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## Memorandum

TO: Planning and Environmental Commission

FROM: Community Development Department

DATE: September 11, 2017

SUBJECT: Commercial Ski Storage

### I. PURPOSE

The purpose of this memo is to update the Planning and Environmental Commission on issues and progress relating to the Town's commercial ski storage regulations, the results of the recent Commercial Ski Storage Task Force meetings, and to present a draft of possible text amendments necessary to update these regulations.

The Planning and Environmental Commission is asked to review the draft text amendments, which will be presented during the meeting on Monday, September 11, and provide feedback on changes or additional information that may be necessary to make a recommendation to Town Council on these draft text amendments.

### II. UPDATE

The Town of Vail and its regulations of ski storage, ski valet and ski concierge services have not kept pace with the evolving nature of the ski industry. As a result, the Town is experiencing the following challenges with the current regulations on commercial ski storage:

- Regulations that are ambiguous and vague
- Regulations that are inconsistent with evolving customer expectations;
- Regulations that are difficult and/or impractical to enforce, resulting in a perception of inconsistent enforcement; and
- Regulations that may have resulted in unintended consequences, most notably considerable storage of ski equipment outside that has both safety and aesthetic implications.

On August 1, 2017, the Community Development Department presented a report to the Town Council on Commercial Ski Storage to engage the Council in a discussion

regarding the Town's policy concerning commercial ski storage, ski valet and ski concierge services. At the end of the discussion, Town Council supported the creation of a Task Force consisting of business owners and managers in Vail's ski and lodging industry, and Town staff. The mission of the Task Force was to study this issue in greater detail, and provide feedback to the Town Council on amendments that may be needed to the Town's current regulations.

Fourteen members of the local ski and lodging industry signed up for the Task Force, and several others contacted the Community Development Department after the August 1, 2017 meeting, expressing interest in participating. Following are members of the Task Force that attended at least one of these meetings:

Chris Cremer	Intrawest / Ski Haus
Jeff Evans	Christy Sports
Jeff Babb	Vail Resorts
Marco Valenti	Vail Resorts Retail
Scott Gubrud	Four Seasons
Brent Martin	Four Seasons
Jacob Bangston	Sebastian Base Camp
Jay Lucas	Ski Base
Tom Neyens	Ski Valet
Zack Meyers	Arrabelle
Tom Higgins	American Ski Exchange
Chris Howe	Ski Butlers / Antlers
Alison Wadey	Vail Chamber and Business Association
Jenn Bruno	Vail Town Council
Kevin Foley	Vail Town Council

Task Force meetings were held on August 18, August 23, and August 25, 2017. Based on input from the Task Force at these meetings, and tours of some of the participating businesses, the Community Development Department and the Task Force developed the following recommendations for the Town Council to consider.

On September 5, 2017, the Community Development Department and Task Force presented their recommendations to the Town Council. The Town Council supported the recommendations, and directed staff to begin to draft text amendments to implement the changes.

### **III. RECOMMENDATIONS OF THE TASK FORCE**

After reviewing the existing regulations and various ski storage methods, the Task Force indicated that the current policy should not be changed, however the regulations and implementation need to be modified to improve clarity and understanding of the policy. The current policy permits Commercial Ski Storage/Ski Clubs only in the basement or garden level of a building in the following districts:

- Commercial Core 1 (CC1)
- Commercial Core 2 (CC2)
- Lionshead Mixed Use-1 (LMU-1)
- Lionshead Mixed Use-2 (LMU-2)
- Ski Base Recreation -2 (SBR-2)

In their discussion on clarifying the regulations, the Task Force focused on time, place, and manner for ski storage; this is the “when, where, and how” aspect of the regulations. Following is a summary of the recommendations:

- Keep the existing horizontal zoning in place, which only allows Commercial Ski Storage as a permitted use on the basement or garden level of a structure
- Add graphics to improve the definitions for the following:
  - First floor of street level
  - Basement or garden level
- Separate the definitions for Commercial Ski Storage and Ski Club
- Create a separate definition for Ski Storage Lockers
- Set time of day limits on the placement of ski racks outside of a business
- Do not set limits on the number of racks placed on private property
- Ensure that public pedestrian easements are not blocked by ski racks
- Consider removing code language on outdoor displays stating that an outdoor display “shall not visually detract from or block storefront or shop window”
- Clarify that a building used for delivery of skis to guests of a hotel, which is separated from the hotel property, is considered Commercial Ski Storage (i.e. Four Seasons at Gorsuch on Wall Street)

#### IV. WHAT ARE THE IMPACTS OF THESE REGULATIONS?

Depending on the amendments that are adopted by the Town Council, there may be impacts to local business, the guest experience, code enforcement, or other unintended consequences. Following are some of the potential positive and negative impacts of the recommendations of the Task Force:

Action	Positive Impact	Negative Impact
<b>TIME</b>		
Time of day limits on the placement of ski racks outside of a business	Achieves policy objective. Clearly indicates when racks of skis can be placed outside. Ensures ski racks are not outside all the time. May improve safety and aesthetics.	Some business may operate outside the set time limits.
<b>PLACE</b>		
Keep existing zoning that only allows ski storage in	Maintains vibrancy of retail shops and restaurants on	Guests must walk up stairs in ski boots carrying skis. Reduced

basements	street level	number of locations for ski storage.
Prohibit placing racks on pedestrian easements	Ensures safe passage for pedestrians and emergency vehicles	Some properties are surrounded by easements, and would have no place to place ski racks – Arrabelle; Concert Hall Plaza
<b>Action</b>	<b>Positive Impact</b>	<b>Negative Impact</b>
Clarify that a ski storage building separated from the hotel property is considered Commercial Ski Storage, and is not exempt from Commercial Ski Storage regulations	Easier to understand if regulations are more specific	Change applies only to one property at this time
<b>MANNER</b>		
No limit on number of racks	Allows business owner to determine what is best for the business	Potential negative impact on aesthetics.
<b>OTHER CODE CLARIFICATIONS</b>		
Add graphics to improve understanding of definitions	Easier to understand	Additional staff time to develop graphics and update code through ordinance process. There may be impacts to other sections of Town Code by amending definitions.
Separate the definitions for Commercial Ski Storage and Ski Club	Easier to understand	Additional staff time to develop graphics and update code through ordinance process.
Create a separate definition for Ski Storage Lockers	Easier to understand	Additional staff time to develop graphics and update code through ordinance process.
Remove language on visually detracting or blocking storefront or shop window	This language in the Outdoor Display section of the code is already vague, and may be difficult to enforce	May result in more clutter, and less visibility of display windows. Conflicts with the policy objective of maintaining vibrancy and economic vitality in the commercial cores.

## V. NEXT STEPS

The next step in this process is for the Community Development Department to present the possible text amendments necessary to achieve the policy objective. These draft revisions will be processed as Prescribed Regulation Amendments, requiring a public hearing and recommendation from the Planning and Environmental Commission before proceeding to the Town Council for two readings of an adopting ordinance.

- September 11, 2017 – Present draft text amendments to PEC
- September 19, 2017 – Present draft text amendments to Town Council
- October 9, 2017 – Planning and Environmental Commission public hearing and recommendation on text amendments

- October 17, 2017 – Town Council – 1<sup>st</sup> Reading of Ordinance on text amendments
- November 7, 2017 – 2<sup>nd</sup> Reading of Ordinance on text amendments
- November 17, 2017 – Vail Mountain Opening Day