



Memorandum

TO: Planning and Environmental Commission

FROM: Community Development Department

DATE: June 12, 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.

This item was first heard by the Planning and Environmental Commission (PEC) on May 22, 2017. In order to allow the applicant time to respond to comments from the Commissioners, the item was continued to the June 12, 2017 meeting. The Commissioners' comments were generally related to the following:

- The possibility of providing temporary planters in a size that would compensate for the 70 square foot net loss in landscaping; and
- Potential for providing landscaping off-site and on Town of Vail property.

The applicant has requested that the item be continued until the June 26, 2017 PEC meeting. The applicant has indicated that they have purchased additional planters to be placed on-site, to be delivered on Friday, June 16, 2017. As of June 8, 2017, they have not provided any additional information or revised plans.

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 remodel and addition plans for PEC16-0011. Instead of the previously approved and required 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 by 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 of natural vegetation 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 their application for the addition and remodel (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 applies the following **condition**:

1. *Approval of this variance is contingent upon the applicant obtaining Town of Vail design review approval for this proposal; and*

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



PLANNING AND ENVIRONMENTAL COMMISSION

June 12, 2017, 11:00AM

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, Karen Perez and Brian Stockmar

Members Absent: None

Site Visits:

- a. Jackson Residence – 2475 Garmisch Drive
- b. Manchester Residence – 2794 Snowberry Drive
- c. Mellgren Residence – 4112 Spruce Way

2. 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 26, 2017

First: Gillette

Second: Stockmar

Vote: 5-2-0

(Rediker/Perez opposed)

Planner Panfil relayed to the board the applicant's desire for this item to be continued to the next meeting.

Russel Geis, representing the applicant, explained the process and timing for the project and the plan moving forward, necessitating the request for a continuance.

Commissioner Stockmar requested clarification in regard to the recently installed bike racks. Stockmar reiterated his earlier concerns.

Gillette would prefer permanent planters but is ok with moveable containers.

Kurz agrees with Gillette

Perez agrees with Gillette

Hopkins voiced her support of the temporary planters.

Lockman would prefer to see what was originally proposed, but is open to alternatives.

Rediker is disappointed with applicants desire not to do what was originally proposed. Would support going forward today but recognizes others may support a continuance.

3. A request for a final review of a variance from Section 14-10-4-B, Architectural

Projections, Decks, Balconies, Steps, Bay Windows, etc., Vail Town Code, pursuant to Section 12-17, Variances, Vail Town Code, to allow for the replacement of a nonconforming deck with a proposed side setback of one foot, nine inches (1'9") where a fifteen foot (15') setback is required and a proposed rear setback of twelve feet (12') where fifteen feet (15') setback is also required, located at 4112 Spruce Way/Lot 2, Block 8, Bighorn Subdivision 3rd Addition, and setting forth details in regard thereto. (PEC17-0013)

Applicant: Anders Folke & Anna Maria Mellgren
Planner: Jonathan Spence

Motion: Approve, with Conditions

First: Kurz Second: Perez Vote: 7-0-0

Conditions:

- 1. Approval of this variance is contingent upon the applicant obtaining Town of Vail design review approval for this proposal.*
- 2. The applicant shall clearly demonstrate to planning staff prior to requesting a final planning inspection that the improvement has been constructed per plan.*

Spence introduced the project to the PEC. The existing deck is a safety hazard. The proposed deck will be one foot (1') from the side property line and will maintain a twelve foot (12') rear setback. The size of the lot essentially requires a variance for any improvement.

Gillette: Have the neighbors been notified? Spence confirmed in the affirmative.

Mike Connolley, representing the applicant, described the need to replace the deck.

There was no public comment.

Stockmar: Based on the site visit and photographs, this is clearly a safety issue. Supports the requested variance.

All the remaining Commissioners agreed with Stockmar's comments.

4. A request for a final review of a variance from Section 14-10-4-B, Architectural Projections, Decks, Balconies, Steps, Bay Windows, Etc., Vail Town Code, pursuant to Section 12-17, Variances, Vail Town Code, to allow a deck more than five feet (5') above ground level a four and six-tenths foot (4.6') setback where a ten foot (10') setback is required, located at 2475 Garmisch Drive, Unit 1 / Lot 5 & 6, Block H, Vail Das Schone Filing 2, and setting forth details in regard thereto. (PEC 17-0014)

Applicant: Dominique & Christiane Jackson
Planner: Matt Panfil

Motion: Approve with Conditions

First: Lockman Second: Kurz Vote: 7-0-0

Conditions:

- 1. Approval of this variance is contingent upon the applicant obtaining Town of Vail design review approval for this proposal; and*

2. *The applicant shall clearly demonstrate to planning staff prior to requesting a final planning inspection that the improvement has been constructed per plan.*

Planner Panfil introduced the project and the requested variance.

