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## Memorandum

TO: Planning and Environmental Commission

FROM: Community Development Department

DATE: September 11, 2017

SUBJECT: A request for the review of an amendment to a Conditional Use Permit, pursuant to Section 12-9C-3, Conditional Uses; Public and private schools, Vail Town Code, in accordance with the provisions of Section 12-16-10, Amendment Procedures, Vail Town Code, to allow for a renovation and addition to the existing Red Sandstone Elementary School, a conditional use permit, pursuant to Section 12-9C-3, Conditional Uses, Public parking structure, in accordance with Title 12, Chapter 16, Conditional Use Permits, Vail Town Code, to allow for the construction of a public parking structure, and a request for the review of a variance from Section 14-6-7, Retaining Walls, Vail Town Code, in accordance with the provisions of Title 12, Chapter 17, Variances, Vail Town Code, to allow for the construction of a retaining wall with an exposed face height greater than six feet (6'), located at 551 North Frontage Road West/Lots 8, Block 2, Vail Potato Patch Filing 1, and setting forth details in regard thereto. (PEC17-0031)

Applicants: Eagle County School District and the Town of Vail, represented by  
TAB Associates

Planner: Matt Panfil

### I. SUMMARY

The applicants, Eagle County School District (ECSD) and the Town of Vail, represented by TAB Associates, are requesting the following three approvals:

- An amendment to an existing conditional use permit to allow for a renovation and addition to Red Sandstone Elementary School (RSES) (*This item was approved, with four conditions, by the PEC at the August 28, 2017 PEC meeting by a vote of 7-0-0*);
- A conditional use permit to allow for the construction of a public parking structure (*This item was continued to the September 11, 2017 PEC meeting by a vote of 7-0-0*); and

- A variance to allow for the construction of a retaining wall with an exposed face height greater than six feet (6') *(This item was continued to the September 11, 2017 PEC meeting by a vote of 7-0-0).*

The requested approvals are for the property located at 551 North Frontage Road West / Lot 8, Block 2, Vail Potato Patch Filing 1. This is the fourth and proposed final meeting with the Planning and Environmental Commission (PEC) to review the criteria for approval and request final action. Based upon staff's review of the criteria outlined in Sections VIII and IX of this memorandum and the evidence and testimony presented, the Community Development Department recommends **approval, with conditions**, of this application subject to the findings noted in Section XI of this memorandum.

## II. DESCRIPTION OF REQUEST

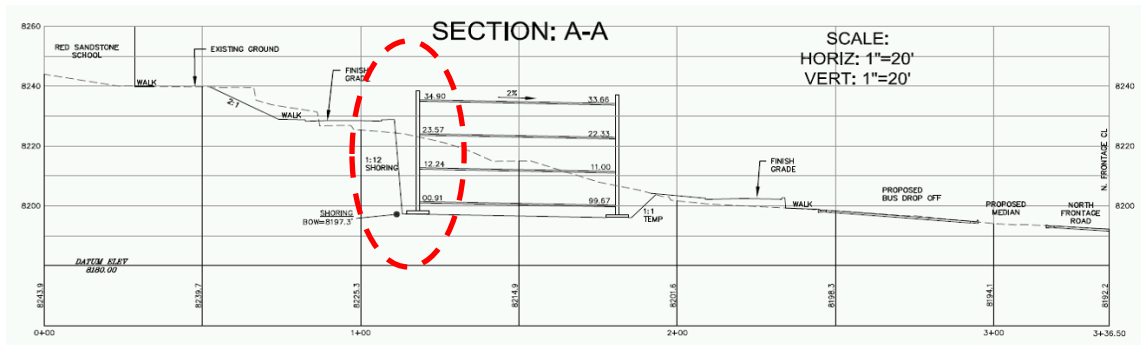
The subject property is located within the General Use (GU) Zone District. As such, development standards in each of the following categories shall be as prescribed by the PEC:

- Lot Area and Site Dimensions
- Setbacks
- Building Height
- Density Control
- Site Coverage
- Landscaping and Site Development
- Parking and Loading

The applicants, ECSD and the Town of Vail, are requesting three (3) different approvals within the proposed project:

