

**THE RESIDENCES AT MAIN VAIL**



**DEVELOPMENT PLAN APPLICATION & VARIANCE REQUEST**

**MARCH 15, 2021**

## Development Team

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## **The Development**

The Residences at Main Vail is an exciting new 100% deed-restricted residential development that will help create, support, and sustain the community in the Town of Vail (“TOV”). With 72 new apartments, the development will make the most meaningful addition to resident housing in the community in recent years.

Triumph Development and the Town of Vail have signed a Development Agreement forming a public-private-partnership to redevelop the 2.1-acre parcel that is currently zoned to the Housing (H) District. The parcel was recently subdivided from the neighboring Middle Creek Apartment parcel.

This application proposes to redevelop the site into a new apartment community that will add to the availability of deed-restricted, resident-occupied homes in Vail. The proposed plan includes 72 rental apartments including 58 two-bedroom and 14 one-bedroom homes, and 55 parking spaces. The homes will be deed-restricted EHUs under the Town of Vail municipal code. In addition to the homes, the plan includes interior spaces for social gathering, laundry rooms, ground floor storage lockers, ample bike storage, and a bike cleaning and maintenance area. There will also be an outdoor passive recreation area at the rear of the new apartment building. A roof-mounted solar panel system is proposed to reduce the environmental impacts of the new building and generate on-site energy. While the applicant intends to manage the building from its current office in Vail Village, this application anticipates being able to convert one of the units into a manager’s unit to include an on-site leasing and management office.

This development application includes all civil drawings, architectural drawings, landscape plans, and consultant’s reports required for approval by the PEC. In the Housing District, building height, density, and GRFA are proposed by the applicant and established by the Planning and Environmental Commission subject to an approved Development Plan. The applicant’s request is outlined below. This application includes a Mobility Management Plan that embraces the recently adopted “Mobility” section of the Housing District regulations and supports a reduction from the standard off-street parking requirements of the Town Code. The proposed mobility plan focuses on meeting the transportation needs of the future residents, rather than looking to the more antiquated parking-per-unit approach. The proposed development plan requires one variance to construct a multiple family building on slopes greater than 40%.

## **Existing Conditions**

Middle Creek Lot 3 is a Housing District parcel that is bounded by the Middle Creek Apartments to the west, and Town of Vail property to the north and east, and the North Frontage Rd. to the south. The parcel is rectangular in shape with more than 400 feet of frontage along the North Frontage Road and varies in depth from approximately 250 feet on the east side of the parcel to more than 320 feet on the west side of the parcel adjacent to Middle Creek Apartments.

The right of way in the front of the property includes a substantial cut slope and setback from the North Frontage Road that varies between 35 to 60 feet from the property line.

The front portion of the site is developed as an early-childhood education facility and surface parking lot. The rear two-thirds of the site are steep slopes greater than 40% that are held back with a stepped retaining walls at north side of the parking lot. Due to the existing development and grading of the site, the southern portion of the site best accommodates future development.

All required utilities are available in the adjacent right-of-way and the applicant has confirmed that each utility has adequate capacity to serve the development. There is a 20' sewer easement that is at the southwest corner of the property in the approximate vicinity of the current driveway which will remain in place with the proposed plan. There is also a drainage and utility easement along the southern boundary of the property that will remain in place.

Finally, there is a platted building envelope line that runs along the north side of the existing development footprint that dates to when the Middle Creek Apartments and the Children's Garden of Learning were constructed. The building envelope line is intended to be abandoned on Lot 3 via a revised Final Plat that can be processed concurrent with this application's final approval.

### **Zoning Analysis**

The Housing District is intended to provide housing development opportunities in TOV. Due to the nature and varying characteristics of deed-restricted housing, a housing-oriented zone district was specifically developed and adopted in the TOV Zoning Regulations. The stated intent of the Housing District is to ensure that deed-restricted housing is appropriately located and designed to meet the needs of Vail residents, to harmonize with surrounding uses, and to ensure adequate light, air and open spaces. The district has a limited number of prescribed requirements that are discussed below. The proposed development plan, the mobility management plan, and variance request meets or exceeds all of these prescribed requirements.

