

The regular meeting of the Vail Town Council was called to order at approximately 6:00 P.M. by Mayor Chapin.

Members present:	Dave Chapin, Mayor Jenn Bruno, Mayor Pro Tem Dick Cleveland Kim Langmaid Jen Mason Greg Moffet *Kevin Foley absent
Staff members present:	Patty McKenny, Acting Town Manager Matt Mire, Town Attorney Tammy Nagel, Deputy Town Clerk

1. Citizen Participation

Diane Carpenter, resident Village Center, expressed her concerns for public safety and residential access during the Go Pro Mountain Games and the Craft Beer Classic special events. She stated residents who reside within the special event venue are being denied access to their units during event times and she questioned if emergency vehicles could get to a fire or a resident who needed medical assistance.

Stephen Connolly, Vail resident, asked council to consider having employee housing on top of the proposed Red Sandstone Parking Structure. Connolly also asked about operational costs of the parking structure.

Tom Ruemmler, Vail resident, requested council consider other revenue methods other than impact fees.

Herman Staufer, Vail resident, expressed concerns on rental by owners (RBO) should only be allowed in commercial areas and not residential areas. Staufer stated RBO's ruin the quality of life for the property owner who lives here.

2. Consent Agenda

2.1. Minutes from May 16, 2017 meeting

2.2. Minutes from May 23, 2017 special meeting

2.3. Resolution No. 22, Series of 2017, A Resolution Approving an Intergovernmental Agreement Between the Town of Vail and Colorado Department of Transportation Regarding

the Division of Transit and Rail "FASTER" Transit Grant and Setting Forth Details in Regard Thereto.

2.4. Resolution No. 23, Series of 2017, A Resolution Approving an Estoppel Agreement Between the Town of Vail Local Housing Authority and Lion's Ridge Apartment Homes, LLC and Setting Forth Details in Regard Thereto.

Moffet made a motion to approve the consent agenda items; Bruno seconded; approved 6-0

3. Town Manager Report

George Ruther provided an update to council regarding the July 13 master housing lottery. Housing applicants have expressed concern over the application process and how applicants are "ranked" with a point system. Ruther stated the lottery would go forward with the current process at the July 13th lottery, but staff would present an updated selection criteria to council later this year; which would be implemented in 2018.

4. Action Items

4.1. 12-13-5: Employee Housing Unit Exchange Program - A request authorizing the Town Manager to execute a release of a deed restriction from an existing deed restriction.

Presenter(s): George Ruther, Director of Community Development and Lynne Campbell, Housing Coordinator

Action Requested of Council: 12-13-5: Employee Housing Unit Exchange Program – A request authorizing the Town Manager to execute a deed restriction release and approves the request for an exchange of an employee housing unit, pursuant to Section 12-13-5, Employee Housing Unit Exchange Program, Vail Town Code, to allow for the release of an employee housing unit located at Lot 21W, Block 3, Vail Valley Filing 1/1358 A Vail Valley Drive, in exchange for the placement of an employee housing deed restriction on another dwelling unit located at Sandstone 70 Unit B Building 13/923 Red Sandstone Drive Unit B13.

Background: The owner of Lot 21W, Block 3, Vail Valley Filing /1358 A Vail Valley Drive that has a non compliant 300 square foot Employee Housing Unit and requests to exchange this EHU for placement of an Employee Housing Unit Deed Restriction on another dwelling unit located at Sandstone 70 Unit B Building 13 / 923 Red Sandstone Drive Unit B13.

Staff Recommendation:

The Vail Local Housing Authority recommends the following motion be made:

"The Vail Town Council authorizes the Town Manager to execute a deed restriction release and approves the request for an exchange of an employee housing unit, pursuant to Section 12-13-5, Employee Housing Unit Exchange Program, Vail Town Code, to allow for the release of an employee housing unit."

Ruther reviewed the request to release a deed restricted property located at 1358 Vail Valley Drive Unit A and rerecord a deed restriction on a new property located at 923 Red Sandstone Drive Unit B13 Red Sandstone Drive. The Vail Valley Drive unit had a non compliant 300 square foot employee housing unit. Whereas the Red Sandstone Drive unit has 864 square feet.

There was no public comment.