1. An amendment to an existing *public and private school* conditional use permit. *(Approved at the August 28, 2017 PEC meeting by a vote of 7-0-0).*
2. A new conditional use permit to allow for the construction of a *new parking structure* located south of the RSES building with the following features:
  - a. An open-air, four-story (51.2') tall, approximately 52,088 square foot public parking structure with 160 parking spaces, of which six (6) spaces are accessible spaces and eight (8) spaces are electric vehicle charging stations. Of the 160 parking spaces, the fourth floor (41 spaces) will be designated for use by RSES;
  - b. A controlled entry on each level, which maximizes the number of parking spaces by eliminating the need for internal ramps;

- c. A design that allows for future growth and development via a possible two-story, full footprint, addition over the fourth level of parking (see Sheets PS3.02 and PS9.00, Attachment E);
  - d. Incorporation of photovoltaic (solar) panels; and
  - e. The parking structure will be owned and operated by the Town of Vail, with an agreement with ECSD.
3. A variance to allow for the construction of a retaining wall with an exposed face height greater than six feet (6'). The proposed retaining wall is approximately 31.5' in height and located just north of the proposed public parking structure and is necessary to allow for the open-air garage design that removes the need for ventilation equipment on the upper floors.



Driveway improvements extend beyond the subject property line. As these are only physical improvements, not uses, the requested conditional use permits and variance apply only to the subject property. The proposed driveway improvements are allowed on the adjacent properties (also owned by the Town of Vail).

Construction phasing will be coordinated in such a manner that the public parking structure will begin while RSES is still in session, with staging located on the west half of the circulation road for the project site. The public parking structure will be completed first and the Town then will be able to use three (3) levels of the parking structure as soon as possible. The completion of the public parking structure will then allow for the temporary placement of double modular units on the top level of the parking structure and surrounding areas. This will allow RSES to remain in session during the next construction phase, which is the renovation and construction of additions to the school.

The following attachments are provided for review:

- A. Vicinity Map
- B. Project Narrative, prepared by TAB Associates, Inc., and dated June 26, 2017
- C. Traffic Impact Study, prepared by Felsburg, Holt, and Ullevig, Inc., and dated May 23, 2017

- D. Letter from Sandy Mutchler, Chief Operating Officer, Eagle County Schools, dated June 14, 2017
- E. Updated Plan Set, prepared by DLR Group, TAB Associates, Inc., and Haselden Construction, and dated August 18, 2017
- F. Lighting Specifications
- G. Memorandum regarding site circulation and safety, prepared by Ivan Gonzalez of TAB Associates, Inc., dated August 7, 2017 and subsequently revised on August 20, 2017, and August 31, 2017
- H. Letter from Sandy Mutchler, Chief Operating Officer, Eagle County Schools, regarding site circulation and safety, and dated August 8, 2017
- I. Two (2) color renderings
- J. Memorandum regarding existing traffic at RSES, prepared by Public Works, and dated August 24, 2017
- K. Memorandum regarding traffic and parking management plan, prepared by Public Works, and dated September 6, 2017, including traffic count summaries from May 4, 2017 and August 23, 2017 and a bar graph exhibit of traffic activity

### **III. SUMMARY OF WORK SESSION #3 & APPLICANTS' RESPONSES**

At the August 28, 2017 PEC work session, the following topics were either items of concern expressed by the PEC or additional information requested by Commissioners.

- Student safety and vehicular circulation;
  - Parking Management Plan for Level 3 of the public parking structure
- Demonstrated compliance with the Americans with Disabilities Act (ADA);
- Additional safety measures for the east-west crosswalk nearest the vehicular ingress/egress point along North Frontage Road West;
- Use of electronic signage;
- Inclusion of all stop signs and pavement striping in renderings, civil, and site plans; and
- Negative impact on student/faculty health due to proximity of vehicle exhaust associated with public parking structure and the school.

In response, the applicant has provided the following:

- A revised memorandum regarding site circulation and safety (See Attachment G); and

- A Traffic and Parking Management Plan (See Sheets P1.1 through P1.4, Attachment E).
- A revised signage plan (See Sheet C1.2, Attachment E)
- Revised public parking structure floor plans (See Sheets PS1.01 through PS1.03)

The revised documents and traffic and parking management plan propose the following:

