



PLANNING AND ENVIRONMENTAL COMMISSION

September 11, 2017, 1:00 PM

Vail Town Council Chambers

75 S. Frontage Road - Vail, Colorado, 81657

(Note: These are not the complete results of the meeting of September 11, 2017. This document contains only the results of the meeting that relate directly to the Vail Resorts application (PEC17-0039) to rezoning a parcel of land in East Vail. Please contact the Town of Vail Community Development Department if you would like to review other agenda items that were discussed during this meeting.)

3. 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 a parcel of land located at 3700 North Frontage Road East/Unplatted. The rezoning will change the Zone District from Two-Family Residential (R) district to Housing (H) district and Natural Area Preservation (NAP) district, and setting forth details in regard thereto. (PEC17-0039)

Applicant: The Vail Corporation (Vail Resorts), represented by Mauriello Planning Group

Planner: Chris Neubecker

Motion: Approve

First: Stockmar

Second: Kurz

Vote: 6-0-0

Referencing a PowerPoint presentation, Neubecker introduced the project by summarizing the nature of the zoning request from Two-Family Residential (R) district to Housing (H) and Natural Area Preservation (NAP) districts. As the subject property is currently zoned Two-Family Residential (R), the entire site could be developed with two-family residences. The applicant is proposing to set aside a large portion of the site for Natural Area Preservation (NAP) to focus development on a smaller area of the western portion of the site.

Neubecker described the location of the site, the relevant criteria for a rezoning, and the PEC's role in making a recommendation to the Town Council for a rezoning application. Neubecker discussed the relationship between the master plan / comprehensive plan, land use plan, and zoning ordinance. If the rezoning were approved, a development plan would need to be submitted and reviewed by the PEC prior to any development occurring. An environmental impact report would also be required at that time. Neubecker reviewed the anticipated timeline for the project.

Rediker – Asked about the recommendation in the staff memo to continue the item until the next PEC meeting. Neubecker responded that information from Colorado Parks and Wildlife and Colorado Geological Survey was expected, but the departments will not provide comment without a specific development plan, and thus the PEC could approve today, if it meets the criteria.

Rediker asked how many two-family residential lots would fit on the subject property as currently zoned. Neubecker replied approximately 10-15 lots, but the applicant will confirm. Rediker

asked how many EHUs could be provided based on the size of the proposed Housing (H) district parcel. Neubecker stated that there is no limit and that the number of units is subject to PEC discretion and review of the development plan.

The applicant's representative, Dominic Mauriello of Mauriello Planning Group, provided a PowerPoint presentation and introduced the rest of the applicant's team.

Chris Jarnot, Vail Resorts, discussed the need for employee housing and Vail Resorts' commitment to developing new employee housing. Jarnot discussed how the proposal could help to achieve the goals and vision of the Vail Housing Strategic Plan.

Mauriello described the process required for the proposal. The proposed rezoning and plat for the subdivision are the first step in the process. The Housing (H) district requires a development plan to be approved by the PEC. According to Mauriello, the Vail Local Housing Authority (VLHA) supports the request. Mauriello then described the location of the site and its proximity to other significant development and other key features within the town. The subject property has been owned by Vail Resorts since 1961 and was annexed into the town in 1975. There has been past confusion over ownership of the parcel that influenced town planning documents. Mauriello reviewed what is currently permitted on the parcel due to its two-family residential (R) zoning. Mauriello stated that approximately 10-15 lots, with 2-3 units per lot, could be established.

Mauriello described the size of the two (2) proposed zone districts and where the proposed division line of the districts will be located. It is approximately 100' from the southeast corner of the proposed Housing (H) parcel to the nearest bus stop on the North Frontage Road. Mauriello reviewed the purpose of the Housing (H) district being for employee housing.

A development plan would be required to be approved by the PEC prior to any development of the site. The PEC can determine density/number of units, GRFA, and building height. Setbacks, site coverage, and landscape are established within the development standards of the Housing (H) district. Mauriello also reviewed the uses permitted and associated standards for the Natural Area Preservation (NAP) district.

Mauriello emphasized that they are not currently requesting anything that would constitute a vested right because there is no specific development plan at this point. He also emphasized that the proposal is not a "Development vs. No Development" scenario. Development will occur on this property, it is up to the PEC to determine the type of development. Mauriello referenced several housing studies and plans that have demonstrated a need for employee housing within the area.

Mauriello stated that wildlife and rockfall hazard were environmental characteristics specifically review by consultants. The subject property is located within a high rockfall hazard area and has slopes greater than 40%. Although an environmental impact report is not yet required, the applicant performed a geologic hazard study. The study concluded that the rockfall hazard can be mitigated. A certified wildlife biologist, Rick Thompson, has also reviewed the proposal in regards to its potential impact on wildlife. Rick Thompson explained that the study focused on the four (4) species of greatest concern: bighorn sheep, elk, peregrine falcon, and black bear.