### **Permitted, Conditional & Accessory Uses**

The proposed development program is outlined in the below table and are all permitted or accessory uses in the Housing District.

<b>Units</b>	<b>Count</b>	<b>GRFA/Unit</b>	<b>GRFA SF</b>
EHU 2 Bedroom/1 Bath	31	837	25,947
EHU 2 Bedroom/2 Bath	27	855	23,085
EHU 1 Bedroom/1 Bath	14	616	8,624
<b>Total</b>	<b>72</b>		<b>57,656</b>

All homes will be deed-restricted Employee Housing Units as defined by the TOV municipal code. The outdoor passive recreation spaces at the rear of the property are also permitted uses. The community amenities such as the public gathering spaces, laundry rooms and storage areas are all Accessory Uses that are “customarily incidental and accessory” to the EHUs allowed in the Housing District. The applicant also requests the ability to convert one of the apartments into a manager’s unit, subject to the applicant’s discretion, that would include a leasing office at some point in the future.

Setbacks

The required setback in the Housing District is twenty feet (20’) from the perimeter of the *zone district* (and as such there is no setback along the west property line as the Housing District continues onto the Middle Creek Apartment parcel). All buildings and structures proposed in the plan meet or exceed this setback requirement in all areas. The proposed approved development plan complies with the Vail Town Code.

Site Coverage

The Housing District allows for a maximum site coverage of 55% of the total site area. The proposed site coverage is 17,756 square feet or 19.7% of the parcel. The proposed approved development plan complies with the Vail Town Code.

Landscaping and Site Development

The Housing District requires at least 30% of the total site area to be landscaped. The proposed plan for The Residences includes landscape areas totaling 52,551 square feet or 58.6% of the parcel. The proposed approved development plan complies with the Vail Town Code.

Snow Storage

The Parking Standards of the Town Code require a minimum functional area for snow storage equaling at least 30% of the total paved area of the site for unheated drives. The site plan includes more than 5,173 square feet of usable snow storage, or 32.9% of the total paved area. The proposed approved development plan complies with the Vail Town Code.

Development Standards to be Approved by PEC

The development standards of the Housing District for lot area, site dimensions, building height, and density control shall be as proposed by the applicant and approved by the PEC based on the Criteria for Evaluation that are discussed below.

*Lot Area and Site Dimensions* – The applicant proposed to develop a 2.1-acre Housing Parcel as demonstrated on the site development plans. A minor subdivision application has been previously approved by TOV.

*Building Height* – The proposed building height is 82 feet with five levels of homes above a tuck-under podium parking

*Density Control* – The proposed density for North Main community is 72 total units and 57,656 square feet of GRFA. If one considers the EHUs as counting towards density/units per acre (in most zone districts they do not) the overall density of the site is 34.8 units per acre. By comparison, the Middle Creek at Vail Apartments is approved at 30.8 units per acre.

#### Employee Housing Credits

The applicant will seek to utilize Sections 12-23-7 and 12-24-7 of the Vail Town Code “Mitigation Bank” for deed-restricted EHUs constructed on the property. As proposed, the application will generate 57,656 square feet of transferable EHU housing credits in each of the 72 EHU units. Under the terms of the public/private partnership between TOV and the applicant, these employee housing credits shall accrue to TOV.

#### Mobility Management Plan and Parking

In November 2020, TOV adopted Ordinance No. 13, Series of 2020 which replaced the “Parking and Loading” section of the Housing District language with a more progressive “Mobility” requirement. The language of the ordinance recognizes that automobiles are no longer the primary means of transportation for some people and that proximity to mass transit, walkability, access to bicycle routes, and development plans that accommodate car-sharing and bicycles all reduce the need for onsite parking. The North Main development is a prime example of each of these mobility criteria and is an excellent candidate for the adoption of a Mobility Management Plan.