Dominique Jackson, applicant, provided a rationale for the requested proposal. Existing deck is too small, a safety issue at the top of the stairs.

Stockmar asked if the deck is proposed to be used as a BBQ deck.

Jackson explained that gas grills are permitted at the property.

Stockmar asked if would be cantilevered or supported with posts.

Panfil showed that the deck with be cantilevered.

Lockman asked why the existing stairs are so narrow.

Jackson said that was what was built.

Panfil explained that wider stairs would also be permitted.

Panfil explained that if cantilever is not possible then posts would be needed.

Jackson further explained the plan.

Public Comment - None

Commissioner Comment

Lockman-Recognizes the practical difficulty and supports the request, pointing to the safety concern.

Hopkins-Agrees with Lockman

Perez - Agrees with Lockman

Kurz also agrees and supports the staff memorandum

Gillette agrees

Stockmar agrees

Rediker agrees with staff's analysis.

5. A request for a final review of a variance from Section 14-6-7, Retaining Walls, Vail Town Code, pursuant to Title 12 Chapter 7, Variances, Vail Town Code, to allow for retaining walls with height in excess of three feet (3') within the twenty foot (20') front setback, located at 2794 Snowberry Drive/Lot 16, Block 9, Vail Intermountain Development Subdivision, and setting forth details in regard thereto. (PEC17-0020)
Applicant: Gary & Jeane Manchester
Planner: Jonathan Spence

Motion: Approve, with Conditions

First: Lockman

Second:

Kurz

Vote: 7-0-0

Conditions:

- 1. No proposed retaining wall shall exceed a height of six feet (6').*
- 2. The applicant shall obtain a right-of-way (ROW) permit prior to commencing work and a Revocable ROW permit for all private improvements located on public property.*
- 3. Approval of this variance is contingent upon the applicant obtaining Town of Vail design review approval for this proposal.*

Spence introduced the project and described the requested variance. Due to the steep slope of the lot, if the applicant were to propose a garage within the front setback, the variance would not be required. However, due to the unique topography of the site, it would be inappropriate to locate the garage in the front setback. Staff supports the requested variance.

Seth Bossung of Intention Architecture provided a presentation and summarized the site plan design.

Kurz: Asked if the retaining walls were boulders or concrete. Bossung responded that all walls are engineered boulder retaining walls.

Lockman: Believes it is a creative site plan that addresses complex grading issues.

All other Commissioners agreed. Rediker added that it is a unique site and relief is necessary.

6. 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 15 attached accommodation units (lock-offs), 19 accommodation units and 10 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: Approve, with Conditions

First: Stockmar

Second:

Kurz

Vote: 4-3-0 (Rediker,

Gillette, and Perez Opposed)

Conditions:

- 1. Approval of Special Development District No. 42, Vail Mountain View Residences, is contingent upon the applicant obtaining Town of Vail approval of an associated design review 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 the buildings articulation, building stepbacks and stepdowns that will not affect overall*

height but may result in changes to the building's perceived mass and scale, in order to create an architecturally unified structure, with unified site development, that is compatible with existing structures and its surroundings;

- 2. The applicant shall work with Town of Vail staff to increase the robustness of the proposed landscaping, including an increase in the number and size of the new plantings, prior to submittal of an application for review before the Design Review Board;;*
- 3. Prior to submittal of a Design Review Board application, the applicant shall provide Town of Vail staff with information for review and approval concerning the proposed operation and configuration of the loading space. If it is determined by staff that the operation poses too great a conflict with the adjacent pedestrian walkway, an alternative location/operation shall be proposed for review and approval by staff;*
- 4. Prior to the issuance of a certificate of occupancy, the applicant shall cause to be recorded with the Eagle County Clerk, 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 of Vail recreational path;*
- 5. Prior to issuance of any certificate of occupancy, 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 walk alignment, Option A or B, shall be approved by the Town of Vail Public Works Department prior to its construction, and shall be designed in conjunction with the ongoing conceptual design of the South Frontage Road improvements in this area as a part of the Vail Transportation Master Plan Update;*
- 6. Prior to issuance of any certificate of occupancy, the applicant shall install a snowmelt system within the above mentioned sidewalk along South Frontage Road and shall enter into the standard snowmelt agreement with the Town of Vail. The applicant shall be responsible for providing the heat source, and the on-going maintenance of the sidewalk and snowmelt system;*
- 7. Prior to issuance of a building permit, the applicant shall update the Traffic study (March 14, 2017) and Turn lane study April 19, 2017) to include any change of units and/or density. This study shall include the net new development PM peak hour generated trips. The applicant shall implement any changes required as a result of the updated studies as approved by the Town of Vail;*