- Traffic to be controlled by directional signage and automated parking level vacancy indicator signage which indicates which levels of the garage are open and which are full or restricted.
- Parking operations by level:
  - Level 1 (Public Parking Allowed via Parking Passes):
    - 30 standard parking spaces, five (5) ADA parking spaces, and two (2) electric vehicle charging spaces. During the morning closure period, access to Level 1 will remain available for those issued specific ADA parking passes. All ADA parking spaces required for the public parking structure are now exclusively on Level 1.
    - Closed prior to 7:30 AM to encourage use of Level 3 prior to arrival of RSES students and faculty.
  - Level 2 (Public Parking Allowed via Parking Passes)
    - 39 standard parking spaces, zero (0) ADA parking spaces, and two (2) electric vehicle charging spaces.
    - Closed prior to 7:30 AM to encourage use of Level 3 prior to arrival of RSES students and faculty.
  - Level 3 (Public Parking Allowed via Parking Passes, Restricted Use):
    - 39 standard parking spaces, zero (0) ADA parking spaces, and two (2) electric vehicle charging spaces.
    - Level 3 will be closed during the approximately 45 minute windows in which the school has student drop-off / pick-up. The level vacancy indicator signage will mark Level 3 as closed and the entry gate for Level 3 will not open during this time. During this time public parking will only be available on Levels 1 and 2.

- If, as previously suggested by the PEC, Level 3 were closed throughout the entire school day, ten (10) or more spaces could remain vacant throughout the day.
- Parking passes for Level 3 can be assigned to employees who have to park prior to student drop-off. An alternative is to allow parking on Level 3 beginning at 6 AM (on school days) in an attempt to fill Level 3 before student drop-off.
- Level 4 (RSES Use Only During School Days):
  - 39 standard parking spaces, zero (0) ADA parking spaces, and two (2) electric vehicle charging spaces.
  - Public parking allowed via parking passes when school is not in session.
- Students and Public Parking Structure Stair Towers:
  - Stair towers have an open design to allow for maximum visibility into the towers and minimizing any areas that are secluded where an individual could hide.
  - Railing balusters to be oriented vertically to discourage climbing.
  - The majority of students leaving RSES are accompanied by staff. Students will not be allowed to enter the parking structure when unaccompanied by school staff.
  - Preschool students are escorted by parents/guardians from the preschool parking lot area directly to the classroom.
- Flashing crosswalk pedestrian crossing signs at the east-west crosswalk nearest the main vehicular ingress/egress point along North Frontage Road West.
- Based on traffic observations (See Attachment J), mid-day traffic is approximately 105 vehicles, or an average of 20 vehicles per hour. Approximately half of these vehicles would be exiting the structure. Assuming Level 3 is full by mid-day due to the early loading procedure and Level 4 is full by mid-day due to the arrival of staff, most of this traffic will be entering Level 1 and Level 2. Therefore, it is estimated that as few as three (3) to four (4) vehicles could pass by the front of the school per hour.
- Based on traffic observations of Ford Park, there are a limited number of vehicles that will be added to the traffic flows during student drop-off / pick-up. Morning

traffic would not affect vehicles leaving the school as vehicles will only be entering and very few, if any, will be exiting the structure.

- Turning simulations for a Chevrolet Suburban and multiple fire equipment vehicles are included (See Sheets C6.0 and C6.1, Attachment E).

#### **IV. BACKGROUND**

Constructed in 1976, the RSES building has remained largely unchanged. However, multiple changes to the lot have occurred over the life of the building. In 1991, a conditional use permit for a rooftop cellular site was granted. Subsequent amendments to the conditional use permit to allow for upgrades to the cellular antennas were granted in 2000 and 2003. In 2001, a conditional use permit for an athletic field was granted. Most recently, in 2004 a conditional use permit for a public indoor community facility (8,978 square foot gymnastic center) was granted.

#### **V. 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)*

###### ***PUBLIC PARKING STRUCTURE:***

*A parking area within a building for use by the public, to be considered an individual land use not to be linked with parking requirements regulated in chapter 10 of this title.*

###### *Chapter 9, Article C. General Use (GU) District (in part)*

###### ***12-9C-1: PURPOSE:***

*The general use district is intended to provide sites for public and quasi-public uses which, because of their special characteristics, cannot be appropriately regulated by the development standards prescribed for other zoning districts, and for which development standards especially prescribed for each particular development proposal or project are necessary to achieve the purposes prescribed in section 12-1-2 of this title and to provide for the public welfare. The general use district is intended to ensure that public buildings and grounds and certain types of quasi-public uses permitted in the district are appropriately located and designed to meet the needs of residents and visitors to Vail, to harmonize with surrounding uses, and, in the case of buildings and other structures, to ensure adequate light, air, open spaces, and other amenities appropriate to the permitted types of uses.*