Section 12-6I-8 of the Town Code requires the submission of a Mobility Management Plan that will be approved by the PEC. In accordance with this section, the applicant presents the following information and Mobility Management Plan:

1. *Layout of proposed covered and uncovered parking including applicable dimensions, provisions for stacked parking and compact spaces, if proposed.*

Architectural plan A1.00 shows the parking layout for the development with 55 total parking spaces. This includes 28 standard surface parking spaces, 17 tuck-under

standard parking spaces, 7 tuck-under compact spaces (labeled “C”), and 2 tucker-under parking spaces allocated for car sharing (labeled “Z”) should a car sharing company be interested in placing cars at the site. There is also one dedicated delivery space (labeled “D”) for delivery vehicles or taxis/Ubbers. The applicant will make all commercially reasonable efforts to identify a company to provide a car sharing amenity for its residents.

2. *Information on how proposed parking spaces will be allocated to units and if this allocation is on the form of a deed restriction.*

All parking spaces will be numbered and signed for assignment to specific tenants. Each parking spaces will be leased to residents as a separate fee from the lease for their residential unit on a space available basis. The added expense for a market-rate parking space will be an effective tool that attracts residents without cars and will incent applicants to not bring a car to Vail should they have one. The applicant will gather information about whether prospective tenants would like a parking space as part of the initial lease application in order to easily identify if tenants have a car and prioritize tenants who do not have a car. Leases will be explicit that, unless the tenant has a leased parking space, a car is not permitted on the premises.

3. *A professionally produced parking study, unless a determination is made by the administrator that such study is unnecessary due to the scale and character of the proposal.*

See the “Vail Children’s Garden Residential Parking Analysis – Affordable Housing Apartments” memo from McDowell Engineering, LLC, dated March 8, 2021. As described in this memo, the Institute of Transportation Engineers’ Parking Generation Manual states that the average peak period parking demand for a mid-rise apartment in an urban environmental is 0.71 spaces per dwelling unit. This is slightly less than the 0.76 parking spaces proposed for The Residences at Main Vail.

4. *Existence of any bike or vehicle share/shuttle program.*

The new apartments are conveniently located less than 400 feet, or a 20 second walk at 3 mph, from the existing Middle Creek bus stop.

The plan also provides an opportunity for car-sharing vehicles in two dedicated spaces conveniently located adjacent to the building’s ground-floor lobby.

5. *Provide covered/protected/secured bike parking/storage*

The proposed development plan includes substantial covered bike parking as well as a bike cleaning/tuning area at the western portion of the ground-floor level.

6. *Provisions for guest parking/management*

All parking spaces will be assigned to individual tenants via lease and signed to prevent unauthorized use. Fire department staging areas shall be signed and striped to prevent unlawful parking and there will be signage that explains that violating vehicles will be towed.

7. *Seasonal variations in parking management plan.*

None.

8. *Provisions for off-site vehicle storage.*

None.

The applicant is committed to the Performance Standards, Reporting Requirements, and Enforcement Policy outlined in the Town Code for the Mobility Management Plan. Given the above response, the proposed Mobility Management Plan complies with the Vail Town Code.

**Compliance with the Development Plan Standards and Approval Criteria**

Because of the nature and characteristics of deed-restricted housing that make development difficult under prescribed development standards, the Housing District was created by TOV to provide adequate sites for deed-restricted residential development. To ensure harmonious development that is in keeping with the Town's development objectives, an applicant may propose development standards, as depicted on a Development Plan, for approval by the Town's Planning & Environmental Commission. According to Section 12-6I-13 of the Zoning Regulations, it shall be the burden of the applicant to demonstrate that the proposed development complies with the six Design Criteria discussed below.

***Design Criteria A - Building design with respect to architecture, character, scale, massing and orientation is compatible with the site, adjacent properties and surrounding neighborhood.***

Applicants Response:

Due to the unique nature and challenges of building housing in TOV, the Housing District does not include traditional development limitations and offers the applicant flexibility in proposing development on designated Housing District properties.