Moffet made a motion to authorize the Town Manager to execute a deed restriction release and approves the request for an exchange of an employee housing unit, pursuant to Section 12-13-

5, Employee Housing Unit Exchange Program, Vail Town Code, to allow for the release of an employee housing unit; Langmaid seconded the motion; motion passed 6-0

4.2. Ordinance No. 6, Series of 2017, First Reading, an Ordinance rezoning Lot 2E 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 rezoning Lot F-1, Vail Village Second Filing Lot E and F, Lot 2E Vail/Lionshead, Second filing, Block 1, a Resubdivision of Lot 2, from General Use (GU) District to Lionshead Mixed Use 1 (LMU-1) District, located at 180 and 250 South Frontage Road West, and setting forth details in regard thereto. (PEC17-0015)

Presenter(s): Jonathan Spence, Senior Planner

Action Requested of Council: The Vail Town Council shall approve, approve with modifications, or deny Ordinance No. 6, Series of 2017, upon first reading.

Background: On June 26, 2017, the Planning and Environmental Commission approved a final plat, pursuant to Title 13 Chapter 4, Minor Subdivisions, Vail Town Code, to allow for the re-subdivision of Lot F, Vail Village Second Filing and the creation of Lot F-1. At the same meeting, the Commission approved a final plat, pursuant to Title 13 Chapter 4, Minor Subdivisions, Vail Town Code, to allow for the re-subdivision of Lot 2W, Block 1, Vail Lionshead Second Filing, and the creation of Lot 2E-1.

The proposed rezonings will allow for the Development Lots of the Vail Valley Medical Center and the Evergreen Lodge to have consistent zoning designations. All of the lots subject to the rezoning proposal meet the minimum lot size for their proposed new zoning designations and comply with all applicable development standards.

Staff Recommendation: On June 26, 2017, the Planning and Environmental Commission unanimously forwarded a recommendation of approval to the Vail Town Council for a zone district boundary amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to rezone Lot 2E 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 to rezoning Lot F-1, Vail Village Second Filing from General Use (GU) District to Lionshead Mixed Use 1 (LMU-1) District.

Cleveland recused himself from the discussion as he is a member of the Vail Valley Medical Center Board of Directors.

Spence, Town of Vail Planner, provided council with a brief background concerning Ordinance No. 6, Series of 2017. On June 26, 2017, the Planning and Environmental Commission approved a final plat, pursuant to Title 13 Chapter 4, Minor Subdivisions, Vail Town Code, to allow for the re- subdivision of Lot F, Vail Village Second Filing and the creation of Lot F-1. At the same meeting, the Commission approved a final plat, pursuant to Title 13 Chapter 4, Minor Subdivisions, Vail Town Code, to allow for the re-subdivision of Lot 2W, Block 1, Vail Lionshead Second Filing, and the creation of Lot 2E-1. The proposed rezonings will allow for the Development Lots of the Vail Valley Medical Center and the Evergreen Lodge to have consistent zoning designations. All of the lots subject to the rezoning proposal meet the minimum lot size for their proposed new zoning designations and comply with all applicable development standards.

There was no comment from council or the public.

Moffet made a motion to approve, on first reading, Ordinance No. 6, Series of 2017, an ordinance rezoning of Lot 2E 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 Lot E and F, Lot 2E Vail/Lionshead, Second filing, Block 1, a Resubdivision of Lot 2, from General Use (GU) District to Lionshead Mixed Use 1 (LMU-1) District, located at 180 and 250 South Frontage Road West, and setting forth details in regard thereto. Bruno seconded the motion; approved 5-0

4.3. Ordinance No. 7, Series of 2017, First Reading, an Ordinance for a prescribed regulation amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to amend Section 12-10-19 Core Areas Identified, 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 forth details in regard thereto. (PEC17-0023)

Presenter(s): Jonathan Spence, Senior Planner

Action Requested of Council: The Vail Town Council shall approve, approve with modifications, or deny Ordinance No. 7, Series of 2017, upon first reading.

Background: The applicant is proposing to alter the Core Area Parking Map II, Lionshead, to include Lot F-1 within this mapped area. Altering the map will place the entire Evergreen Lodge Development Lot within the Commercial Core Area, ensuring that there is one set of consistent parking regulations in place for future redevelopment of the site.

Staff Recommendation: On June 26, 2017, the Planning and Environmental Commission unanimously forwarded a recommendation of approval to the Vail Town Council for a prescribed regulation amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to amend Section 12-10-19 Core Areas Identified, 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.

