretation and enforcement of the specified regulations would deprive the applicant of privileges enjoyed by the owners of other properties in the Commercial Core 1 District.*

IX. ATTACHMENTS

- A. Vicinity Map
- B. Project Narrative, with applicant's response to variance criteria, dated March 27, 2017
- C. Photographs from the applicant
- D. Plan Set, dated March 27, 2017
- E. Minutes from the PEC16-0011 hearing at the April 11, 2016 PEC meeting



Gies Architects

P.O. Box 2195 ■ Eagle, Colorado 81631-2195 ■ 970-328-9280

Application Narrative

March 27, 2017

Town of Vail
Planning, Environmental Commission Variance Request

Variance Request from Town of Vail Code Section 12-7B-16

“No reduction in landscape area shall be permitted without sufficient cause shown by the applicant”

To the PEC Board:

1. The relationship of the requested variance to other existing or potential uses and structures in the vicinity

There is no impact to other existing or potential uses and structures in the vicinity, the removal of the stone planters will enhance the pedestrian flow on Bridge Street.

2. The degree to which relief from the strict or literal interpretation and enforcement of a specified regulation is necessary to achieve compatibility and uniformity of treatment among sites in the vicinity, or attain the objectives of this title without grant of special privilege.

The removal of the 2 stone planters does not affect the uniformity along Bridge Street; it makes the streetscape uniform. Currently there are no stone planters that project from the face of the existing building; with the addition of these 2 planters that pattern would change.

3. The effect of the requested variance on the light and air, distribution of population, transportation and traffic facilities, public facilities and utilities and public safety.

There is no anticipated effect on traffic, either vehicular or pedestrian. Snow removal, trash pickup and all other services will not be impacted by the proposed application. No impact or effect on schools, utilities, parks and recreation facilities or other public facilities or facility needs. In fact with the removal of the stone planters along Bridge Street we feel this will help with pedestrian flow during the heavy times of the year.

4. Such other factors and criteria as the commission deems applicable to the proposed variance.

The 2 main reasons the Landscape Area was reduce in the March 2016 PEC/DRB application was for the following occupant's safety, required by building permitting and ADA:

- i. The landscape planter on Bridge Street was located directly outside of the hotel second floor egress stairs, the pervious plan made the second floor occupants descend the stairs and empty into the bar area, then exit the building. By removing the planter, we now have a legal means of egress from the upper hotel rooms directly to Bridge Street. The removed planter was 86 SF (see enclosed photo)
- ii. The landscape planter on Gore Creek was reduced by 54 SF to allow for an ADA access ramp required by the American with Disabilities ACT (ADA) and TOV Building Code.

egress door
location



Hotel-Gasthof
Gramshammer

egrees door location



PEPI'S BAR REMODEL

VAIL VILLAGE-FILING 1 BLOCK 5B LOT A

GASTHOF GRAMSHAMMER

PARCEL: 2101-82-1000-8

231 EAST GORE CREEK DRIVE
VAIL, COLORADO 81657

PEC MEETING

Submittal Date: 24 April 2017

Meeting Date: 22 May 2017

DRAWING INDEX	
G100	TITLE PAGE
CIVIL PLANS	
C100	TOPO PLAN -SCALE:1"=20'-0"
C101	SITE PLAN -EXISTING SITE COVERAGE
C105	SITE PLAN/LANDSCAPE PLAN -PROPOSED
ARCHITECTURAL PLANS	
A201	PROPOSED ELEVATIONS-LANDSCAPE BEDS

GA

Gies Architects

400 BROADWAY
FOURTH FLOOR
DENVER, CO 80202
303.733.9290
EMAIL: DESIGN@GIESARCHITECTS.COM

SEAL

PROJECT:
PEPI'S BAR REMODEL
231 E. Gore Creek Dr. - Vail, CO.