This development site - with its convenient location near the village cores, steep topography, and prominent location - needs to balance the goal of creating meaningful housing on the scarce remaining land owned by TOV and creating a development that is in scale with Vail's nearby patterns of development – namely Middle Creek at Vail Apartments, the recently



constructed Solar Vail Apartments, and the other large buildings that line the Frontage Roads on either side of I-70.

The adjacent Middle Creek development is a 142-unit development that is sited on higher ground than Middle Creek Lot 3 and includes seven total stories of development. The Residences at Main Vail's six stories is compatible in scale and slightly smaller in total mass. There are no other immediate neighbors to the property.

The Residences at Main Vail's architecture and character strives to mimic other successful employee housing developments such as First Chair. The architecture includes pitched roofs of varying heights to break up the ridge line, as well as bump-outs in the façade with several feet of relief to create shadow lines and opportunities for balconies for many homes. The primary façades are proposed with a mix of stucco, cementitious wood siding, and wood trim to incorporate the new fire-resistant design recommendations of the fire department, as well as long-term durability. These materials are mixed horizontally and vertically to break up the massing of the buildings, and this variation is complimented with adjustments to the size of windows. Roofs are pitched with asphalt shingles that match other Housing developments.

The building is responsive to the existing topography. The building is sited above and setback substantially from the Frontage Road due to the large right-of-way in front of the property. The building is built into the hillside at a location that takes advantage of the existing excavation and retaining walls that prior development has created. The new parking lot with tuck under parking is generally in the same location as the existing parking lot and will largely be hidden from the North Frontage Road by grade and landscaping. The second level of apartments only provides a half floorplate of homes facing south with the building serving as a retaining wall for the grade behind. Above this level the building becomes a double-loaded corridor of apartments with homes on both the north and south.

With architecture that borrows from Vail's architectural traditions, a material pallet that mimics or even improves upon Vail's other housing developments, massing that is to scale with the property next-door and other larger buildings that line the Frontage Roads, substantial setbacks from the street, as well as an appropriate relationship to the surrounding topography – The Residences at Main Vail development plan meets the Housing District requirements for architecture, character, scale, massing and orientation that is compatible with the site and neighborhood.

***Design Criteria B - Buildings, improvements, uses and activities are designed and located to produce a functional development plan responsive to the site, the surrounding neighborhood and uses, and the community as a whole.***

Applicant's Response:

The applicant has prepared a functional development plan for The Residences at Main Vail that balances the physical characteristics of the site, the surrounding slopes and open space, and TOV's substantial need for housing.

All development has been consolidated onto the front third of the parcel. This development footprint is the portion of the site with the least amount of natural grade, thereby minimizing disturbance of the uphill natural vegetation or existing topography.

Pedestrian and vehicular access onto the site will be from the west to work with natural grade and mimics the existing property entrance and parking. The proposed parking configuration, access to buildings, site amenities, and public transportation will meet ADA requirements, as well as emergency access and staging. The applicant has met with the Vail Fire Department and taken its feedback into account to accommodate requirements for fire access, staging and turnarounds for large vehicles. The functional site plan includes adequate parking for the residents and a mobility plan that includes walking proximity to Vail's village core areas, easy access to a public bus stop, and substantial storage for bikes.

Retaining walls have been kept to a minimum with the building foundation serving as the primary "retaining wall" for development on the site. There are several small retaining walls at the north and west of the site to create outdoor space for the residents. The only large retaining walls are located at the eastern side of the buildings and are necessary to accommodate the requested fire department turnaround and staging areas.

As Middle Creek Lot 3 is located in a rockfall hazard risk area as mapped by TOV, the applicant has hired Cesare, Inc. to prepare a Geohazards Assessment dated March 10, 2021. The conclusions of the Assessment indicate there are no substantial rockfall hazard risks.

The building has an efficient and functional layout with parking and storage on the ground floor as well as a central building entry and lobby with an elevator. The apartment floors included community amenities such as indoor gathering spaces and laundry rooms in a central location near the elevator. At the third floor this indoor gathering space accesses a passive outdoor recreation area and surrounding open space at the rear of the building.

