

**MINUTES OF THE REGULAR MEETING OF THE AVON TOWN COUNCIL  
HELD NOVEMBER 9, 2010**

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A regular meeting of the Town of Avon, Colorado was held at the Avon Town Hall, One Lake Street, Avon, Colorado in the Council Chambers.

Mayor Ron Wolfe called the meeting to order at 5:50 PM. A roll call was taken and Council members present were Rich Carroll, Dave Dantas, Kristi Ferraro, Amy Phillips, Buz Reynolds and Brian Sipes. Also present were Town Attorney Eric Heil, Town Manager Larry Brooks, Assistant Town Manager Patty McKenny, Assistant Town Manager Community Development Sally Vecchio, Assistant Town Manager Finance Scott Wright, Town Engineer Justin Hildreth, as well as other staff members and the public.

**AGENDA APPROVAL & DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST**

Mayor Wolfe noted that there were no additions or changes to the agenda. The Town Attorney noted that there were no conflicts of interest.

**COMMUNITY INPUT**

- a. Email from Andy Kaufman, Wildridge Resident, addressing Conditions on Wildridge & Metcalf Road dated 10/27/10. Jenny Strehler and Gary Padilla commented on the status of the snowplowing services provided by the town.
- b. Additional Public Comments on the Avon Development Code (Ordinance No. 10-14) (Letters)
  - ✓ Dominic Mauriello, Mauriello Planning Group, email dated 11/3/10
  - ✓ Linn Brooks, Eagle River Water & Sanitation District, letter dated 11/3/10
- c. **Public Hearing** on 2011 Budgets (Scott Wright, Assistant Town Manager Finance) Receive public input on Town of Avon's budgets  
Scott Wright provided updates on some of the highlights from the 2011 budget:
  - ✓ the issuance of the certificates of participation
  - ✓ Use of enhancement funds for 2015 ski championships
  - ✓ Noted that the year end fund balance would be at the 35% reservesMayor Wolfe opened the public hearing, no comments were made, the hearing was closed.
- d. Community Heat Recovery Project Update on "Opening Celebration" (Justin Hildreth, Town Engineer) Review project completion dates and noted the celebration date as January 11, 2011.

**CONSENT AGENDA**

Mayor Pro Tem Sipes asked for a motion on the consent agenda. There was some discussion about letter c) fleet services agreements, and Councilor Ferraro asked that the service agreements address a revised structure that would include a minimal level of service; it was agreed that there should be language that would address this exclusivity. Councilor Ferraro moved to approve the fleet service agreements with the condition that the town attorney include some minimum requirements of use by the party entering into the agreement; Mayor Pro Tem Sipes seconded the motion and it passed unanimously.

- c. Fleet Services Agreements (Dan Higgins, Fleet Manager) Proposed fleet services agreements for the following agencies: Eagle River Fire Protection District, Beaver Creek. Metro District Buses, Eagle County Ambulance District, Eagle River Water & Sanitation District, Beaver Creek Metro Public Works, Eco Transit, Town of Minturn, Western Eagle County Ambulance District,

Town of Redcliff, Vail Valley Foundation, Greater Eagle Fire Protection District, ECO Hazmat Team, and the Gypsum Fire Protection District for vehicle maintenance

Councilor Ferraro moved to approve the other items on the consent agenda; Councilor Carroll seconded the motion and it passed unanimously.

- a. Minutes from October 26, 2010
- b. Micro Tech-Tel Agreement (Scott Wright, Assistant Town Manager Finance) Agreement for the main PRI T-1 circuit which is the line that carries all telephone numbers

