



Vail Summer Crowds...Increasing Too Much?

# Vail Homeowners Association Newsletter

News, Analysis, and Commentary for Vail Homeowners

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## Defining Vail Community - What Should It Be?

**A Challenge Lies Ahead to Define What Vail Should Be:** The Vail Renaissance saw years of development followed by the relative slowdown of the Great Recession. The pendulum appears to be once again swinging in the direction of more development. The Town of Vail has recently been involved in considering several development efforts that are viewed by many as an infringement upon property rights and the quality of life in the affected neighborhoods. This raises the question of whether the Town of Vail has become overly concerned with business development at the expense of providing for the common interests and shared values of the broader community. Some believe the Town's actions are setting the stage for other neighborhoods to be similarly impacted by development in the future. Of immediate concern at the present are the development plans for the Golf Course and its Clubhouse, Ford Park Phase II projects, the Ski and Snowboard Club Vail redesign, the Vail Valley Medical Center expansion and new West Vail projects [updates below]. But, on a broader level, some are now questioning if the current trend toward more urbanization is what the overall community wants, and if not, whether it is beneficial to the community to fight these issues in court with expensive, time-consuming litigation.

**Locals and Non-Residents in the Same Boat:** Those most affected today are neighborhoods where non-resident property owners predominate. But other neighborhoods, including those that presently stave off change through their weight at the local polling booth, may also feel the brunt of market forces if development is incentivized through the Town's economic development partnership schemes and zoning policies. Non-residents own over 80% of Vail's real estate. The inability of non-resident property owners to vote in local elections makes them vulnerable to discrimination by local government. Even though non-resident property owners contribute significantly to the local economy through sales and property taxes, as unrepresented citizens, they are dependent upon the local voting population to protect their shared interests. Increasingly, more non-resident Vail property owners are coming from outside of the United States, adding an even greater dimension to the unrepresented diversity of the community. Non-resident owners are finding it more important than ever to find ways to protect their interests, including enlisting advocacy through Association memberships and, when necessary, initiating litigation.

**Voters Can Balance the Scales:** The Vail Homeowners Association believes the time has come to debate what all in Vail want for the future of the total community. An excellent opportunity for the debate looms on the horizon in the 2013 Town election. Both residents and non-resident property owners need to discuss neighbor-to-neighbor what are the shared values and common interests that should shape the political fabric of the "Vail Community". Do we want a community that preserves the values of Vail's founders, or should Vail abandon the past and open the way for further commercial development? Are the protective covenants that were crafted to safeguard open space and prevent commercial encroachment on residential areas outdated, or should they be preserved? Should commercial and political special interests predominate over residential neighborhood concerns? To what extent should the Town government take its direction from business and economic interests as opposed to the interests of the entire community? These are the kinds of questions that should be addressed in the upcoming elections.

**Even-handed Election Candidates Sought:** Concern over issues that could adversely affect several neighborhoods are sufficient to cause non-resident property owners to become much more active in seeking out and encouraging fair minded candidates to run

for elected positions in the upcoming Vail Town Council and Vail Recreation District Board elections. These property owners are becoming very interested in assisting with resources to encourage the election of "even handed" public officials. The coming elections are a time to focus on the qualifications of leadership needed to move the rapidly evolving Vail community toward a more democratic inclusiveness. Those seeking leadership roles should be required to define what they believe are the steps needed to shape a collaborative and inclusive town government that reflects the commonly shared values of those who have invested their resources and passions in the future of the entire community.

## **Golf Club House Redevelopment and Relocation of the 18th Green Issue**

### **Vail Golf Course 18th Hole, Will it be Torn Up and Relocated This Fall?**

Controversy continues to boil over the relocation of the 18th green and the redevelopment of the Golf Clubhouse to expand its ability to host commercial events, particularly weddings. The Town's Planning and Environmental Commission placed further restrictions on the use of the commercial event facility in the hopes of limiting disruptive activities that are the source of objections from the surrounding neighborhood. Those property owners most immediately affected by the proposal filed suit in district court claiming covenant violations against the Town of Vail after the Town Council rejected several compromises offered by representatives from the neighborhood nearly a year ago.

**Is Safety the Real Concern?** The relocation of the 18th green is being pursued because of safety issues due to alleged hazards to the clubhouse's outdoor event/dining terraces. This reasoning is not being embraced by many local golfers. The alleged safety problem is

attributed to advances in golf club design that is causing the flight of golf balls from the adjacent driving range to sail over the top of nearby safety netting. According to the Town's golf safety consultant, even if the height of the netting is substantially increased as planned, there will still be a danger of being struck by an errant golf ball for those using the clubhouse terraces and portions of the existing 18th fairway. Many, however, see the safety issue as an after-the-fact attempt to justify using part of the current 18th hole location for new commercial outdoor events.

**Protective Covenants at Issue:** Of even more concern is the commercialization of the Clubhouse by promoting it as a destination for weddings and other large functions. Those siding with the Town say, "if this is a covenant violation, it has been going on for years with no complaints from the neighbors". According to this line of reasoning, because there was no previous objection to these activities, the property owners have lost their covenant protections. The objecting property owners say they have complained to the Town on many occasions, with no response. The Town claims they have no records of those complaints. This debate raises the more fundamental question of whether protective covenants can be waived by someone other than the makers of the covenant. In that respect, a recent affidavit has surfaced in which the original property owners vigorously supported the covenants. The document says the Town's proposed expanded uses for a commercial events center do not conform to the protective covenant that limits activities to a public golf course, park and open space.