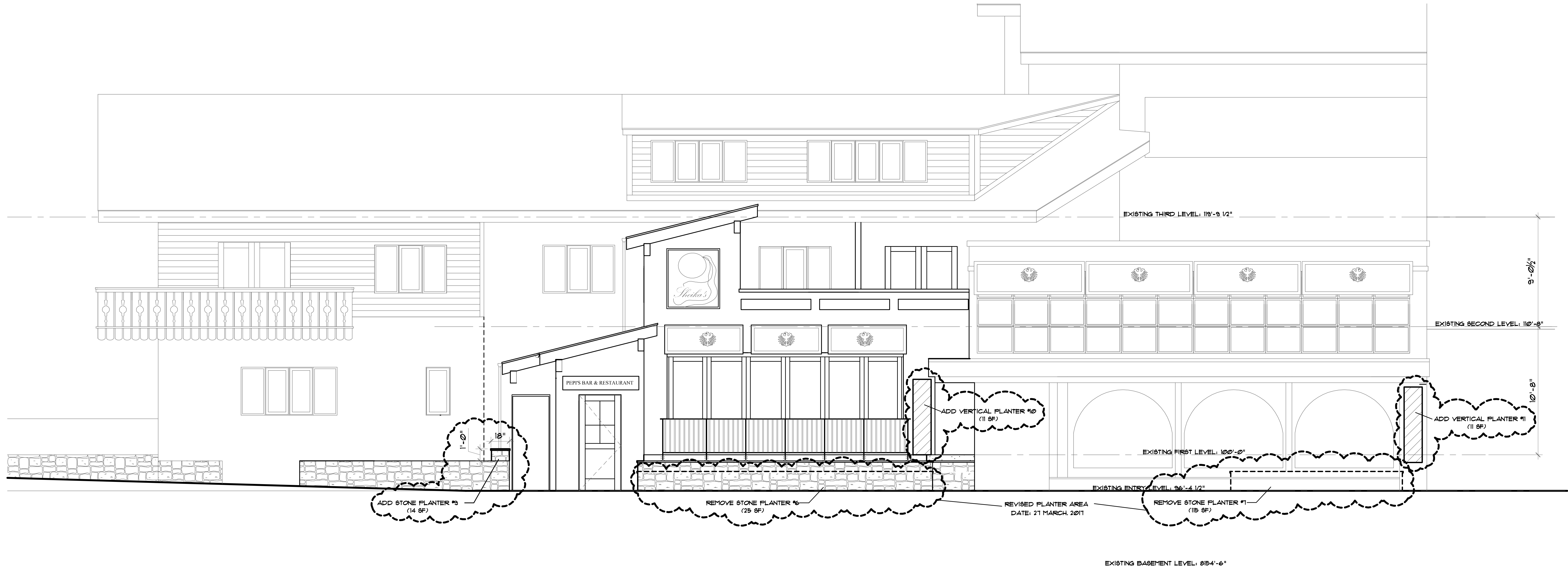
DRAWING:
TITLE PAGE

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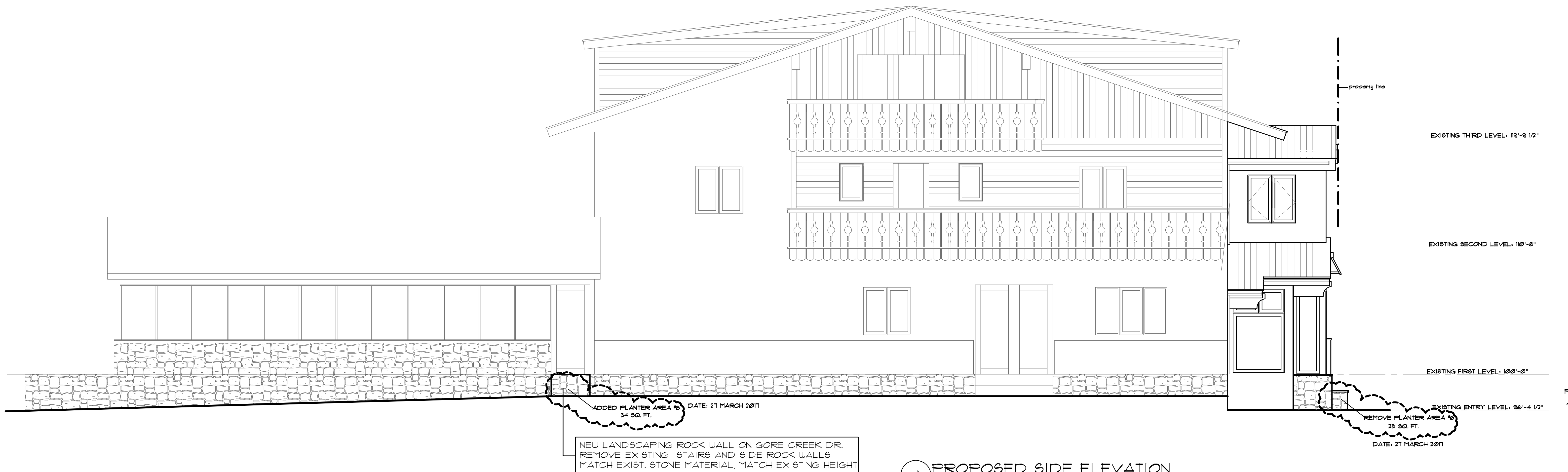
PROJECT NO.

ISSUE	DATE
PEC Sub	14 March 2016
PERMIT	8 APRIL 2016
DRB	11 April 2016
permit rev	22 April 2016
permit 2	5 May 2016
par design	18 May 2016
rev permit #2	31 May 2016
CD SET	15 June 2016
ELECT.	15 AUG. 2016
PERMIT REV	18 OCT. 2016
ADA RAMP	11 NOV 2016
DRB REV	5 DEC 2016
PEC	22 May 2017