**12-9C-3: CONDITIONAL USES:**

- A. Generally: The following conditional uses shall be permitted in the GU district, subject to issuance of a conditional use permit in accordance with the provisions of chapter 16 of this title:*

*Public parking structure.*

**12-9C-5: DEVELOPMENT STANDARDS:**

- A. Prescribed By Planning And Environmental Commission: In the general use district, development standards in each of the following categories shall be as prescribed by the planning and environmental commission:*

- 1. Lot area and site dimensions.*
- 2. Setbacks.*
- 3. Building height.*
- 4. Density control.*
- 5. Site coverage.*
- 6. Landscaping and site development.*
- 7. Parking and loading.*

- B. Reviewed by Planning and Environmental Commission: Development standards shall be proposed by the applicant as a part of a conditional use permit application. Site specific development standards shall then be determined by the planning and environmental commission during the review of the conditional use request in accordance with the provisions of chapter 16 of this title.*

**12-9C-6: ADDITIONAL DEVELOPMENT STANDARDS:**

*Additional regulations pertaining to site development standards and the development of land in the general use district are found in chapter 14 of this title.*

**Chapter 16, Conditional Use Permits (in part)**

**12-16-1: PURPOSE; LIMITATIONS:**

*In order to provide the flexibility necessary to achieve the objectives of this title, specified uses are permitted in certain districts subject to the granting of a conditional use permit. Because of their unusual or special characteristics, conditional uses require review and evaluation so that they may be located properly with respect to the purposes of this title and with respect to their effects on surrounding properties. The review process prescribed in this chapter is intended to assure compatibility and harmonious development between conditional uses and surrounding properties and the town at large. Uses listed as conditional uses in the various districts may be permitted subject to such conditions and limitations as the town may prescribe to ensure that the location and operation of the conditional uses will be in accordance with development objectives of the town and will not be detrimental to other uses or properties. Where conditions cannot be devised to achieve these objectives, applications for conditional use permits shall be denied.*

**12-16-6: CRITERIA; FINDINGS:**

- A. Factors Enumerated: Before acting on a conditional use permit application, the planning and environmental commission shall consider the following factors with respect to the proposed use:*
- 1. Relationship and impact of the use on development objectives of the town.*
  - 2. Effect of the use on light and air, distribution of population, transportation facilities, utilities, schools, parks and recreation facilities, and other public facilities and public facilities needs.*
  - 3. Effect upon traffic, with particular reference to congestion, automotive and pedestrian safety and convenience, traffic flow and control, access, maneuverability, and removal of snow from the streets and parking areas.*
  - 4. Effect upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses.*
  - 5. Such other factors and criteria as the commission deems applicable to the proposed use.*
  - 6. The environmental impact report concerning the proposed use, if an environmental impact report is required by chapter 12 of this title.*
- B. Necessary Findings: The planning and environmental commission shall make the following findings before granting a conditional use permit:*

1. *That the proposed location of the use is in accordance with the purposes of this title and the purposes of the zone district in which the site is located.*
2. *That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.*
3. *That the proposed use will comply with each of the applicable provisions of this title.*

#### *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.*

## *Chapter 23, Commercial Linkage (in part)*

### *12-23-1: PURPOSE AND APPLICABILITY:*

- A. The purpose of this chapter is to ensure that new commercial development and redevelopment in the town provide for a reasonable amount of employee housing to mitigate the impact on employee housing caused by such commercial development and redevelopment.*
- B. Except as provided in section 12-23-5 of this chapter, this chapter shall apply to all new commercial development and redevelopment located within the following zone districts:*

*9. General use (GU);*

### *12-23-2: EMPLOYEE GENERATION AND MITIGATION RATES:*

- A. The employee generation rates found in table 23-1, "Employee Generation Rates By Type Of Commercial Use", of this section, shall be applied to each type of use in a commercial development. For any use not listed, the administrator shall determine the applicable employee generation rate by consulting the town's current nexus study.*
- B. If an applicant submits competent evidence that the employee generation rates contained in table 23-1 of this section or the nexus study do not accurately reflect the number of employees generated by the proposed commercial development or redevelopment and the administrator finds that such evidence warrants a deviation from those employee generation rates, the administrator shall allow for such a deviation as the administrator deems appropriate.*
- C. Each commercial development or redevelopment shall mitigate its impact on employee housing by providing EHUs for twenty percent (20%) of the employees generated, pursuant to table 23-1 of this section, or the nexus study, in accordance with the requirements of this chapter.*