8. *Prior to issuance of a building permit, the applicant shall pay the Town of Vail Traffic Mitigation Fees for the net new increase in development traffic. The total fee shall be updated based on the updated traffic study. This fee was \$6500 in 2005; this fee shall be appropriately increased due to construction cost inflation, and in coordination with the on-going Vail Transportation Impact Fee Study, and for this approval be set at \$11,200 per net new development PM peak hour trip, based on the net new 12 Dwelling Units, 15 Lock-Offs, 10 EHU's, and 19 Accommodation Units;*
9. *Prior to issuance of a building permit, the applicant shall provide a construction staging plan and parking plan showing how the construction of this site will not impact town parking or adjacent properties;*
10. *Prior to issuance of a building permit, the applicant shall engage Art in Public Places Board on the determination of an acceptable public art installation with a minimum value of \$50,000.00;*
11. *Prior to the issuance of a building permit, the applicant shall pay the recreational amenities tax, as required by Section 12-9A-11 of the Vail Town Code;*
12. *Prior to the issuance of a certificate of occupancy, the applicant shall record deed restrictions with the Eagle County Clerk and Recorder, in a format approved by the Town Attorney, for the Type III Employee Housing Units; and*
13. *Prior to submitting any building permit application, the applicant shall submit approval from the Colorado Department of Transportation (CDOT) related to all proposed work within the CDOT right-of way.*

Spence summarized the previous two meetings and the proposed changes that have occurred since the last presentation to the PEC on May 22, 2017. Most of the previous comments were related to the building's bulk, height, mass, public benefit, and relationship to Phase I of the development. The applicant has included a revised north elevation. Staff has provided conditions that would make the project compliant with the approval criteria.

The applicant, represented by Dominic Mauriello, MPG Inc., provided a PowerPoint presentation to the PEC. Mauriello reviewed the project timeline. He described the changes in unit count that have occurred through the PEC review process. He summarized the aspects of the project which the applicant believes are public benefits. The deviations from the code associated with the project include: east side setback, building height, density, site coverage, and loading in the front setback.

Will Hentschel, Architect of 359 Design, discussed the architectural design changes that have occurred throughout the PEC review process. Hentschel discussed the compatibility of the proposed elevations with Phase I. Similar features between the two phases include: top floor dormers, exposed timber and other parts of the structure, battered columns, and railings. Other changes include the replacement of the previously proposed metal panels with a stucco finish. The building follows the traditional base-middle-top composition.

Hentschel introduced an elevation of the south façade.

Mauriello continued his presentation by discussing the impact of the structure and side setback encroachment on the adjacent Tyrolean building. He then described the changes that have been made to the north elevation.

Mauriello then provided responses to each of the SDD approval criteria. Referencing images of the adjacent properties, he emphasized that the proposal is compatible with the surrounding area. He then discussed the relationship between uses and programming of the proposal and adjacent uses. The density of the proposal and adjacent properties was compared. Mauriello stated that the proposal complies with the Town's parking requirements. He discussed the two possibilities for a loading space.

Gillette asked for clarification as to the Town's loading space requirements.

Mauriello summarized the ways in which the applicant believes the proposal complies with the Town's comprehensive plan and other planning documents. There are no natural or geological hazards on the site. The plan complies with minimum landscape requirements. The proposal is not generating additional traffic and there are no improvements required. Mauriello discussed the two different options available for the location of the proposed sidewalk. He stated that the project will be completed in one phase with an anticipated short construction time. He concluded his presentation by referencing a slide that depicted increased hallway undulation.

Spence indicated that Tom Kassmel of Public Works was available for questions and stated that there are two letters distributed at the beginning of the meeting that were received after the PEC packets were distributed.