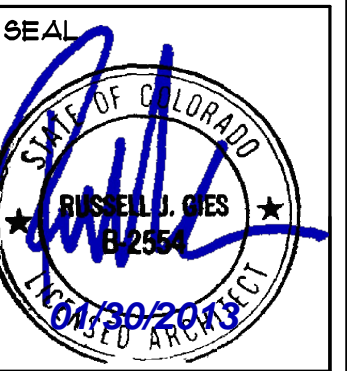
G100



3 PROPOSED ENTRY ELEVATION
SCALE: 1/4"=1'-0"



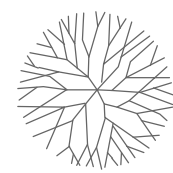
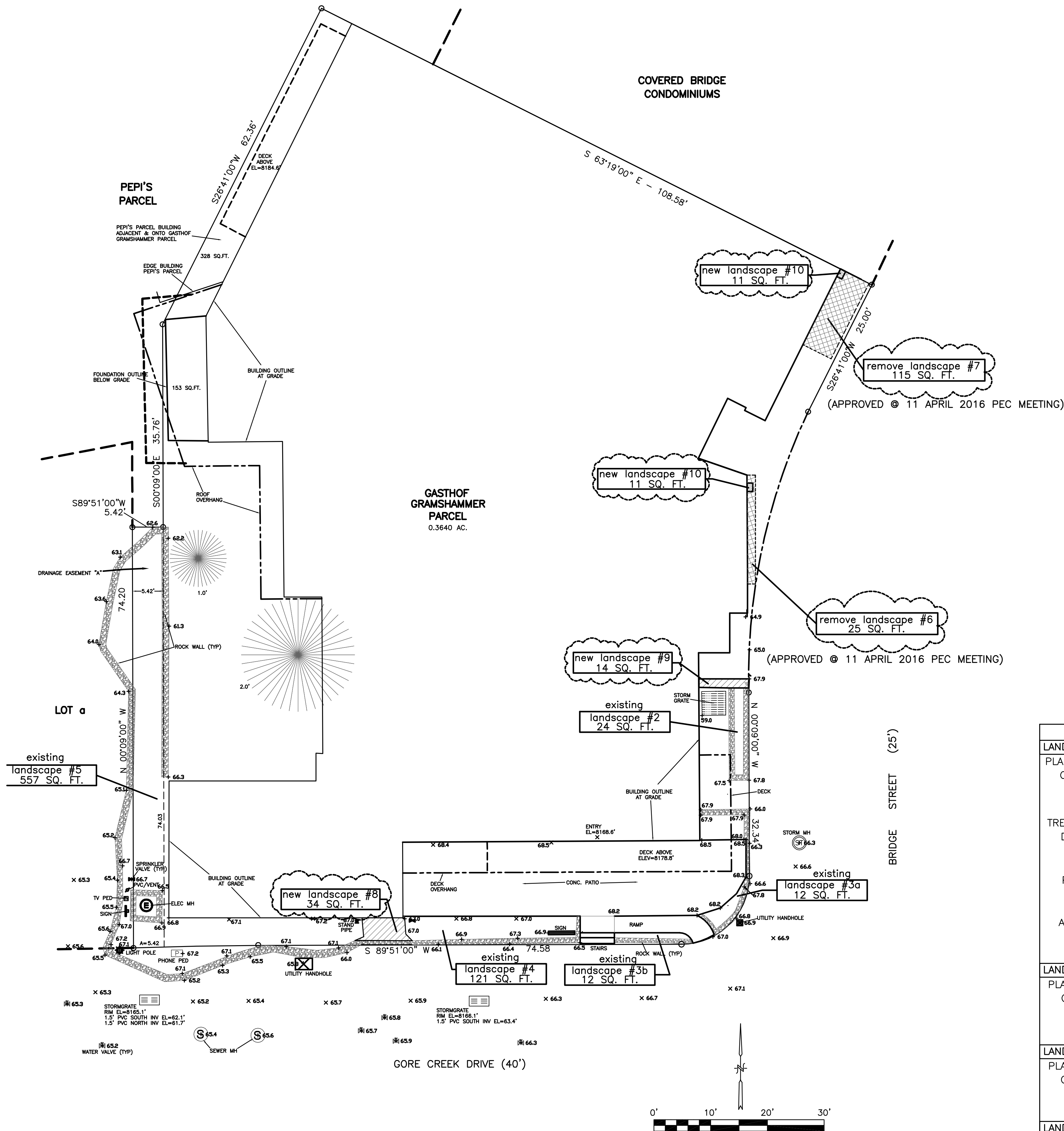
4 PROPOSED SIDE ELEVATION
SCALE: 1/4"=1'-0"



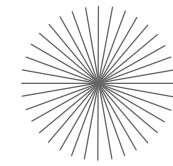
PROJECT: **PEPI'S BAR REMODEL**
231 E. Gore Creek Dr. - Vail, CO.
DRAWING: **PROPOSED ELEVATIONS**

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PEC	21 MARCH 2017



X.X DENOTES DECIDUOUS TREE WITH APPROXIMATE TRUNK DIAMETER



X.X DENOTES CONIFEROUS TREE WITH APPROXIMATE TRUNK DIAMETER

LANDSCAPE AREA

EXISTING LANDSCAPE AREA:

LANDSCAPE AREA #2: 24 SQ. FT.
LANDSCAPE AREA #3a & b: 21 SQ. FT.
LANDSCAPE AREA #4: 121 SQ. FT.
LANDSCAPE AREA #5: 557 SQ. FT.

PEC APPROVED—NOT INSTALLED LANDSCAPE AREA:

LANDSCAPE AREA #6: 25 SQ. FT.
LANDSCAPE AREA #7: 115 SQ. FT.

TOTAL PEC APPROVED LANDSCAPE AREA:
(APPROVED @ 11 APRIL 2016 MEETING)

863 SQ. FT.

EXISTING LANDSCAPE AREA TO BE REMOVED:

LANDSCAPE AREA #6: 25 SQ. FT.

LANDSCAPE AREA #7: 115 SQ. FT.

PROPOSED LANDSCAPE AREA :

LANDSCAPE AREA #8: 34 SQ. FT.

LANDSCAPE AREA #9: 14 SQ. FT.

LANDSCAPE AREA #10: 11 SQ. FT.

LANDSCAPE AREA #11: 11 SQ. FT.

PROPOSED AREA :

70 SQ. FT.

REVISED LANDSCAPE AREA
27 MARCH 2016

793 SQ. FT.

NEW TOTAL

70 SQ. FT.

LANDSCAPE AREA REDUCED
FROM PERVIOUS AMOUNT

LANDSCAPE AREA #8: 34 SQ. FT.

PLANTS:

COLORLED TULIP (TULIPA BAKERI,CLUSIANA,CHRYSANTHA,HAGERI,HUMILIS)
SIZE: 4"-14"
QTY: 25 BULBS

TREES:

DWARF BLUE SPRUCE
SIZE: 3'-4'
QTY: 2 TREES
POTENTILLA (GOLDDROP)
SIZE: 5 GAL
QTY: 2
ALPINE CURRENT
SIZE: 5 GAL
QTY: 2

LANDSCAPE AREA #9: 14 SQ. FT.