The proposed plan is a functional development plan that looks to create a meaningful multifamily housing development that primarily serves the employees working in the Town of Vail.

***Design Criteria C - Open space and landscaping are both functional and aesthetic, are designed to preserve and enhance the natural features of the site, maximize opportunities for access and use by the public, provide adequate buffering between the proposed uses and surrounding properties, and when possible, are integrated with existing open space and recreation areas.***

Applicants Response:

The Proposed site plan has been prepared to preserve and enhance the substantial open space that surrounds the property. Due to the topography of the site, the development footprint has been kept to the front of the site where development has already occurred – thus preserving the vast majority of the hillside to the north in its natural state

The landscaping plan provides landscape buffering along the south side of the parking lot both on the property and the right-of-way in front of the site. The applicant also intends to create a small earthen berm at the south side of the parking lot to further screen this parking from the frontage road where possible. The new building is also setback from Middle Creek apartments by more than 70 feet and will not impact most of the existing trees between the properties.

While the topography of the site does not permit significant, level outdoor spaces, the plan includes one central private outdoor recreation space on the north side of the building that opens to the substantial open space and hillside to the north.

The combination of preserving the significant natural landscaping on the upper two-thirds of the site, attractive manicured landscaped areas, community focused outdoor gathering and recreating areas, ensures the North Main landscape plan is both aesthetic pleasing and functionally appropriate

***Design Criteria D - A pedestrian and vehicular circulation system designed to provide safe, efficient and aesthetically pleasing circulation to the site and throughout the development.***

Applicant Response:

A safe, efficient and aesthetically pleasing circulation system that integrates with the TOV bus system is available for The Residences at Main Vail and its residents.

With direct access off the North Frontage Road and immediate proximity to I-70, The Residences will create minimal impact to the neighborhood streets. The accompanying Transportation Impact Study by McDowell Engineering, LLC demonstrates relatively light traffic with only 246 external vehicle trips over the course of an average weekday, and only 15 trips during the morning peak hour and 25 trips during the afternoon/evening peak hour. These numbers are below the amounts allowed by the current CDOT Access Permit for the existing school use.

The vehicular and main pedestrian site access is from the west in the same location and configuration as the current driveway and parking lot. This location allows a gradually sloping driveway that meets the Town's design standards.

Pedestrian access is proposed from the west via a five-foot, ADA compliant sidewalk that goes from the sidewalk at the driveway intersection up to a location at the center of the parking lot

and directly across from the main building entrance. This sidewalk is separated from the driveway and parking lot for pedestrian safety.

The driveway and parking lot fully complies with the TOV design standards (i.e. width, drainage, site disturbance, turning movements, etc.) including emergency vehicle access. Due to the length of the driveway, the drive aisle has been oversized to 26 feet to ensure adequate circulation in the event an emergency vehicle is parked in this drive aisle. There is also a fire truck turnaround and staging area at the far east side of the site that has been designed with input from the Vail Fire Department.

Proximity to the West Vail Bus Route is one of the most advantageous aspects of the Middle Creek Lot 3 parcel for resident housing. With direct access to TOV's public transit system, The Residences at Main Vail will cater to residents whose lives are Vail-centric.

With all of these elements taken into account, the pedestrian and vehicular circulation system has been designed to provide safe, efficient and aesthetically pleasing circulation to the site and throughout the development.

***Design Criteria E - Environmental impacts resulting from the proposal have been identified in the project's environmental impact report, if not waived, and all necessary mitigating measures are implemented as a part of the proposed development plan.***

Applicants Response:

Given the sites prior development, the requirement for a new Environmental Impact Report was waived by the Community Development Director.

***Design Criteria F - Compliance with the Vail comprehensive plan and other applicable plans***

Applicants Response:

The applicant has demonstrated that the proposal is consistent with the following provisions of the Vail 20/20 Strategic Action Plan, Vail Land Use Plan, 2009 Environmental Sustainability Strategic Plan, and the Vail Housing 2027 Plan

**Vail 20/20 Focus on the Future – Strategic Action Plan:**

The Vail 20/20 Strategic Action Plan is a visioning document that begins with a set of values that outline what is truly important to the community. The plan then details land use and development, parks and recreation, environment, housing, transportation, economy, community and public safety topics, including specific vision statements, long-term goals, and actions and strategies over the next 5 years to achieve those goals.