#### **ORDINANCES**

Ordinance No. 10-14, Series of 2010, Second Reading, An Ordinance Amending the Avon Municipal Code by Enacting Title 7, The Avon Development Code; Repealing Title 16: Subdivisions; Repealing Title 17: Zoning; and Repealing Portions of Title 2: Administration and Personnel. Town Attorney Eric Heil spoke about the dilemma that existed with the public hearing notice of the agenda on the ordinance, and the fact that the hearing was officially closed at the last meeting. He noted that it wasn't necessary to open the hearing for input, but it would be in compliance with the notice. The public was then asked if there were any comments, none were made. With no further discussion on the proposed code, Councilor Phillips moved to approve Ordinance No. 10-14, Series of 2010, Second Reading, An Ordinance Amending the Avon Municipal Code by Enacting Title 7, The Avon Development Code; Repealing Title 16: Subdivisions; Repealing Title 17: Zoning; and Repealing Portions of Title 2: Administration and Personnel with the revisions submitted by the Town Attorney dated November 4, 2010 (see attached memo). Councilor Ferraro seconded the motion and it passed with a five to one vote (Dantas nay). When asked, Councilor Dantas noted that he was not comfortable with the employee housing mitigation language.

Matt Pielsticker, Planner II, presented Ordinance No. 10-19, Series of 2010, First Reading, Ordinance Approving Chateau St. Claire PUD Amendment with a review of the proposed ordinance amending PUD to remove requirement that prohibits dogs on the property. After brief discussion Councilor Dantas moved to approve Ordinance No. 10-19, Series of 2010, First Reading, Ordinance Approving Chateau St. Claire PUD Amendment; Mayor Pro Tem Sipes seconded the motion and it passed unanimously.

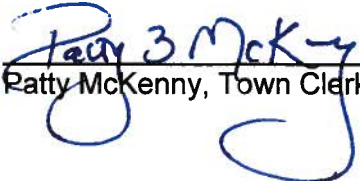
#### **MAYOR REPORT**

Mayor Wolfe provided an update on the US Forest Service multi party land exchange. He noted that Eagle County may be taking a different position on the matter which would jeopardize Avon's position in the land exchange. It was noted that some of the materials would be uploaded to the town's website to better provide the documents to its citizenry.

Mayor Pro Tem Sipes thanked everyone he has worked with over the years noting how great it has been to be a part of the Avon community and his pleasure in working with the town staff.

There being no further business to come before the Council, the regular meeting adjourned at 6:45 PM.

**RESPECTFULLY SUBMITTED:**

  
\_\_\_\_\_  
Ratty McKenny, Town Clerk

**APPROVED:**

Rich Carroll

Dave Dantas

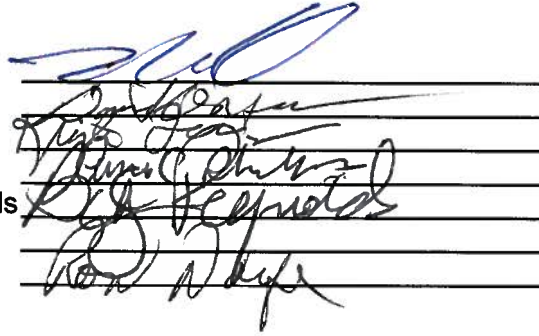
Kristi Ferraro

Amy Phillips

Albert "Buz" Reynolds

Brian Sipes

Ron Wolfe



The image shows seven handwritten signatures in blue ink, each written on a horizontal line. The signatures are: Rich Carroll (top), Dave Dantas, Kristi Ferraro, Amy Phillips, Albert "Buz" Reynolds, Brian Sipes, and Ron Wolfe (bottom). The signatures are written in a cursive style.



**MEMORANDUM**

**TO:** Honorable Mayor Wolfe and Town Council members  
**CC:** Larry Brooks, Town Manager  
**FROM:** Eric Heil, Town Attorney  
**DATE:** November 4, 2010  
**SUBJECT:** 2<sup>nd</sup> and Final Reading of Ord. No. 10-14 Adopting the Avon Development Code

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**Summary:** Town Council provided direction on a number of revisions to the Avon Development Code at the last Town Council meeting. The revisions are being re-printed in comparison form to the code sections which they are amending for your convenience. The Avon Town Council closed the public hearing on October 26, 2010 and did not take any action to continue the public hearing to the November 9, 2010 Town Council meeting. Therefore, if the Town Council desired to consider and accept more public comments, technically the Town should re-notice a public hearing before the Town Council.