PLANTS:

COLORLED TULIP (TULIPA BAKERI,CLUSIANA,CHRYSANTHA,HAGERI,HUMILIS)
SIZE: 4"-8"
QTY: 19 BULBS

LANDSCAPE AREA #10: 11SQ. FT.

PLANTS:

COLORLED TULIP (TULIPA BAKERI,CLUSIANA,CHRYSANTHA,HAGERI,HUMILIS)
SIZE: 4"-8"
QTY: 19 BULBS

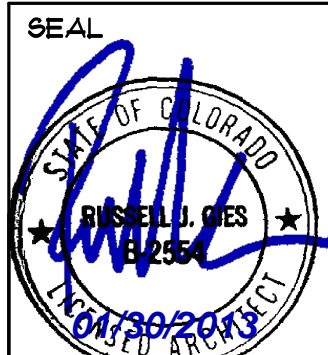
LANDSCAPE AREA #11: 11SQ. FT.

PLANTS:

COLORLED TULIP (TULIPA BAKERI,CLUSIANA,CHRYSANTHA,HAGERI,HUMILIS)
SIZE: 4"-8"
QTY: 19 BULBS

Gies Architects

GA



PROJECT: PEP'S BAR REMODEL
231 E. Gore Creek Dr. - Vail, CO.

DRAWING: SIT/LANDSCAPE PLAN

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PERMIT REV 18 OCT. 2016	
ADA RAMP 11 NOV 2016	
DRB REV 5 DEC 2016	
PEC 21 MARCH 2017	

C101



PLANNING AND ENVIRONMENTAL COMMISSION
May 22, 2017, 1:00 PM
Vail Town Council Chambers
75 S. Frontage Road - Vail, Colorado, 81657

1. Call to Order

Members Present: Brian Gillette, Pam Hopkins, Ludwig Kurz, John-Ryan Lockman, John Rediker, and Brian Stockmar

Members Absent: Karen Perez

Site Visits:

1. Gasthof Gramshammer - 231 Gore Creek Drive
2. Hill Building - 254 & 311 Bridge Street
3. Vail Mountain View Residences - 430 & 434 South Frontage Road
4. Sharon M Bernardo Trust Residence, 4718 Meadow Drive

2. A request for review of an Exterior Alteration, pursuant to Section 12-7B-7, Exterior Alterations or Modifications, Vail Town Code, to allow for a renovation, and a request for recommendation to the Vail Town Council on an application for encroachments into an existing view corridor, pursuant to section 12-22-6, Encroachments Into Existing View Corridors, Vail Town Code, to allow for encroachments into View Point #1 for modifications to the Hill Building, located at 254 and 311 Bridge Street (Hill Building)/Lots C & L, Block 5C, Vail Village Filing 1, and setting forth details in regard thereto. (PEC17-0010/PEC17-0012)

Applicant: Mt. Belvedere 45 LLC and 43-45 Riva Ridge LLC, represented by Braun Associates

Planner: George Ruther

Motion: Approve, with condition

First: Kurz

Second:

Gillette

Vote: 6-0-0

1. Approval of this exterior alteration request (PEC17-0010) is contingent upon the applicant obtaining Town of Vail approval of an associated design review application and view corridor encroachment application.
2. The applicant shall be required to meet the Commercial Linkage obligations at time of building permit issuance. The applicant shall remit a fee in lieu payment of \$6,483.70 to the Town of Vail.
3. The applicant and the Town of Vail shall review all existing pedestrian easements to verify compliance with existing and proposed uses. Any changes to the easements required shall be mutually agreed upon and recorded with the Eagle County Clerk and Recorder's Office, prior to the issue of a building permit for the proposed renovation.

- 4. The applicant shall submit a stamped Improvement Location Certificate (ILC) to the Town of Vail, prior to issuance of the building permit indicating the existing conditions of the Hill Building relative to View Corridor #'s 1, 2, and 4. Then, prior to requesting any certificate of occupancy for the building, the applicant shall submit a second ILC to the Town verifying that the building has been constructed in compliance with the approved building permit set of plans.**
- 5. The applicant shall cause a covenant or similar form of restriction to be recorded with the Eagle County Clerk and Recorder's Office against the Hill Building property (Lots C & L, Block 5C, Vail Village Filing 1) prohibiting vehicle parking from occurring on town-owned land or otherwise outside the enclosed parking space within the Hill Building. Further, the garage door to the enclosed parking space shall remain closed when not in use for immediate ingress or egress. The restriction shall be in a form reviewed and approved by the Town Attorney. Said restriction shall be recorded by the applicant prior to any request for a certificate of occupancy for the Hill Building.**
- 6. Prior to issuance of a building permit, the applicant shall submit a report from a qualified roofing consultant that verifies which verifies that the appropriate mitigation measures are proposed for implementation during construction to ensure protection of the pedestrians and the public right-of-way from snow shedding onto any immediate or adjacent pedestrian area.**

George Ruther, Director of Community Development, provided a summary of the requested encroachments into existing View Corridor No. 1 and reviewed the proposed exterior alterations to the structure. The increases in gross residential floor area and ground floor commercial are minimal. The building slightly increases in height. There is also a slight increase in on-site landscaping. Ruther reviewed the approval criteria. Commercial linkage will be required for the additional 76 square feet of ground floor commercial space. The maintained use of the existing garage space was discussed.

Rediker: Asked Ruther for clarification of non-conforming encroachments into view corridors, particularly in regard to View Corridor No. 4. Ruther stated that encroachments are allowed to remain, provided the level of encroachment is not increased.