## **Vail Land Use Plan**

### *Chapter II – Land Use Plan Goals / Policies (in part)*

- 1.3 The quality of development should be maintained and upgraded whenever possible.*

- 1.10 *Development of Town owned lands by the Town of Vail (other than parks and open space) may be permitted where no high hazards exist, if such development is for public use.*

## **Chapter VII – Community Facilities (in part)**

### **1. Inventory and Assessment of Town Owned Property**

#### **Tract 36 – Red Sandstone Elementary School**

*The Town of Vail leases the site to the Eagle County School District for educational purposes. This arrangement will likely continue through the planning period.*

### **2. Facility / Service Requirements**

#### **Schools**

*While education services are not provided by the Town, it is important to address the question of whether or not new sites for schools should be planned. According to conversations with Dr. Charles Schwann, Superintendent of School District RE50J, there are not projected needs for additional school sites with the Town of Vail. There are currently several school sites in Avon and Edwards which have been dedicated to the district. Due to the projected population distribution, in combination with the bus circulation routes, it is anticipated that needs for new schools will be met through the placement of facilities on these sites.*

## **Vail Economic Development Strategic Plan**

- 1.1 **Objective:** *Continue the efforts of the Vail Economic Advisory Council (VEAC)*

**Areas of Focus:** *Year-round Economy, Capital Needs, Workforce Housing, Transportation and Parking*

- 4.3 **Objective:** *Work with the business community and Eagle County to address parking and transportation issues for workers and guests.*

### **SWOT SUMMARY**

**Weaknesses:** *Lack of parking*  
**Threats:** *Parking challenges*

## VI. SITE ANALYSIS

|                                |  |
|--------------------------------|--|
| Address:                       | 551 North Frontage Road West               |
| Legal Description:             | Vail Potato Patch Filing 1, Block 2, Lot 8 |
| Existing Zoning:               | General Use (GU)                           |
| Existing Land Use Designation: | Public / Semi-Public                       |
| Mapped Geological Hazards:     | Steep Slope > 40% (Man-Made), Rock Fall    |
| View Corridor:                 | None                                       |

| Development Standard | Allowed / Required | Existing   | Proposed  | Change   |
|----------------------|--------------------|--|---|--|
| Site Area            | TBD by PEC         | 4.28 acres (186,586.7 SF)  |   | No Change  |
| Setbacks             | TBD by PEC         | Front (S): ≈ 138'<br>Side (E): ≈ 33'<br>Side (W): ≈ 60'<br>Rear (N): 12.3' | Front (S): 36.3'<br>Side (E): ≈ 33'<br>Side (W): 5.2"<br>Rear (N): 12.3'                        | Front (S): -101.7'<br>Side (E): No Change<br>Side (W): -54.8'<br>Rear (N): No Change       |
| Building Height      | TBD by PEC         | School – 29.02'<br>Gym. Ctr – 28.5'<br>Garage – N/A                        | School – 26.02'<br>Gym. Ctr – N/A<br>Garage – 51.2'   | School – +3'<br>Gym. Ctr – N/A<br>Garage – N/A   |
| Density              | TBD by PEC         | 55,530 SF (School)<br>8,978 SF (Gym. Ctr)<br><br>Total: 64,508 SF          | 61,360 SF (School)<br>8,978 SF (Gym. Ctr)<br>52,088 SF (Garage)<br><br>Total: 122,426 SF        | + 5,830 SF (School)<br>+ 0 SF (Gym. Ctr)<br>+ 52,088 SF (Garage)<br><br>Total: + 57,918 SF |
| Site Coverage        | TBD by PEC         | Unknown  | 9.3%  | N/A  |
| Landscaping          | TBD by PEC         | Unknown  | 47%<br>(20% Hardscape)  | N/A  |
| Parking & Loading    | TBD by PEC         | 42 Surface (1 ADA)   | 160 Garage (6 ADA, 8 Electric)<br>+ 41 Surface (3 ADA)<br><u>201 spaces (9 ADA, 8 Electric)</u> | + 160 spaces (+ 8 ADA, + 8 Electric)   |

### Commercial Linkage (Title 12, Chapter 23):

Per Section 12-23-2-B, ECSD does not believe any new employees will be generated by the project and asks for a deviation from the employee generation rates. According to a letter (Attachment D) from Sandy Mutchler, Chief Operating Officer of Eagle County Schools, the additional square footage is necessary for RSES to achieve the current ECSD standard for square footage per student. There is no anticipated increase in student enrollment, nor is there any anticipated increase in RSES staff. Public Works may require up to one (1) full-time employee to mitigate the impact of the public parking structure. However, the Town has recently acquired deed restrictions on multiple properties that can be considered sufficient mitigation. Staff concurs with the applicant and therefore no condition of approval regarding commercial linkage has been provided with the recommended motions in Section XI. Should the PEC wish to include a commercial linkage fee, please provide an additional condition stating such within any motion to approve.