## LAND USE

*Goal #4: Provide for enough deed-restricted housing for at least 30 percent of the workforce through policies, regulations and publicly initiated development.*

- *Address the zoning regulations to provide more incentives for developers build employee housing units.*

## ENVIRONMENTAL SUSTAINABILITY

*Goal #2: Energy Management in Buildings and Transportation: Reduce the town's 2007 baseline green house gas emissions.*

- *Support employee housing initiatives in order to reduce trips into Vail.*

## HOUSING

*Goal: The Town of Vail recognizes the need for housing as infrastructure that promotes community, reduces transit needs and keeps more employees living in the town, and will provide for enough deed-restricted housing for at least 30 percent of the workforce through policies, regulations and publicly initiated development.*

- *Conduct inventory of all sites with development potential and pursue opportunities for acquiring undeveloped or underdeveloped properties.*
- *Update the Vail Land Use Plan and identify more areas for employee housing.*

## ECONOMY

*Goal #3: Maintain a town-wide workforce in which at least 30 percent of people who work in Vail also live in Vail.*

- *Support the local economy by working with the business community to address future workforce housing needs as they relate to business in Vail.*

### **Vail Land Use Plan**

The Land Use Plan is not intended to be regulatory in nature but is intended to provide a general framework to guide decision making. The following goals and objectives support this proposal:

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

##### **1. General Growth/Development**

1.1 Vail should continue to grow in a controlled environment, maintaining a balance between residential, commercial and recreational uses to serve both the visitor and the permanent resident.

1.2. The quality of the environment including air, water and other natural resources should be protected as the Town grows.

1.12 Vail should accommodate most of the additional growth in existing developed areas (infill areas).

## **5. Residential**

5.3. Affordable employee housing should be made available through private efforts, assisted by limited incentives, provided by the Town of Vail, with appropriate restrictions.

5.4. Residential growth should keep pace with the market place demands for a full range of housing types.

5.5. The existing employee housing base should be preserved and upgraded. Additional employee housing needs should be accommodated at varied sites throughout the community.

### **Vail Housing 2027 – A Strategic Plan for Maintaining and Sustaining Community through the Creation and Support of Resident Housing in Vail**

*Ten Year Goal: “The Town of Vail will acquire 1,000 additional resident housing unit deed restrictions by the year 2027.”*

*Vision: We envision Vail as a diverse, resilient, inclusive, vibrant and sustainable mountain resort community where year-round residents are afforded the opportunity to live and thrive. We take a holistic approach to maintaining community, with continuous improvement to our social, environmental, and economic well being. We create housing solutions by recognizing and capitalizing on our unique position as North America’s premier international mountain resort community in order to provide the highest quality of service to our guests, attract citizens of excellence and foster their ability to live, work, and play in Vail throughout their lives.*

*Our strategic solutions and actions result in the retention of existing homes, creation of new and diverse housing infrastructure, and collaboration with community partners. For Vail, no problem is insurmountable. With a consistent, community-driven purpose and an entrepreneurial spirit, Vail will lead the industry in innovative housing solutions for the 21st century. The Town is well positioned financially to undertake this significant challenge.*

*Mission: Maintaining and Sustaining Community*

*“We create, provide, and retain high quality, affordable, and diverse housing opportunities for Vail residents to support a sustainable year round economy and build a vibrant, inclusive and resilient community. We do this through acquiring deed restrictions on homes so that our residents have a place to live in Vail.”*

*Policy Statement - Resident Housing as Infrastructure*

*“We acknowledge that the acquisition of deed restrictions on homes for Vail residents is critical to maintaining community. Therefore, we ensure an adequate supply and availability of homes for residents and recognize housing as infrastructure in the Town of Vail; a community support system not unlike roads, bridges, water and sewer systems, fire, police, and other services of the municipal government.”*

### **2009 Environmental Sustainability Strategic Plan**

The purpose of this plan is to define a strategy that consists of measurable goals, objectives, and actions that will help the Town coordinate efforts to achieve the environmental vision of the community.