Tom Braun, the applicant's representative, provided a PowerPoint presentation. The presentation highlighted changes that have occurred since the previous PEC meeting on May 8, 2017. Braun provided detailed view corridor exhibits and discussed the reduction of the existing view encroachment into View Corridor No. 4. There are elements of the proposal, particularly the chimneys, which will encroach into View Corridor No. 1. Braun stated his belief that the proposed encroachments do not diminish the view corridor and that they comply with the approval criteria.

Braun reviewed the proposed versus existing landscaping, identifying the trees to be removed and replaced as well as the areas where new landscaping is proposed.

Referencing multiple images, Braun discussed the sun/shade analysis and the changes between the existing and proposed structure.

Braun introduced Louis Bieker of 4240 Architecture to discuss the architectural details of the proposal.

Gillette: Asked Bieker to provide more information regarding the sun/shade analysis.

Bieker then addressed previous commissioner comments regarding the use of stucco as a hand railing at the second floor. The changes that have been made include a shortened railing and the introduction of a planter area at the southwest corner and a wooden rail cap on the west elevation. The stucco over the proposed storefront on the north side of the structure has also been removed and replaced with a parapet cap that is consistent with the storefront design.

Changes to the color palette were also made based on previous commissioner comments. Bay windows were added to the ground floor commercial space in response to previous commissioner comments. Coursing and belting have been added to the new northwest storefront to provide more architectural detail at the ground level. Additional architectural relief is also provided to create a stone base to the building and window setbacks.

The roof material will be flat seam copper. The roof will have a shingled appearance rather than a flat seam roof appearance. In response to previous commissioner comments, snow fences and other measures have been provided to avoid snow falling into pedestrian paths.

Bieker stated that the proposed stone will have a natural color and varying relief. The stucco will be a "parchment" white, similar to the Sonnenalp and Gorsuch buildings, with a textured finish.

Rediker: Asked about the changes at the southeast portion of the structure. Bieker identified an area of the east side, just north of the garage door, of the ground floor commercial that has been altered to provide additional storefront windows.

Asked Bieker for more information about snow shedding. Bieker reviewed the snow management plan.

Hopkins: Asked how far the doors were recessed into the building. Bieker stated approximately six to eight inches.

Stockmar: Asked if heat tape will be used on the roof. Bieker affirmed. The heat tape will be clad in copper and will not be noticeable to the public.

Public Comment - Ron Byrne stated his support for the proposed design. He is not concerned about the view corridor encroachments.

Lockman: Stated that he felt the applicant has addressed commissioner comments from the previous meeting. He feels that the decrease in encroachment of View Corridor No. 4 helps offset the proposed increased encroachment in View Corridor No. 1.

Hopkins: Agreed with Commissioner Lockman that the changes are beneficial to the project. Expressed her continued concern with snow shedding.

Kurz: Agreed that the applicant has addressed previously stated concerns and feels that the changes are positive. Expressed his concern about the encroachment into View

Corridor No. 1. Emphasized that addressing all the criteria for a view corridor encroachment is necessary.

Rediker: Asked for clarification as to the nature and degree of the encroachments into View Corridor No. 1. Ruther stated that the increase in roof height is due to added insulation required by building code and also the flues and spark arrestors are required by code. The proposed chimney caps are an aesthetic solution to exposed flues. Ruther also discussed the purpose and three-dimensional nature of view corridors.

Kurz: He feels more comfortable with the encroachment into View Corridor No. 1. Supports the proposal to remove the on-street parking.

Gillette: Suggested the applicant could replace the wood burning fireplaces with gas fireplaces and thus not have to increase chimney height. Expressed concern about the sun/shade analysis and the proposal's impact on the vertical walls of adjacent properties.

Stockmar: Agreed that the previous commissioner comments have been sufficiently addressed. Expressed his concern about the view corridor encroachments. While view corridors are sacred, there are changes that occur that no one has control over such as the growth of trees.

Rediker: Agreed that previous commissioner comments have been addressed. Reviewed the criteria for approval of a view corridor encroachment and stated his belief that the proposal complies with all criteria. Expressed his concern about snow shedding and suggested a condition regarding changes to the snow management plan.

Ruther: Suggested a condition that the snow management plan be further reviewed by a professional to ensure protection of the public right-of-way in the areas of concern noted by commissioners.

3. A request for a recommendation to the Vail Town Council of an application to establish Special Development District No. 42 (Vail Mountain View Residences), pursuant to Section 12-9(A), Special Development Districts, Vail Town Code, to allow for the development of a mixed use building consisting of 12 dwelling units with 6 attached accommodation units (lock-offs), 21 accommodation units and 9 employee housing units, located at 430 and 434 South Frontage Road/Lot 1, Vail Village Filing 5 and setting forth details in regard thereto. (PEC17-0006)

Applicant: Lunar Vail LLC, represented by Mauriello Planning Group

Planner: Jonathan Spence

Motion: Table to June 12, 2017

First: Kurz

Second:

Stockmar

Vote: 6-0-0

Jonathan Spence summarized the process of approval for a Special Development District (SDD) and the changes the applicant has made since the previous meeting on April 24(?), 2017.

Dominic Mauriello, representing the applicant, provided a PowerPoint presentation. Mauriello began by reviewing the anticipated project timeline and discussed the formulation of the proposal. Mauriello emphasized that the proposal will be 38% employee housing units and will provide "mid-price hot beds." Mauriello referred to

the Vail Village Master Plan and stated that it anticipated that the redevelopment of the property would require exceeding zoning regulations.

Gillette: Asked for clarification what the Vail Village Master Plan stated for the property.

Spence: Stated that the Master Plan anticipated redevelopment exceeding density, but not building height.