Perez: Asked for clarification regarding the number of employee housing units (EHUs) associated with the project. Spence clarified that there are 10 EHUs proposed, not 9 as stated on page 11 of the Staff Memo.

Hopkins: Asked Mauriello for further explanation of the height exhibits.

Rediker: Asked Spence if there was concern in approving the SDD without specific terms for height and other standards. Spence indicated that the data in the table on pages 11 and 12 of the staff report are the maximums that will be reviewed by the Town Council.

Lockman: Asked Spence for clarification on one of the recommended conditions of approval regarding heating the sidewalk. Spence stated that the applicant has agreed to purchase renewable energy credits to offset the cost of heating the sidewalk.

Kassmel: Stated that common practice has been to provide heated sidewalks where tall buildings shade the sidewalks, and cited Four Seasons and The Sebastian as examples.

Perez: Asked Kassmel about the impact of the loading zone in its proposed location. Kassmel stated that it is not an ideal location and they do not typically allow loading on a public walkway.

Lockman: Asked for clarification on the traffic impact fee.

Kassmel stated that CDOT has agreed that there is no net new traffic generated by the project. However, proposed uses on the site will generate additional traffic which may have some broader impact on the system.

Rediker: Asked how the sidewalk Options A or B will be determined. Kassmel stated that his team is conducting an ongoing review of both options. Option B may be further off in terms of time, but they want to ensure that it is a viable option for the future. Kassmel stated his preference that the sidewalk be located in order to accommodate Option B in the future.

Public Comment -

Chris Romer, President and CEO of Vail Valley Partnership (VVP), stated VVP supports the project and feels that the height, density, and other deviations are worth the public benefits.

Rick Smith, Vail Valley Medical Center (VVMC), stated that his group supports the project because it contains EHUs and VVMC anticipates a strong demand for housing. The project will be a recruiting tool for VVMC.

Stan Cope, management of Vail Valley Lodge, stated his support for the project. He believes the tradeoff between height and public benefits is worth it.

Molly Murphy, Vail Local Housing Authority (VLHA), stated the group's support of the project. They believe the lockoffs are an asset to the project.

Steve Lindstrom, VLHA, restated that the group supports the project. The applicant is not asking for financial assistance from the community. Believes it is a good location for resident housing.

Tom Saalfeld, managing agent of the Tyrolean, stated his opposition to the project. Concerns include: impact on their view and the height of the building.

Stockmar asked Tom Saalfeld if there would be any difference if the building were only 48' tall. Tom Saalfeld responded that the overall size of the building is too big and far exceeds the amount of Gross Residential Floor Area (GRFA) allowed. The owners of the Tyrolean were aware of the surrounding zoning, but did not anticipate an SDD. Tom Saalfeld asked if the EHUs were going to be truly affordable.

Jeff Morgan stated his support for the project. He stated he works with Chris Romer and they both agree that the building will provide an aesthetic buffer from the highway.

Stockmar: The project seems to comply with the SDD review criteria. While understanding the view of those who oppose the project, he believes there is a large public benefit to this project and therefore supports the project.

Gillette: Believes the Tyrolean will lose their view regardless of a building height deviation, but does believe that as proposed, the structure negatively impacts the Tyrolean's access to light and air and would like to see that problem addressed.

Lockman: Believes that deviations should not be granted strictly based on the provision of EHUs, even though they are very important to the Town. All criteria must be reviewed based on the context of the site. He has an issue with the overall compatibility based on scale, but it is consistent with the Town's various planning documents. He feels there have been improvements to the design over the course of the review and can support the project.

Hopkins: Agreed with Lockman. Asked if there was a way to guarantee a price range for EHUs and lockoffs. Spence responded that the limitation is based on occupancy restrictions only. Hopkins stated that she feels the design has improved, but is also worried about the impact on the Tyrolean's access to light and air.

Perez: Stated that she does not believe the proposal meets the compatibility criteria. Does not believe the benefit of the EHUs offsets the deviations requested. Feels the design has improved throughout the process, but is not ready to support the project.

Kurz: Stated that while the building is large in regards to bulk and mass, it is located in an area which can accommodate its size. Design changes have helped address the perceived bulk and mass concerns. The public benefits outweigh any negative impacts.

Lockman: Suggested the traffic impact study be reexamined. Also, he believes that a heated sidewalk should not be required due to its negative impact on the environment.

Gillette: Agreed with Lockman regarding the heated sidewalk.