## VII. SURROUNDING LAND USES AND ZONING

|        | <u>Existing Land Use:</u>                  | <u>Zoning District:</u>   |
|--------|--|---------------------------|
| North: | Open Space                                 | Natural Area Preservation |
| South: | I-70 / Lionshead Redevelopment Master Plan | Lionshead Mixed Use 1     |
| East:  | Medium Density Residential                 | Housing                   |
| West:  | Open Space                                 | Outdoor Recreation        |

## VIII. REVIEW CRITERIA – CONDITIONAL USE

Before acting on a conditional use permit application, the Planning and Environmental Commission shall consider the following factors with respect to the proposed use:

### **New Conditional Use Permit (Public Parking Structure)**

#### **1. Relations and impact of the use on development objectives of the town.**

The proposed public parking structure is consistent with the development objectives of the Town of Vail in that the General Use (GU) zone district is:

*Intended to provide sites for public and quasi-public uses which, because of their special characteristics, cannot be appropriately regulated by the development standards prescribed for other zoning districts, and for which development standards especially prescribed for each particular development proposal or project are necessary to achieve the purposes in section 12-1-2 of this title and to provide for the public welfare. The general use district is intended to ensure that public buildings and grounds and certain types of quasi-public uses permitted in the district are appropriately located and design to meet the needs of residents and visitors to Vail, to harmonize with surrounding uses, and, in the case of building and other structures, to ensure adequate light, air, open spaces, and other amenities appropriate to the permitted types of uses.*

Also, the proposed public parking structure is consistent with Goal 1.10 of the Vail Land Use Plan, “Development of Town owned lands by the Town of Vail (other than parks and open space) may be permitted where no high hazards exist, if such development is for public use.” Goal 2.8 of the Vail Land Use Plan also acknowledges, “day skier needs for parking and access should be accommodated through creative solutions such as: d.) Addition of structured parking.”

Finally, the Vail Economic Development Strategic Plan identifies a lack of parking and other parking challenges as weakness of and threats to the Town of Vail. The proposed public parking structure makes a significant positive contribution to

addressing these concerns as it connects directly to the Lionshead pedestrian overpass and Town of Vail bus services.

Therefore, staff finds the proposed conditional use permit meets this criterion.

**2. Effect of the use on light and air, distribution of population, transportation facilities, utilities, schools, parks and recreation facilities, and other public facilities needs.**

The proposed public parking structure will have a minimal impact on light and air, distribution of population, transportation facilities, utilities, schools, parks and recreation facilities and other public facilities. The existing grading on the subject property conveniently allows for a public parking structure design with no interior ramping and an entrance/exit on each of the four (4) levels. The fact that the structure is located below RSES minimizes any negative impact on light and air to the school. A sun-shade analysis has been provided on Sheets PS9.01 through PS9.03 of Attachment E.

As noted above, the proposed site plan also maintains the property's connection to the Lionshead pedestrian overpass and Town of Vail bus services.

Therefore, staff finds the proposed conditional use permit meets this criterion.

**3. Effect upon traffic, with particular reference to congestion, automotive and pedestrian safety and convenience, traffic flow and control, access, maneuverability, and removal of snow from the streets and parking areas.**

According to the Traffic Impact Letter from Felsburg, Holt, and Ullevig, dated May 23, 2017 (Attachment C), the proposed public parking structure will result in a morning traffic peak hour of 34 vehicles in and six (6) exiting and an evening traffic peak hour of 19 in and 45 existing. Based on these numbers, the report states that a westbound right turn deceleration lane is not warranted, but is a "borderline condition" during peak season. Though not required, a right turn lane has been designed to help alleviate traffic congestion resulting from the construction of the public parking structure. Also of note, the letter states that once completed, the new I-70 underpass will result in less traffic traveling along this section of North Frontage Road West than currently exists.