Mauriello continued by reviewing the changes in design since the last PEC meeting. The east setback has been increased from 0' to 15', the building height has been reduced by 2', and the tower feature has been eliminated. Mauriello introduced Will Hentschel, architect of 359 Design, to discuss the architecture of the structure.

Hentschel discussed the proposed location of mechanical equipment. The mechanical equipment will be located in the existing parking garage and in a roof trough. Hentschel stated that the separation between the existing (Phase I) and proposed building ranges from 26' to 85'. Referencing a series of elevations, Hentschel summarized the architectural changes that have occurred. The building stepped down in height on the west end near the Tyrolean building. The top floors of the west end of the structure also step back from the base approximately 3'. Hentschel stated that the team will be looking at Phase I for cues for additional design changes. He then reviewed the level of articulation of the structure's façades.

Hentschel then discussed the floor plans and identified the location and type of the various dwelling and accommodation units. Based on previous commissioner comments, there is now undulation of the interior corridors.

Mauriello then continued his presentation by discussing the public benefits of surplus on-site employee housing units and the provisions of "mid-price hot beds." Referencing a series of slides, Mauriello provided responses to questions that were raised at the previous PEC meeting. Topics included: the history of Apollo Park, the Mountain View plat, the history and characteristics of the Tyrolean.

Mauriello discussed private views and stated there is no regulatory protection of private views in Vail. He cited a previous court case that supported this statement. He reviewed the building height exhibit. The maximum proposed height is approximately 70 feet. He compared the proposed height to the height of other buildings in Vail. Mauriello then presented a sun/shade analysis.

Mauriello identified individuals, agencies, and companies that have provided letters of support for the proposal. He stated that the Vail Local Housing Authority (VLHA) voted unanimously to support the project.

Mauriello stated his belief that the proposal complies with the intent of the Vail Village Master Plan. He discussed SDDs and stated it does not matter if they are an effective tool or not, as that is a policy matter for Town Council. Mauriello concluded by asking for additional feedback in preparation for a recommendation vote at the next PEC meeting on June 12, 2017.

Hentschel provided a graphic that depicted the amount of relief and articulation throughout the structure's north façade.

Rediker: Referencing the review criteria, he asked if the applicant will argue that any of the criteria are not applicable to the proposal. Mauriello stated that he does not anticipate any such requests, except in regards to phasing and workable plan because the project will be built in one phase.

Rediker asked for clarification as to the number of stories above the parking garage. Mauriello stated that it is 4.5 stories above the existing parking garage.

Hopkins: Asked the height of the existing garage above the existing sidewalk. Hentschel responded that it is approximately 6.5'. Hopkins asked if this was consistent throughout the project. Hentschel stated that they will provide the information at the next meeting.

Gillette: Asked to see where the 48' maximum building height line would be located on the building.

Rediker: Asked for the elevation of the highest point of the building. Mauriello stated that it is 8,281.9'. Asked for comparison of the absolute elevations of other tall buildings in Vail.

Gillette: Asked to see the elevations that compare the previous submission to the current submission.

Stockmar: Asked for views from the eastbound side of the highway.

Rediker: Asked if the applicant has had contact with Public Works regarding the impact of the sun/shade analysis on the sidewalk and South Frontage Road. Mauriello stated that Public Works has asked that the sidewalk be heated.

Asked about the proposed loading and delivery areas. Mauriello responded that at the request of the Fire Department, the area at the northeast section of the site that was previously identified as a fire staging area will now be used as a loading zone and the fire staging area will be located elsewhere.

Spence added that Public Works has requested that the sidewalk be relocated and that the Vail Village Master Plan calls for landscaping in the front setback where the proposed loading zone is located.

Gillette: Asked where the trash receptacles will be located. Mauriello stated that trash storage will be interior.

Rediker: Asked for more information about the easement located at the northeast corner of the site.

Hopkins: Asked for clarification on the proposed parking. Mauriello stated that the proposed parking spaces comply with Town Code. Kurz asked if this accounts for the locating of mechanical equipment within the garage. Mauriello affirmed.

Rediker: Asked about the applicant's level of correspondence with owners of units 4 and 7 of the Tyrolean. Mauriello stated that he did not know.

Asked about the landscape plan for the site. Mauriello stated that there will be extensive landscaping along the front setback as well as the other edges of the building.

Kurz: Asked staff about the public benefits and if there are mechanics in place to ensure that what may be approved is what is built and that it comply with the established regulations. Ruther stated that there will be incentive for the properties to be rented, and that processes are in place to verify proper occupancy of the EHUs.

Gillette: Asked how many square feet would be lost if the top two levels were removed. Mauriello stated approximately 10,000 square feet.

Public Comment

Steve Lindstrom: Representing VLHA, stated his support for the project and finds that it meets the goals of the housing plan.

Wendy Weigler: As the attorney for the Tyrolean Condominium Association, wanted to ensure that the PEC received a letter she sent and made herself available for questions.

Rediker: Asked about the applicant's statement that a deal was being made with one of the condo owners. Weigler stated that the opinion of one owner does not constitute the opinion of the entire HOA board.

Ron Byrne: Attempted to provide public comment. Spence pointed out that Byrne is a member of the applicant team. Byrne was allowed to proceed with his comment. He stated that he is not biased regarding this project. He provided a history of the existing parking garage and stated that a lot of thought about the future redevelopment of the site was considered at the time of construction.

Rediker asked Byrne's relation to the development team. Byrne stated he is not a member of the team, but owns the underlying property.

Stockmar: Stated that the interior corridor still requires changes. Stated that he understands the economic argument and that the proposal addresses some of the Town's needs, but stated that the proposal would work in other parts of the Town, but not in this particular location. He feels there are still issues to be addressed.