*Goal #2 – Energy Efficiency: Reduce the Town of Vail municipal and community energy use by 20% below 2006 levels by 2020, in order to effectively reduce the Town’s contribution to greenhouse gas emissions and impact on global climate change.*

*Goal #3 – Ecosystem Health: Ensure that the natural environment, specifically air and water quality, water quantity, land use and habitat are maintained to current or improved levels of biological health.*

*Goal #6 – Transportation – Reduce the environmental impact of transportation by supporting efforts within the Eagle Valley to decrease total Vehicle Miles Traveled (VMT) by commuters and guests by 20% by 2020.*

### **Variance Request for Development on Steep Slopes**

Section 12-21-10-A of the TOV Zoning Regulations states:

*No structure shall be built on a slope of forty percent (40%) or greater except in single-family residential, two-family residential, or two-family primary/secondary residential zone districts.”*

The applicant is requesting a variance from this section of the Zoning Regulations to permit building on a site with slopes greater than 40 percent. Based on Section 12-17-6 of the Zoning Regulations, the PEC is instructed to consider the following factors:

**1. *The relationship of the requested variance to other existing or potential uses and structures in the vicinity.***

Applicants Response:

There is a prior history of development on both this parcel as well as the adjacent Middle Creek Apartments that also includes steep slopes greater than 40 percent.

This Development Plan seeks to replicate the existing development footprint by keeping development to front portion of the site which best accommodates development. Though more cut is required, the proposed building is in the general vicinity of the current retaining walls and buildings constructed with the school.

In addition, the development of the Middle Creek Apartments next-door, along with its substantial underground parking structure, established a development pattern for housing in the vicinity.

In addition, the Town has granted variance approvals for similar multiple family residential developments on site with slopes in excess of 40%. Those sites included, Middle Creek at Vail Apartments, Timber Ridge Village Apartments, Solar Vail Apartments, and the Vail Mountain Chalets.

**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.***

This variance request does not grant a special privilege as the site has been developed in the past, as has the adjacent property at Middle Creek. In addition, and in contrast to Middle Creek, this Development Plan minimizes the development footprint on areas in excess of 40% slopes only to the degree necessary by keeping development to the front of the site. In the absence of a variance request approval, the applicant is denied the same abilities to develop multiple family development previously granted to other sites in the same zone district in Vail.

**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.***

There is no negative impact of this variance on light and air as the development has no neighbors to the north and substantial setbacks from the buildings to the west.



With residential development to the west and the property zoned to the Housing District, development of the site is consistent with the existing and desired distribution of population in TOV.

Traffic impact from this development is less than the currently approved Access Permit. With a bus stop within 400 feet of the site, the development will not only be walkable to the village cores, but easily utilize the existing TOV bus system.

The applicant has confirmed that the required utilities are nearby and available, as are public facilities such as bike paths and safe pedestrian access to Vail's village core areas.

Applicants Conclusion on the Variance:

Based on the above criteria, the applicant has demonstrated that the PEC can find that: (1) 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) 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 because 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.

**Applicant Request of the Planning & Environmental Commission**

With 72 new homes, the proposed Residences at Main Vail will accomplish more than 7% of TOV's 10-year housing goal as identified in the Vail Housing 2027 Strategic Plan. This infill project in a prime location strives to balance the need for substantial housing and the architectural demands of this highly visible location.

In closing, the applicant believes that it has successfully demonstrated compliance with the Development Standards and Criteria for Evaluation for development in the Housing district as illustrated on the proposed plans and through our response to the six design criteria above. The applicant also believe it has met all criteria for a variance to construct buildings on a slope greater than 40%. Therefore, the applicant requests that the TOV Planning & Environmental Commission approve the development plan for The Residences at Main Vail.