In order to maintain pedestrian safety, the public parking structure is designed with an entrance/exit on each level to limit the number of vehicles passing by the school entrance. Only vehicles parking on the top two (2) levels of the parking structure will pass near the school entrance. The fourth level is dedicated to RSES use and the third level of parking will have managed hours of operation to reduce pedestrian-vehicle conflicts. The summary of the traffic and parking management plan in Section III provides the specific details regarding the operations of Level 3. Vehicles will be allowed to exit at all times as there is no

conflict with the exit and student drop-off zone, but vehicles will not be allowed to enter during those times. Pedestrian ramps, walkways, crosswalk striping, and lighting will also be provided to add safety to pedestrian movements throughout the subject property.

The proposed one-way drive aisle that loops around the proposed parking garage will allow a more fluid drop-off / pick-up for parents. The design of the parking structure will also require review by the Design Review Board (DRB), which will look closely at the proposed materials, colors, and landscaping around the structure.

The Town of Vail bus system will be able to maintain services to the site through the lower (southern) portion of the subject property.

Therefore, staff finds the proposed conditional use permit meets this criterion.

**4. Effect upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses.**

The proposed public parking structure will have a minimal effect upon the character of the area in which it is located. Due to the existing site grading, the structure sits below the existing RSES building and does not impede views from or to the RSES building. Due to its location, the proposed parking structure has few structures available for comparison of character, scale, and bulk. The nearest structure, Solar Vail, is three stories in height and so is the nearest structure to the east (approximately 240 feet from property line to property line), Sun Vail Condos.

The proposed public parking structure will share a similar material and color palette as the new exterior materials and colors for RSES.

Therefore, staff finds the proposed conditional use permit meets this criterion.

**5. Such other factors and criteria as the commission deems applicable to the proposed use.**

**6. The environmental impact report concerning the proposed use, if an environmental impact report is required by Title 12, Zoning Regulations, Chapter 12, Environmental Impact Reports, Vail Town Code.**

The proposed public parking structure did not require an environmental impact report.

## **IX. REVIEW CRITERIA – VARIANCE**

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 proposed retaining wall that exceeds six feet (6') in height is necessary to provide shoring for the adjacent access drive and to allow for an open air parking structure design that does not require extensive mechanical ventilation equipment. The proposed retaining wall will have a minimal impact on surrounding structures and uses as it will be screened from view by the public parking structure.

Therefore, staff finds the proposed retaining wall meets this criterion.

### **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.**

As the topography of the site has already been drastically altered by existing development; requiring a strict or literal interpretation of Section 14-6-7, Retaining Walls, Vail Town Code, would require a series of terraced retaining walls that would drastically affect the overall site plan by shifting the public parking structure to the south. This shift would cause additional site disturbance and negatively impact the site's circulation system, especially the bus loading/unloading area. The proposed retaining wall will allow for the construction of the public parking structure, which helps attain the objectives of this title without a grant of special privilege.

Therefore, staff finds the proposed retaining wall meets 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.**

The proposed retaining wall will create what is essentially a window well for the north side of the public parking structure and therefore will have a positive effect on the amount of light and air received by the public parking structure. Also, the proposed retaining wall will have a positive effect on the Town's transportation and public facilities by allowing for the construction of a public parking structure. The proposed retaining wall will have no effect on the distribution of population.

A guardrail extends along the length of the proposed retaining wall to prevent pedestrians from falling from the top of the retaining wall, minimizing any negative effect on public safety from the proposed retaining wall.

Therefore, staff finds the proposed retaining wall meets this criterion.

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

**X. DISCUSSION ITEMS**

Staff poses the following questions to encourage further discussion related to the proposal:

**1. Pedestrian and Vehicular Circulation / Separation of Uses:**

Have the applicants satisfactorily addressed the Commissioners' concerns regarding student safety and the separation of school and garage? If not, please provide additional feedback as to how this issue can be best resolved.

**2. Parking Structure Operations:**

Have the applicants' provided enough information in regards to the planned operation of the public parking structure? If not, please provide additional feedback on the information needed so that this issue can be best resolved.

**3. Fees and Other Requirements:**

Though public art is not required for properties within the General Use (GU) Zone District, the Town has traditionally included public art in its major projects, and should be considered as part of this application.

Is a Traffic Impact Fee required for this proposal? Based on the traffic impact study, the proposed public parking structure will have an impact on traffic. Staff recommends the traffic impact fee be applied as consistent with other projects with negative traffic impacts. However, as the owner, the Town of Vail would be exempt from the fees.