Gillette: Stated that he has not changed his opinion since the last meeting. He would like to see more variation in the roof, more reduction in height near the Tyrolean, and would like to see additional information and exhibits regarding the proposed height versus the maximum allowed height in the underlying zoning district. Added that he values EHUs more than hot beds.

Kurz: Stated he does not have an issue with the height and massing of the building, but hopes the design of the roofline can be approved. He feels the mix of uses is appropriate and will benefit the Town. He feels that there is an obligation to be as fair as possible to the Tyrolean and that they can reach consent.

Hopkins: Concerned about the height and mass of the structure. The structure is blocky and will be visually dominant when arriving in Vail Village from the east. Believes that there needs to be more variety in roofline and other elements. Added that she believes the EHUs can be reduced in size and still be desirable. A major problem with the building height is that it is being added to an existing platform.

Lockman: Agreed with Commissioner Gillette's comments that more accurate and detailed building height exhibits are necessary. Stated that the building height is the biggest challenge towards approval and more information is necessary. Is concerned about the criteria regarding compatibility with adjacent properties. Disagrees with the suggestion to snowmelt the sidewalk.

Rediker: Agrees with Commissioners Hopkins and Lockman that the building height is a concern. Is concerned with the overall bulk and mass of the building, especially in relation to the existing building on the property. Emphasized the need to address the compatibility regarding design features, compatibility, landscaping, and parking and loading. Agrees with Commissioner Lockman that the sidewalk should not be snow melted. Is most concerned with the compatibility to adjacent neighbors. Agrees with Commissioner Hopkins that the style may not be consistent with Vail's character.

Gillette: Pointed out that the Vail Village Master Plan discussed the redevelopment of the parking lot area with a four story building.

4. A request for the review of two (2) variances in accordance with the provisions of Section 12-17, Variances, Vail Town Code. These variances include: (1) a variance from Section 12-6F-6 Setbacks, Vail Town Code, to allow for construction of an addition with a fourteen foot (14') rear setback where twenty feet (20') is required; and (2) a request for the review of a variance from Section 14-10-4-B Architectural Projections, Decks, Balconies, Steps, Bay Windows, Etc., Vail Town Code, to allow a deck within five feet (5') of grade with a three foot, nine inch (3',9") setback where ten feet (10') is required, located at 4718 Meadow Drive Unit B-4, Bighorn Townhouses Subdivision, and setting forth details in regard thereto. (PEC17-0011)
Applicant: Sharon M Bernardo Trust, represented by GPSL Architects
Planner: Jonathan Spence

Motion: **Approve, with Two Conditions**

First: Lockman

Second:

Gillette

Vote: 6-0-0

1. *The applicant shall revise the plans prior to building permit submittal to demonstrate a five foot (5') setback for all proposed improvements including, but not limited to, the deck stairs and hot tub.*
2. *Approval of these variances is contingent upon the applicant obtaining Town of Vail design review approval for this proposal.*

Spence introduced the project and described the nature and degree of the requested variances. The building was originally constructed under Eagle County jurisdiction. Spence pointed out the unique property line that was established as part of the original approval. Staff requests that the hot tub be setback 5' from the property line so that the property is not receiving a special privilege.

Henry Pratt, owner's representative, stated that the applicant agrees to the requested 5' setback for the hot tub and made himself available for questions.

Stockmar: Is familiar with platting issues that were brought in during annexation of many parts of East Vail.

The remaining commissioners concurred with staff's recommendations and did not provide additional comments or concerns.

Rediker: Stated that he feels all criteria for a variance have been satisfied.

5. A request for review of a Variance, pursuant to Section 12-7B-16, Landscaping and Site Development, Vail Town Code, to allow for a reduction in landscape area, located at 231 Gore Creek Drive/Lot A, Block 5B, Vail Village Filing 1, and setting forth details in regard thereto. (PEC17-0009)
Applicant: Gasthof Gramshammer Inc, represented by Gies Architects
Planner: Matt Panfil

Motion: Table to June 12, 2017

First: Kurz

Second: Gillette

Vote: 6-0-0

Panfil introduced the application. Code requires no net reduction in landscaping. He displayed the previously approved plans that showed the approved location of landscaping. Applicant is proposing to remove some of the landscaping planters as previously approved. Applicant would like to add some landscaping planters and vertical planters on the building walls, instead of approved planters. Also, near the beer tent, some additional landscaping is proposed where existing stairs are located (stairs are not used.)

Hopkins – Can planters be added on Town of Vail property? Panfil indicated that it might be possible, but preference is to be on applicant's property. Not sure if Public Works would entertain the idea of off site landscaping.

Rediker – In 2016, was there a reduction in landscaping? (Panfil indicated no.) There was some increase in landscaping, and should be built per the approved plan.

Rediker – Was it 23 sq. ft. of net new landscaping originally proposed? (Panfil indicated it was approximately that amount.)

Rediker – The net reduction is about 70 sq. ft. from what was approved in 2016, is that right?

Gillette- What is the net reduction from what was previously there? (Panfil – 26 sq. ft. net reduction.)

Stockmar – What is a vertical planter?

Russell Geis, Geis Architects – Vertical planters are a series of planters along the wall, fixed to the building. Flowers would be planted in these.

Stockmar – Seems like a trivial compromise.