**Proposed Motion:** "I move to approve Ordinance No. 10-14 **AN ORDINANCE AMENDING THE AVON MUNICIPAL CODE BY ENACTING TITLE 7: THE AVON DEVELOPMENT CODE; REPEALING TITLE 16: SUBDIVISIONS; REPEALING TITLE 17: ZONING; AND, REPEALING PORTIONS OF TITLE 2: ADMINISTRATION AND PERSONNEL** on second and final reading with the revisions listed in Eric Heil's memorandum dated November 4, 2010."

**Revisions:** The proposed revisions are attached to this memorandum as **Appendix A to Eric Heil Memorandum, dated November 4, 2010 Revisions to Avon Development Code.**

*Thanks, Eric*



**Appendix A to Eric Heil Memorandum, dated November 4, 2010**  
**Revisions to Avon Development Code**  
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**Section 7.08 (Page 23)**

~~*Basement* means that area of a structure where the floor to ceiling height is fifty percent (50%) or more below the pre-existing grade and where the ceiling height is no more than four (4) feet above the pre-existing grade. Those areas beneath a basement shall be designated subbasements.~~ the definition of Basement as set forth in the most recent version of the International Building Code adopted by the Town.

**Section 7.16.060 (Page 61-62)**

**(a) Eligibility Criteria.** All of the following criteria must be met for a property to be eligible to apply for PUD approval.

**(1) Property Eligible.** All properties within the Town of Avon are eligible to apply for PUD approval.

**(2) Consistency with Comprehensive Plan.** The proposed development shall be consistent with the Avon Comprehensive Plan.

**(3) Consistent with PUD Intent.** The proposed development shall be consistent with the intent and spirit of the PUD purpose statement in §7.16.060(a).

**(4) Compatibility with Existing Uses.** The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in the Development Code or planned for in the Avon Comprehensive Plan.

~~**(5) Unified Control.** The entire area of the proposed development shall be under single ownership or unified control, such that there is a single entity having responsibility for completing the entire project. This provision shall not prohibit a transfer of ownership or control, provided that a unified ownership remains.~~

**(6) Public Benefit.** A recognizable and material benefit will be realized by both the future residents and the Town as a whole through the establishment of a PUD, where such benefit would otherwise be infeasible or unlikely.

~~**(7) Preservation of Site Features.** Long-term conservation of natural, historical, architectural, or other significant features or open space will be achieved, where such features would otherwise be destroyed or degraded by development as permitted by the underlying zoning district.~~

~~**(8) Sufficient Land Area for Proposed Uses.** Sufficient land area has been provided to comply with all applicable regulations of the Development Code, to~~





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adequately serve the needs of all permitted uses in the PUD projects, and to ensure compatibility between uses and the surrounding neighborhood.

**Section 7.20.100 (Page 96-97)**

**7.20.010 Employee Housing Mitigation.**

(a) When applicable, employee housing mitigation shall be provided in accordance with these standards:

(1) To determine the number of employee housing units that must be provided, the following formula shall be used:

<b>Commercial</b>	<b>Factor</b>	<b>Calculation</b>
<b>Size of Development</b>		<b>Leasable Square Feet</b>
<b>Jobs generated</b>	2.8 per 1,000 SF	Rate x SF/1,000
<b>Employees generated</b>	1.2 jobs per employee	Jobs generated / 1.2
<b>Households generated</b>	1.8 employees per unit	Employees generated / 1.8
<b>Units required</b>	10% mitigation	Households generated x 10%
<b>Lodging and Property Management</b>		
<b>Size of development</b>		<b># of Rooms or # of Units</b>
<b>Jobs generated</b>	Lodge/Hotel – 0.8/Room;	# of rooms x 0.8
	Prop. Management – 0.4/Unit	# of units x 0.4
<b>Employees generated</b>	1.2 jobs per employee	Jobs generated / 1.2
<b>Households generated</b>	1.8 employees per unit	Employees generated / 1.8
<b>Units required</b>	10% mitigation	Households generated x 10%
Note: The required employee housing mitigation shall be rounded to the nearest whole number		



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(2) Employee housing units shall be located on-site. The applicant may propose alternatives to on-site employee housing mitigation in accordance with the alternative equivalent compliance process set forth in §7.16.120. When considering proposals for off-site employee housing, preference shall be given to locations closer to the applicant's property, locations in the Town of Avon, and locations which are served by mass transit.