Thompson explained the range of the bighorn sheep in the area and stated that the Bighorn sheep winter range overlaps the subject property. While development of the site would result in a further loss of winter habitat, the location of the subject property is in an area whose habitat

effectiveness has been reduced by existing human disturbance and development. There should be a minimal impact on the bighorn sheep habitat area associated with the development of the Housing (H) parcel. Thompson stated that the situation for elk is similar to bighorn sheep. For peregrine falcons, there should be no meaningful impact to the nesting cliff above the subject property. In regards to black bear, Thompson stated that bears are currently using the property, especially to feed in late summer. The development of the subject property may impact the black bear population, but may be addressed through wildlife mitigation plan. Thompson concluded by stating that wildlife will be impacted by any development on the subject property and the question is which type of development would minimize said impact. It is his opinion that rezoning to the Housing (H) and Natural Area Preservation (NAP) districts would minimize any negative impact to wildlife.

Mauriello reviewed the applicant's responses to the rezoning criteria, including: 1.) compliance with the Vail Land Use Plan, Comprehensive Open Lands Plan, Vail 20/20 Plan, and Employee Housing Strategic Plan, 2.) suitability with the existing and potential land uses on the site and surrounding land uses, 3.) a harmonious and convenient, workable relationship among land uses, 4.) orderly growth of a viable community that serves the best interests of the community as a whole, 5.) the ability to mitigate any adverse impacts on the natural environment, 6.) consistency with the purpose statements of the proposed zone districts, and 7.) the change in conditions since the original zoning designation warrant the proposed zone district changes.

Kurz – Asked what factors went into the determination of the size of the two (2) proposed zone districts. Mauriello responded that the decision was made based on geography and topography.

Stockmar – Asked if the property remained Two-Family Residential (R) and went through the proper process, the subject property could be fully developed with houses and roads? Mauriello confirmed. Hopkins opposed the statement based on her belief the steep slopes would limit the amount of development on the subject property. Mauriello stated that the Two-Family Residential (R) district does not restrict construction on steep slopes. In the Housing (H) district, development cannot occur on steep slopes.

Hopkins – Asked Rick Thompson about mountain goats or mountain lions. Thompson responded that mountain goats do not descend that low in elevation and mountain lions range may cover the area.

Rediker asked for clarification of the source of information in determining the range for bighorn sheep. Thompson stated he relies upon Colorado Parks and Wildlife map, which was updated in the fall of 2016.

Lockman asked what the secondary impact may be of the development on wildlife. Thompson stated that there may be some reduction in range as wildlife stays further away from development beyond the area of the subject property. Pets and occupant behavior could also impact the wildlife.

Rediker – Stated his belief that a lot of the questions from the public will pertain to what will happen on the site and asked if there is any intention to include a free market component of the development of the site. Mauriello responded that there is no intent, unless there was a creative idea as to how such development could be incorporated.

Hopkins – Asked if the applicant is considering any commercial use. Mauriello responded that

they are not considering commercial uses at this time, but a developer has not yet been selected.

Perez – Asked if there is an estimate for a total number of employee housing units available. Mauriello responded that it is premature, but at minimum one could assume the same number of units that would be allowed by right under existing zoning.

Rediker – Asked for clarification of the steep slopes on the subject property.

Rediker opened the item for public comment.

Julie Hansen, Board President, Falls at Vail – Concerned with the lack of a master plan for the east Vail area as there is development opportunity within the four corners of the Interstate-70 interchange. Asked if the Natural Area Preservation (NAP) district is a permanent designation. Expressed concern with flooding into the bus stop area. There are also moose in the area that were not addressed in the wildlife study.

Bill Eggers – Is concerned about the impact on the Booth Falls neighborhood, which is already congested with traffic. Stated his belief that most of the people that support Vail Resorts' request live down valley. Expressed his displeasure with the amount of vehicles parked for the Booth Falls trail.

Molly Morales, Vail Local Housing Authority – Expressed VLHA's support for the proposed rezoning.

Dr. Penny Wilson – The Bald Mountain Road neighborhood is also impacted by the existing level of traffic congestion. Opposed to creating more traffic in the area. Disagreed with Thompson's statement that bighorn sheep do not come down to the North Frontage Road during the winter. Believes that the proposed rezoning may be the lesser of two (2) evils.

Lauren Phillips, Vail Ski Patrol – Supports the rezoning of the property to allow for Vail Resorts' employees to be part of the community.

Jeff Wiles – Believes something must be done to help keep employees in town or else Vail will no longer be a world class resort community.

Alan Danson – Opposes the proposal due to the location of the proposal. Employee housing needs to be addressed, but not through this proposal. Suggests the town-owned property east of Solar Vail and west of Middle Creek be swapped with the subject property.

Richard Leslie – Wants the PEC to deny the rezoning, but does not deny that employee housing is a town need. Believes that the applicant knows the number of units and building height that will be proposed. A development plan should be attached to any rezoning approval.