**XI. STAFF RECOMMENDATION**

The Community Development Department recommends **approval, with conditions**, of (1) a conditional use permit, pursuant to Section 12-9C-3, Conditional Uses: Public parking structure, in accordance with Title 12, Chapter 16, Conditional Use Permits, Vail Town Code, to allow for the construction of a public parking structure, and (2) a

variance from Section 14-6-7, Retaining Walls, Vail Town Code, in accordance with the provisions of Title 12, Chapter 17, Variances, Vail Town Code, to allow for the construction of a retaining wall with an exposed face height greater than six feet (6'), located at 551 North Frontage Road West / Lot 8, Block 2, Vail Potato Patch Filing 1, and setting forth details in regard thereto.

For the sake of clarity, staff has prepared a separate motion for each of the two (2) requested approvals.

### **Conditional Use Permit (Public parking structure)**

Should the Planning and Environmental Commission **approve, with conditions**, a conditional use permit for a public parking structure; the Community Development Department recommends the Commission pass the following **motion**:

*“The Planning and Environmental Commission approves the request for a conditional use permit, pursuant to Section 12-9C-3, Conditional Uses: Public parking structure, in accordance with Title 12, Chapter 16, Conditional Use Permits, Vail Town Code, to allow for the construction of a public parking structure located at 551 North Frontage Road West / Lot 8, Block 2, Vail Potato Patch Filing 1, and setting forth details in regard thereto.*

*Conditions:*

- 1. The conditional use permit approvals are contingent upon the applicant obtaining Town of Vail approval of an associated design review application;*
- 2. The applicant shall revise the submitted plans to depict a minimum twenty foot (20') wide drive aisle, instead of the currently depicted twelve foot (12') wide drive aisle, along the southwest part of the access drive and in the general direction of the southwestern crosswalk and the access point for the second level of the public parking structure; and*
- 3. The applicant shall reconfigure the proposed landscape island, located south of the proposed entrance to RSES and in the Pre-K Parking Area, to allow for a complete turn by Fire Department equipment.”*

Should the Planning and Environmental Commission choose to **approve, with conditions**, a conditional use permit for a public parking structure, the Community Development Department recommends the Commission makes the following **findings**:

*“Based upon the review of the criteria outlined in Section VIII of the staff memorandum to the Planning and Environmental Commission dated September 11, 2017, and the evidence and testimony presented, the Planning and Environmental Commission finds:*

1. *The proposed location of the public parking structure is in accordance with the purposes of this title and the purposes of the zone district in which the site is located;*
2. *The proposed location of the public parking structure and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity; and*
3. *The proposed public parking structure will comply with each of the applicable provisions of this title.”*

### **Variance (Retaining Wall)**

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 applicants’ request for a variance from Section 14-6-7, Retaining Walls, Vail Town Code, in accordance with the provisions of Title 12, Chapter 17, Variances, Vail Town Code, to allow for the construction of a retaining wall with an exposed face height greater than six feet (6’) located at 551 North Frontage Road West / Lot 8, Block 2, Vail Potato Patch Filing 1 and setting forth details in regard thereto.”*

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

*“Based upon the review of the criteria outlined in Section IX of the staff memorandum to the Planning and Environmental Commission dated September 11, 2017, and the evidence and testimony presented, 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 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; and*
- 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.”*

## **XII. ATTACHMENTS**

- A. Vicinity Map
- B. Project Narrative
- C. Traffic Impact Study prepared by Felsburg, Holt, and Ullevig and dated May 23, 2017
- D. Letter from Sandy Mutchler, Chief Operating Officer, Eagle County Schools, dated June 14, 2017
- E. Plan Set, including topographic survey, prepared by DLR Group, Haselden Construction, and TAB Associates, Inc., and dated August 18, 2017
- F. Lighting Specifications
- G. Memorandum Regarding Site Circulation and Safety from the Applicant dated August 7, 2017, Revised August 31, 2017
- H. Letter from Sandy Mutchler regarding site circulation and safety, dated August 8, 2017
- I. Renderings, undated
- J. Memorandum Regarding Existing Traffic at RSES, prepared by Public Works and dated August 24, 2017.
- K. Memorandum regarding traffic and parking management plan, prepared by Public Works, and dated September 6, 2017, including traffic count summaries from May 4, 2017 and August 23, 2017 and a bar graph exhibit of traffic activity