Spence reviewed Ordinance No. 7, Series of 2017 with council. On June 26, 2017, the Planning and Environmental Commission unanimously forwarded a recommendation of approval to the Vail Town Council for a prescribed regulation amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to amend Section 12-10-19 Core Areas Identified, 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. The applicant is proposing to alter the Core Area Parking Map II, Lionshead, to include Lot F-1 within this mapped area. Altering the map will place the entire Evergreen Lodge Development Lot within the Commercial Core Area, ensuring that there is one set of consistent parking regulations in place for future redevelopment of the site. This request follows a minor subdivision request to create Lot F-1 and a Zone District Boundary Amendment to rezone the newly created lot from General Use (GU) District to the Lionshead Mixed Use 1 (LMU-1) District. The new lot will become part of the Development Lot for the Evergreen Lodge which also consists of Lot 2W of Vail Lionshead Second Filing. The concept of different parking schedules for different parts of the Town of Vail was codified via Ordinance No. 9, Series of 2000. This ordinance and accompanying map distinguished Vail's Commercial Core Area from other parts of town for the purposes of determining parking requirements. Due to the concentration of uses and the mixed-use nature of the Villages, it was determined that parking requirements should be less within the villages than in other commercial or residential parts of town. The Core Area Parking Map was most recently modified via Ordinance No. 9, Series of 2011, to include the future Ever Vail project within its boundary for the consideration of parking requirements. (It should be noted that the 2011 amendment to the map does not take effect until the recordation of the Ever Vail subdivision final plat. The Ever Vail subdivision, and the related amendment to the map, expires on December 31, 2020). Included in proposed Ordinance No. 7, Series of 2017 is a trigger mechanism that enacts the prescribed regulation amendment upon the recordation of the associated plat creating Lot F-1.

Spence stated, on June 26, 2017, the Planning and Environmental Commission unanimously forwarded a recommendation of approval to the Vail Town Council for a prescribed regulation amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to amend Section 12-10-19 Core Areas Identified, 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.

There was no comment of council or the public.

Moffet made a motion to approve, on first reading, Ordinance No. 7, Series of 2017, an ordinance prescribed regulation amendment, pursuant to Section 12-3-7, Amendment, Vail Town Code, to amend Title 12, Sections 12-10-19 Core Areas Identified, 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 forth details in regard thereto. Bruno seconded the motion; approved 6-0

5. Public Hearings

5.1. Second reading of Ordinance No. 4, Series of 2017, an ordinance to amend Title 12 of the Vail Town Code with the addition of a new Chapter 26, Transportation Impact Fee.

Presenter(s): Tom Kassmel, Town Engineer

Action Requested of Council: Approve on Second Reading Ordinance No. 4, Series 2017

Background: In 2016, the Town of Vail hired the consulting firm TischlerBise to develop an updated transportation impact fee. The impact

fee is proposed to codify the current traffic mitigation fee to help fund future transportation related projects identified in the Vail Transportation Master Plan. The proposed fee will be applied in all zone districts, and will require developers to pay their proportional share for the necessary transportation infrastructure improvements that are directly related to the impacts created by the new development.

Staff Recommendation: Approve on Second Reading Ordinance No. 4, Series 2017

Kassmel, reviewed the changes to Ordinance No. 4, Series of 2017 since second reading with council. The proposed transportation impact fee would apply to new developments, including creation of any new residential dwelling units, or any new commercial floor area. The fee does not apply to residential remodels where no additional units are added, or to commercial remodels that do not increase square footage. This new fee would be paid by the owner or developer, and would be collected by the Community Development Department at the time of issuance of a building permit. Revenues from this fee would be used by the Town for new transportation related infrastructure projects that are necessary due to the increased traffic from the incremental new development. Kassmel stated the recommended fee schedule was based on the allowable fees as determined by the nexus study completed by TischlerBise. The fee schedule can be reduced by some percentage as long as the reduction is equally applied over all uses. However by reducing the fee, Council recognizes that the shortfall of revenue projection will have to be made up by the Town. In general, for every 5% reduction in fees, the Town would need to subsidize an additional \$900,000.

Jim Lamont, Vail Homeowners Association, expressed concern approving the ordinance on second reading. Lamont suggested the Town goes through a master plan process to understand the magnitude of the growth.

Tom Ruemmler, Vail resident, stated taxing a new development was not the answer and suggested raising sales tax to pay for infrastructures. Ruemmler felt it was better to spread it over the entire community not just the new development; which was a small percentage.