Geis – We are trying to add landscaping without impacting functionality of the site. Before we did the remodel work, there was an 8x10 planter with a scraggly tree near the new exit door. That planter never enhanced anything. It was a cigarette butt disposal place. We are not reducing the quality of the look on Bridge Street by removing that planter. Amount of flowers planted by Mrs. Gramshammer is not shown in these plans. This is one of the most photographed corners in Vail. Planter in front of the sliding doors does not line up with anything. Piece (of landscaping) near Pepi's Sports is just enough to meet what is needed. We still want to create a beautiful look on the Bridge Street side.

Gillette – How big is the planter by the slider doors? Geis – about 18 inches deep.

Hopkins – I have worked in the Village for years. Sheika does the most beautiful flowers. Why not add some removable planters along the slider doors?

Sheika Gramshammer – When I received a permit to expand the bar, it makes the bar more open. To get the permit, I had to compromise with DRB to put in the planter. Previously we did not have a good emergency exit. Flowers would not grow under the tree that was removed. We can't put in the planters because in winter we have ski racks and in summer we have bicycle racks. A compromise is moveable planters, instead of permanent planters. Trust me, it will be beautiful.

Gillette – Will the flower boxes be on the railings?

Sheika Gramshammer – This past summer, the flower boxes on the railings were abused. In 1964 we were the first to have flower boxes. It costs me a lot of money each year to plant the flowers. Don't want a permanent planter.

Rediker – Why did you agree to a permanent planter a year ago?

Gramshammer – My daughter wanted to update the bar. It was hard for Pepi to see the bar changed. We did not think much about the planters.

Rediker – Is that the problem, having ski racks that narrow Bridge Street?

Gramshammer – Not only our customers use the ski racks. Everybody uses the ski racks.

Rediker – You knew before we approved the plans that the planter boxes needed to be there, right?

Gramshammer – No. We did not take it seriously.

Rediker – Agree that your flowers are beautiful. We were trying to make this area beautiful too. Is there a compromise?

Gramshammer – We would have to put the ski racks and bike racks on Town of Vail property. They said no, due to emergency access.

Panfil displayed images of the approved plans.

Rediker – Can bike racks be located between the approved planter (at Pepi's Sports) and the entrance?

Gillette – Landscaping benefits everyone. If you walk down the street, not everyone has landscaping in front of their building. Let's talk to Town of Vail to find places to increase landscaping off site.

Stockmar – Significant difference between stone planters and moveable planters.

Gramshammer – I will work with you if you work with me. I don't like the permanent planters. If I have something that can move, the only thing you will miss is the yellow flowers. If I can make an assortment of planters

Rediker – How many ski racks in the winter are in front of the business?

Gramshammer – Three ski racks

Rediker – If planters are installed where they were approved, would the ski racks be pushed more toward the Town right-of-way?

Panfil – Don't want to speak for Public Works.

Hopkins – Town of Vail has huge planter pots all over Vail.

Gillette – We should explore a Developer Improvement Agreement to require planters to be installed with flowers for a certain number of years.

Gramshammer handed out a photo of Gorsuch Building, showing some planters that are no longer there.

Public Comment – None

Lockman – I feel this issue should have been addressed when the application was approved last year. We approved this application with landscaping, and that needs to be provided. I see no practical hardship.

Hopkins – Think there are a lot of moving parts to the Village. There are all sorts of ways to create the same effect. This calls for something more mobile. There are lots of options in the Village. Pots help accomplish this in one way.

Kurz – Split between staying with the decision made when this project was approved. Would like to consider approval of the planters for a year, to get some planters on that side of the building.

Gillette – I understand why we do not want a reduction of landscaping in the core. Burden is on owners that have on site landscaping to keep it. Not sure why landscaping has to be on private property. If we can get landscaping back to what was there before the remodel, let's work with Town to find a place to put it on the south side, on Town property.

Stockmar – The street is so narrow in winter. If we add something permanent, it's more of a problem. Give us a chance to see what works for the first year, and then come back to us for review. This is an opportunity to add landscaping. Memorialize somehow and review in a year or two; something that can be adjusted and changed.

Rediker – Could applicant request moveable, temporary planters?

Neubecker – Raised planters are not landscaping per the code. PEC could approve a site plan that shows planters, and that could be enforceable. Planters in pots would also need to be approved by the DRB.

Rediker – Will not put off potential ways to make a compromise. Options are to approve, deny or continue. Is the applicant willing to come back at the next meeting with a site plan showing location of the planters?

6. Approval of Minutes
May 8, 2017 PEC Meeting Results

Motion: Approve

First: Stockmar

Second: Kurz

Vote: 6-0-0

7. Informational Update
A Brief presentation and discussion by Carly Rietmann, Healthy Aging Program Supervisor on Eagle County's Aging Well Community Planning Initiative.

Carly Rietmann, of Eagle County, provided a PowerPoint presentation regarding the County's Aging Well Community Planning Initiative. Eagle County has the fastest growing population of adults 65+ in Colorado's Rural Resort Region. The number of adults 65+ in Eagle County will quadruple by 2050.

Meghan King, of Eagle County, discussed the priority areas for the initiative. Priorities that prompted the creation of action teams include healthcare, connection to resources, housing, and social and community engagement. King also discussed the Plan4Health project's relation to the aging initiative.

Rietmann reviewed the next steps for the initiative, which include working the initiative into community projects.

Lori Barnes discussed coordinated events planned in the future.

8. Adjournment

The applications and information about the proposals are available for public inspection during regular office hours at the Town of Vail Community Development Department, 75 South Frontage Road. The public is invited to attend the project orientation and the site visits that precede the public hearing in the Town of Vail Community Development Department. Times and order of items are approximate, subject to change, and cannot be relied upon to determine at what time the Planning and Environmental Commission will consider an item. Please call (970) 479-2138 for additional information. Please call 711 for sign language interpretation 48 hour prior to meeting time.