Rediker: Acknowledged that there are a lot of positives associated with the proposal, including the EHUs and additional "hot beds." Disagrees with some of the applicant's arguments regarding compatibility of the project with surrounding area. The project does comply with some objectives of the comprehensive plan, but feels the bulk and mass is far beyond anything anticipated for the site. Also believes the project does not comply with Criteria #2 based on the excessive density of the site. Finally, believes that Criteria #3 has not been met and that the building does not complement the design of the surrounding area or Vail in general.

7. A request for final review of an amendment to a conditional use permit, pursuant to Section 12-9C-3, Conditional Uses, Vail Town Code, pursuant to Title 12, Chapter 16, Vail Town Code, for an existing healthcare facility, amending the development plan to allow for the reconstruction of the east wing, including healthcare facilities, ambulance district facilities, heliport building and associated structured parking located at 180 South Frontage Road West (Vail Valley Medical Center)/Lots E, F and 2E, Vail Village Second Filing, and Lot 2E-1, Block 1, Vail Lionshead Filing 1. (PEC17-0022)

Applicant: Vail Valley Medical Center

Planner: Jonathan Spence

Motion: Continue to July 10, 2017

First: Perez Second: Stockmar Vote: 7-0-0

Spence introduced the topic. This presentation will include an introduction and overview of the master plan for VVMC. Tom Braun will describe the approach that staff and the applicant will be taking for this project.

Tom Braun, Braun Associates, representing the VVMC – Introduced some members of the design and applicant team The East Wing is the east end of the campus, near the current parking structure. New medical facilities and heliport will be included. At least 4 members of the PEC were not on this board or Council when the VVMC master plan was approved. We anticipate four more PEC meetings on this topic. Three applications (including Conditional Use for medical care facility and heliport), a rezoning application and subdivision application as well. Medical Professional Building (US Bank building) is also in the master plan boundary.

Braun reviewed the parcels, including the land that will be acquired from the Evergreen Lodge. Future meetings with PEC are anticipated June 26, July 10, July 24 and August 10 or 24 of 2017. Master plan in 2014 and 2015 laid the groundwork for this development. Major goal was to keep medical center in Vail. Plan considers internal drivers (hospital needs) and external drivers (Town and community goals). Decompression, finding more space for existing uses, is one goal; relieve crowded conditions. Intention is not to increase number of patients, but to improve operations and comfort. He described the programming

in the East Wing. Net gain 110,000 sq. ft. is proposed. Minimizing traffic on West Meadow Drive was a major goal, by relocating front entry to S. Frontage Road.

Rediker – Is parking access changed from the original plan?

Braun – Yes, it has changed.

Gillette – Was there shared access planned with Evergreen Lodge?

Braun – Yes, but that is not in this plan.

Stockmar – Has the Stedman Clinic moved?

Braun – Yes, to the West Wing.

Braun continued to describe the new medical center, arrival experience, and heliport. New heliport location will reduce time and distance between emergency room and heliport. He discussed the parking needs, and general transportation management, including employees taking buses and shuttles to bring workers to medical center. About 197 additional on-site parking spaces are planned. About 605 total parking spaces planned on-site. Loading and delivery was discussed; all will be enclosed. Pedestrian circulation will include a north-south connection along east side of new building. He discussed the land exchange with Evergreen Lodge. Future needs and expansion space will be provided in the helipad building. This space is not programmed. Extra space may allow a location for uses in the medical professional building (US Bank) during redevelopment.

Rediker – Is a roundabout planned near the Municipal Centre and VVMC?

Spence – On July 10, Tom Kassmel, Town Engineer, will attend the PEC meeting to describe future road improvements.

Nate Savage, Davis Partnership, Architect – Showed 3D images of the architecture. Materials and design elements will be similar to the central wing. Lobby will be open with mountain views. Public pedestrian access will be available from Meadow Drive. Loading bays will allow trucks to drive in, turn-around inside, and pull out of separate garage door.

Gillette – Is the elevator tower two stories above the main building?

Savage – That is the elevator tower overrun that you are seeing. Helipad tower needs to be at a set height, based on flight patterns and safety.

Braun – Described the flight pattern for helicopter flights.

Gillette – What design guidelines are used to review the helipad?

Braun – The site is not in the Village, and not in Lionshead, so the Town's standard design review process will be used.

Savage - Level 2 will have sleeping quarters; level 3 will have internal conference space.