Tom Braun, Braun and Associates, was concerned the fee structure needed to have more time to outline and suggested the fee structure go through a work session first.

Dominic Mauriello, Mauriello Planning Group, suggested a critical review of the Vail Transportation Master Plan as well.

Kassmel responded to the public concerns related to growth projections and future transportation needs by explaining the fee schedule would be adopted by resolution; which would allow for the schedule to be easily changed.

Council asked Kassmel how many times this subject has been discussed; which Kassmel responded nine times throughout the process. Kassmel went on to say emails have been sent to local developers throughout the process as well. Some council members were uncomfortable with the fees as proposed.

Moffet made a motion based upon the review of the criteria outlined in Section V of the Staff memorandum to the Planning and Environmental Commission dated May 8, 2017 and the evidence and testimony presented, the Vail Town Council finds:

1. That the amendment is consistent with the applicable elements of the adopted goals, objectives and policies outlined in the Vail Comprehensive Plan and is compatible with the development objectives of the Town; and

2. That the amendment furthers the general and specific purposes of the Zoning Regulations outlined in Section 12-1-2, Purpose, Vail Town Code; and

3. That the amendment promotes the health, safety, morals, and general welfare of the Town and promotes the coordinated and harmonious development of the Town in a manner that conserves and enhances its natural environment and its established character as a resort and residential community of the highest quality. The motion was seconded by Bruno; approved 4-2 (Moffet and Mason opposed).

5.2. Ordinance No. 9, Series of 2017, First Reading, An ordinance establishing 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.

Presenter(s): Jonathan Spence, Senior Planner

Action Requested of Council: The Vail Town Council shall approve, approve with modifications, or deny Ordinance No. 9, Series of 2017, upon first reading.

Background: The applicant, Lunar Vail LLC, represented by Marl Planning Group, is requesting a first reading of Ordinance No. 9, Series of 2017, an ordinance establishing Special Development District No. 42, 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 (EHUs), located at 430 and 434 South Frontage Road/Lot 1, Vail Village Filing 5.

Staff Recommendation: On June 12, 2017 the Town of Vail Planning and Environmental Commission (PEC) held a public hearing on the request to establish SDD No. 42, pursuant to

the requirement of Section 12-9(A), Vail Town Code. At the conclusion of the public hearing, the PEC voted 4-3 (Gillette, Perez and Rediker opposed) to forward a recommendation of approval, with conditions, to the Vail Town Council.

Dominic Mauriello, Mauriello Group, represented the applicant. Mauriello requested Ordinance No. 9, Series of 2017 be tabled and public hearing be moved to the July 18th meeting to allow time to work with staff.

Council expressed concern regarding tabling the item to the July 18th meeting because the Japanese delegation would be here at that time to discuss a possible sister city exchange and there would not be enough time allowed for the public to comment on the ordinance.

Moffet made a motion to table Ordinance No. 9, Series of 2017 to the August 1st council meeting; seconded by Bruno; motion passed 6-0

5.3. Second reading of Ordinance No. 8, Series 2017, an Ordinance making budget adjustments to the Town of Vail General Fund, Capital Projects Fund, and Real Estate Transfer Tax Fund.

Presenter(s): Carlie Smith, Budget Analyst

Action Requested of Council: Approve or approve with amendments Ordinance No. 8, Series 2017

Background: Please see attached memo.

Staff Recommendation: Approve or approve with amendments Ordinance No. 8, Series 2017

Smith stated to council there were no changes since the first reading of Ordinance No. 8, series of 2017. Smith reviewed a 2017 off-cycle contribution request from Vail Memorial Park for \$50,000 to assist with operating expenses in order to proceed with Phase III of the Vail Memorial Park Foundation master plan.

Joe Hanlon, Vail Memorial Park representative, stated the request was for construction and expansion of the park this fall.

Moffet made a motion to approve Ordinance No. 8, Series of 2017 on second reading with the change to include the \$50,000 request from Vail Memorial Park to be repaid to the Town; seconded by Mason; approved 5-1 (Cleveland opposed).

There being no further business to come before the council, Moffet moved to adjourn the meeting and Bruno seconded the motion which passed (6-0) and the meeting adjourned at 8:55 p.m.

Respectfully Submitted,

Attest:

Dave Chapin, Mayor

Tammy Nagel, Deputy Town Clerk