Pam Stenmark – Is not necessarily against the rezoning or employee housing, but is concerned about approval without any development plan. Concerns about impacts on bus service and wildlife and the ability of the neighborhood to support a large development.

Susan Bird – Is concerned that this proposal, if approved, will set a precedent for other areas of town.

Alison Wadey, Vail Chamber & Business Association - Expressed the board's support for the rezoning. The serious discussion about housing is now. Don't kick this down the road just because its a hard decision.

Mike Steimle – Mentioned his previous experience with rezoning with the Vail Mountain School. Feels threatened by employee housing to the east and west of his property and would like the subject property to remain as is. There are too many unknowns associated with this proposal.

Lee Kuhlke – Opposes the proposal. East Vail's character is completely residential and this proposal would change that. Opposes another megastructure like those to the west of the subject property. Is concerned about setting a precedent for other areas in town.

Pati Marsh – Opposes the proposal. Believes it is important to maintain the existing zoning. Does not deny the need for employee housing, but this is not a reasonable solution. Believes alternative locations exist that are better for employee housing.

Kim Bell Williams, Eagle County Housing Director – Eagle County is short 4,500 homes. Expressed Eagle County's support for the proposal. Believes that it is important towards creating a sense of community.

Carl Cocchiarella – Believes that there is a strong sense of community as evidenced by the turnout for the public hearing. Is concerned about the impact on wildlife. Suggested Ever Vail as a better location for employee housing.

Mary McDougall, member of the VLHA – VLHA is fully vested in trying to create community and has been aggressive in trying to obtain employee housing because of the danger to the community that a lack of housing represents. Expressed the need for available land and a willing private partner to create employee housing. Supports the proposal.

Joe Joyce – Employee housing is critical to the town, and the proposal is a benefit to the town and the people that live and work in town.

Doug Scofield – Believes that this is an essential development for the town and is a step in the right direction.

Bobby Lipnick – Supports the rezoning request. Acknowledges that people do not like employee housing in their backyard. The proposal will help with the survival of the community for the next 50 years. While there is no perfect solution to the housing problem, this is a commitment to workforce housing. Recommends the applicant consider a percentage of the development be market-rate housing. Feels it is important in creating a sense of community.

Michael Hazard – Believes that should the request be approved, the PEC should strongly evaluate the potential character of any housing development to ensure that it creates a sense of community.

Gina Grisafi – Discussed her experience with subdividing a lot and being told that her proposal would increase density too much. Asked why Vail Resorts should be allowed to do something to improve their financial position when she was not.

Brian Eggleton – As a resident of Minturn that works year-round for Ski and Snowboard Club of Vail, he supports the proposal as it will provide more affordable and employee housing within

the town. Approving the proposal would allow for more of a balance between mountain and resort community.

Jason Plante – Is concerned about the impact on wildlife. Does not trust just the wildlife study in making a decision.

Kirk Dwyer, Ski and Snowboard Club of Vail – Supports the proposal as employee housing is a necessity within the County. Zoning needs to adapt to the conditions and be able to house young professionals.

Wolf Mueller – Believes Vail Resorts should increase their employee compensation so that employees can help solve the housing problem on their own.

Becky Vickers – Discussed her experience commuting from Eagle-Vail to a job with Vail Resorts. Is concerned about the impact of the proposal on bighorn sheep.

John Bailey – Is concerned about the impact on wildlife, but trusts the expert studies presented. Believes there are positives associated with the proposal and supports the proposal.

Public comment was closed.

Stockmar – Emphasized that there is no development plan associated with the rezoning request. Discussed the issue of the potential duplex or single-family development that could be built by right on the whole parcel versus a limited area of employee housing with the guarantee of a large area of open space. Any development would require a thorough review process as the next step.

Kurz – Concurs with Commissioner Stockmar. Added that he lives in the neighborhood and is familiar with the issues. The affordable housing issue is critical to the long term survival of the community.

Perez – Have to find a balance between wildlife preservation, addressing density concerns, and providing employee housing. Believes there is a transparency issue created by the applicant in not specifying the number of units proposed, building height, etc.

Hopkins – Stated that she believes the process the applicant will have to go through in order to get any development approved will result in a benefit to the town.

Lockman – Thanked the public for their input. In regards to the request, he concurs with Commissioner Stockmar that there is no specific project associated with this request and that the PEC will have the ability to control the specifics of the project as it moves forward. Believes that the proposal meets all of the criteria required for a rezoning request.

Rediker – Thanked the public for their input and urged them to continue to be involved in PEC meetings. Concurred with Commissioners Stockmar, Lockman, and Kurz and believes the project complies with the rezoning criteria. Rediker cited specific ways in which the proposal meets said criteria. Understands the concerns regarding potential density and impact on wildlife and encourages the public to maintain their interest as the project moves forward to make sure these concerns are addressed. Agrees that it is odd that an applicant can request a rezoning without a development plan, but if that is a problem, it is up to the Town Council to change the rezoning procedures.