Rediker – It will be helpful to see the presentation on flight paths. Last year there was a Flight For Life accident in Frisco. What designs are provided to plan for accidents?

Braun – Defer a response until the helicopter expert is here.

Kurz – Please show secondary entrance on Meadow Drive. There is no parking associated with that?

Savage – The south entry is design for pedestrians and bus users.

Hopkins – Can that entry be design to look more like an entry?

Savage – Yes, but we have limits with the property line.

Rediker – Please plan to discuss what happens if the Evergreen Lodge redevelopment does not move forward, and impacts to Evergreen guests.

Braun – An aviation easement is planned for a small area over the Evergreen Lodge. Rest of the Evergreen site could be built to maximum allowed height.

Rediker – Any connection planned to the medical office building?

Braun – That was discussed, but too expensive to build an elevated walkway.

Kurz – What happens if land exchange does not happen?

Braun – This plan depends on the land exchange to happen.

Stockmar – How are you financing this project? Are you protected from an economic downturn?

Doris Kirchner, VVMC President and CEO – Over past 10 years we have had savings and \$75 million capital campaign, We have raised \$42 million so far.

Kurz – Are you accelerating the schedule?

Kirchner- We are on schedule. Our plan is to finish by Fall 2020

Chris Knight, Project One, Project Manager – Goal is Fall 2020 for parking structure occupancy.

Kurz – Have used the facility more that I want to over past several months. Congratulations on how you have managed traffic and circulation during construction. Thank you for your efforts.

8. A request for review of a final plat, pursuant to Title 13 Chapter 4, Minor Subdivisions, Vail Town Code, to allow for a resubdivision of Lot F, Vail Village Second Filing and the creation of Lot F-1, Vail Village Second Filing, located at 180 South Frontage Road West/ Lot F, Vail Village Second Filing, and setting forth details in regard thereto. (PEC17-0016)

Applicant: Vail Valley Medical Center

Planner: Jonathan Spence

Motion: Table to June 26, 2017

First: Kurz

Second: Stockmar

Vote: 7-0

9. A request for review of a final plat, pursuant to Title 13 Chapter 4, Minor Subdivisions, Vail Town Code, to allow for a resubdivision of Lot 2W, Block 1, Vail Lionshead Second Filing, and the creation of Lot 2E-1, Block 1, Vail Lionshead Second Filing, located at 250 South Frontage Road West/Lot 2, Block 1, Vail Lionshead Second Filing, and

setting forth details in regard thereto. (PEC17-0018)

Applicant: Vail Valley Medical Center

Planner: Jonathan Spence

Motion: Table to June 26, 2017

First: Kurz

Second: Stockmar

Vote: 7-0

10. A request for a recommendation to the Vail Town Council for a zone district boundary amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to allow for a rezoning of Lot 2E, Vail Village Second Filing and Lot 2E-1, Block 1, Vail Lionshead Second Filing, from Lionshead Mixed Use 1 (LMU-1) District to the General Use (GU) District, and a rezoning of Lot F-1, Vail Village Second Filing from General Use (GU) District to Lionshead Mixed Use 1 (LMU-1) District, located at 180 and 250 South Frontage Road West/Lot 2, Block 1, Vail Lionshead Second Filing and Vail Village Second Filing, and setting forth details in regard thereto. (PEC17-0015)

Applicant: Vail Valley Medical Center

Planner: Jonathan Spence

Motion: Table to June 26, 2017

First: Kurz

Second: Stockmar

Vote: 7-0

11. A request for a recommendation to the Vail Town Council for an amendment to Section 12-10-19 Core Areas Identified, Vail Town Code, pursuant to Section 12-3-7 Amendment, Vail Town Code, to include Lot F-1 in the Commercial Core Area for parking regulations purposes, located at 250 South Frontage Road West/Lot F-1, Vail Village Second Filing, and setting for the details in regard thereto. (PEC17-0023)

Applicant: Evergreen Hotel

Planner: Jonathan Spence

Motion: Table to June 26, 2017

First: Kurz

Second: Stockmar

Vote: 7-0

12. Approval of Minutes
May 22, 2017 PEC Meeting Results

Motion: Approve

First: Kurz

Second: Stockmar

Vote: 6-0-1 (Perez –

Abstain)

13. Informational Update

14. Adjournment

Motion: Adjourn

First: Stockmar

Second: Kurz

Vote: 7-0

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 hours prior to

meeting time.