(3) Employee housing units shall be owned by the owner of the commercial space for which the employee housing units serve and shall be used exclusively by employees of such commercial space; or, employee housing units shall be offered for sale subject to a deed restriction that restricts the appreciation of price and which restricts eligible buyers and renters in accordance with the form of price controlled housing deed restriction adopted by the Town of Avon. Applicants may voluntarily propose to meet the employee housing units with rent controlled units through the alternative equivalent compliance process.

(4) Employee housing mitigation shall be satisfied by providing one (1) residential studio unit, one (1) bedroom in a residential unit, or any combination thereof, for each required employee housing unit of mitigation. The minimum size for a studio unit shall be five hundred (500) square feet and the minimum size for a one (1) bedroom residential unit shall be seven hundred and fifty (750) square feet.

**Section 7.28.030(d)(9)(iii) (Page 130)**

(iii) The driveway shall be oriented perpendicular (not to exceed an 11 degree deflection) to the roadway for the first twenty (20) feet measured from the edge of asphalt of the adjoining street. The driveway shall be oriented between forty-five (45) and one-hundred and thirty-five (135) degrees crossing through any remaining ROW and snow storage easement. Centerline tangent points shall be used for determining access orientation on curves.

**Section 7.28.050(h)(1)(iii) (Page 142)**

(iii) All native landscaping, ~~dead or alive,~~ shall be kept in its native state ~~unless the Director approves its removal.~~

**Section 7.28.090(a)(9) (Page 150)**

(8) To ensure that the architectural design of structures and their materials and colors are compatible with the Town's overall appearance, surrounding development, natural and existing landforms, and the officially approved development plans, if any, for the areas in which the structures are proposed to be located, ~~and~~



**Appendix A to Eric Heil Memorandum, dated November 4, 2010**  
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~~(9) To ensure that optimal solar access and exposure is available for all sites and buildings.~~

**Section 7.28.090(c)(2)(v) (Page 151)**

~~(v) Buildings shall be oriented to optimize solar access and exposure in an equitable manner.~~

**Section 7.28.090(d)(4) (Page 153)**

~~(4) **Materials and Colors.** The contrast between buildings and the environment shall be minimized. A building's color and materials shall complement and blend with the predominant colors and values of the surrounding natural environment.~~

**Section 7.28.090(j)(4)(vii)(D) (Page 163)**

~~(D) The primary access to Retail-retail spaces on Benchmark Road, Main Street, and W. Beaver Creek Boulevard; shall be accessed directly from the sidewalk, rather than through lobbies or other internal spaces.~~

**Section 7.28.090(j)(4)(vii)(H) (Page 163)**

~~(H) Public doors and entryways shall be a combination of glass and metal or wood, or solid wood. All glass or all metal doors are prohibited.~~

**Section 7.28.090(j)(4)(viii)(B) (Page 164)**

~~(B) **Masonry and stone veneer.** Masonry and stone veneer walls should be detailed as masonry bearing walls, especially at corners and windows and door openings. Brick and cut stone should be laid in true bonding pattern. Mortar joints should be struck. Stone elements shall be used on the base of larger buildings, up the walls, or in elements such as chimneys or towers. Roughly squared stone set in a random pattern is preferable to more formal uses of stone. In large walls, stone shall be set with larger stones at the bottom gradually diminishing to smaller stones at the top.~~

**Section 7.28.090(j)(4)(ix)(H)(1)**

~~(1) Windows-Openings shall be specifically designed to contribute to the image and form of new buildings.~~

**Section 7.28.090(j)(4)(ix)(H)(3)**



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(3) Upper floors shall be differentiated through the use of more solid areas than voids and with smaller vertically oriented windows in a regular pattern. Windows should ~~comprise twenty-five to fifty percent (25-50%) of upper facades visible from public rights of way and should reflect a~~ rhythm, scale and proportion compatible with the overall building design.