**Neighbors Want Protections in Writing:** Because of past abuses, the neighbors want written assurances that any compromise that may be acceptable to both the Town and themselves will be legally enforceable by deed restrictions or other legal instruments. So far, the Town has only offered a non-binding management agreement, which can be changed by a future Town Council. The management agreement will also subject the neighborhood to the potential of having the peaceful enjoyment of their residences being disrupted nearly every weekend, especially in the summer, from weddings or other events.

**Parking Problems:** Of equal concern is the inadequacy of parking for the commercial uses. Some are of the opinion that if the Town wants an event center on the site, they should build a parking structure that aesthetically fits with the neighborhood to handle the demand for parking separate from the golfing function. Otherwise, critics say that there is the appearance that the Town has jiggered the parking requirements to avoid doing what they would require of any private developer with a similar proposal elsewhere in the community.

**Work About to Start; Injunction May Follow:** Reports have circulated that the Town intends to demolish the Clubhouse and begin the earthwork to change the configuration of the 18th hole this fall. The neighbors are prepared to file an injunction to stop construction. It is befuddling to some, how the Town managed to take a simple request to replace the aging Golf Clubhouse with a new one and complicate it with the conflicting uses of a commercial event center specializing in weddings. This, they say, was not the intent of a committee recommendation that eventually led to an election that authorized the funds for a new Clubhouse.

Perhaps, as others note, if the commercial events center does not comply with the intent of the covenants, despite the Town's claim of historic similar use, then there is no compromise to be reached because a new Clubhouse could be built to serve its original purpose, serving the public golf course. Then perhaps, by removing wedding and other event guests from the equation, Town officials will come to understand that golfers see

errant golf balls as an expected hazard of the sport, which is reason enough to leave the 18th hole where it is.

## Ford Park Master Plan, Phase II

There appears to be widespread approval of the Ford Park, Phase I redevelopment, which consisted mainly of improvements to the Ford Amphitheater with terracing of the grass viewing area, new bathrooms and improved access from the Frontage Road parking area and also improvements to the athletic fields. The Phase II plans, however, ran into substantial public opposition from those who didn't want to see further construction in or commercialization of the Park. And in March, the Town Council withdrew its approval for those projects which included a new Education Center for the Betty Ford Alpine Gardens, a social plaza at the entrance to the Ford Amphitheater and a proposal to install artificial turf on the athletic fields.

**Phase II Back Before the Town Council:** Although there has been no public debate, apparently the Town Council is intent on permitting more construction in Ford Park. It is now in the process of considering proposed changes to the Ford Park Master Plan to accommodate an Education Center for the Betty Ford Alpine Gardens. Three locations are under consideration: the present Tennis Center building, the west end of the soccer fields on the south side of Gore Creek and a location on West Betty Ford Way adjacent to the playground restrooms. At the same time, the social plaza to be located near the entry of the Ford Amphitheater is getting a more detailed evaluation.

**Will There Be More Commercialization of the Athletic Fields?** Although originally conceived as a public park for Vail residents, over the years the Town of Vail has authorized an increasing number of commercial uses of the athletic fields in Ford Park. The proposal to cover the fields with artificial turf is seen by some as leading to even more commercialization as the playing season of the fields would be extended. Neighbors are saying that Ford Park needs to be reserved for the community rather than turning it into an overused profit center for the Town. These critics say, other Town parks should absorb some of the commercial uses that are burdening Ford Park. There is no reason, now that there is to be plenty of Frontage Road parking in West Vail, why certain types of concerts can't be held at Donovan Park instead of Ford Park. They ask "why should Ford Park, as but one of the community's large public parks, host all of the major special events?"

**Ford Park's Future:** In the coming months, critical decisions will be made that might determine the future of Ford Park. The Vail Homeowners Association believes that quality of life considerations must play a key role in those decisions and it will closely monitor and report on developments as they occur.

## Ski and Snowboard Club Vail Redevelopment

The redevelopment of Ski and Snowboard Club Vail may also be inching toward litigation as no jointly agreeable solutions are forthcoming. But the project may be overshadowed by larger development plans for the Golden Peak neighborhood.

**Concerns Continue:** Several major neighborhood property owners are still dissatisfied with the expansiveness of the proposed redevelopment of the Ski and Snowboard Club Vail. [Present plans](#) call for the addition of a third and fourth floor as well as expansion of the building's footprint. The size of the building will most likely be evaluated by independent sources to determine if two condominiums of approximately 9,000 sq. ft., with an estimated market value of \$2,000 per sq. ft., are overly sufficient to pay for two floors of the SSCV uses, including an underground parking structure for around 14 cars.

**Again, Protective Covenants at Issue:** As with some of the other projects, there are substantial protective covenant issues involved in the SSCV redevelopment. But, unlike the golf course covenants, those covering the SSCV site are amendable; but any amendment must be "accepted by written consent of the owners of 75% of the privately-owned land" within the scope of the [Vail Village 7th Filing Covenant](#). As a practical matter, that may be an unattainable goal unless there is a compromise solution on the size and scope of the new building. If the Town of Vail proceeds without such a solution, ignoring the covenants, litigation may follow.

**Larger Golden Peak Issues:** With the improving economy and the belief that the luxury real estate market is poised for a comeback, developers have recently proposed speculative redevelopment of much of the Golden Peak neighborhood, including relocating the SSCV proposed building to another location. This is a long way from happening, but it is yet another matter that the Vail Homeowners Association will be monitoring and taking action on as warranted.

## Vail Valley Medical Center Redevelopment

The collapse of the proposed redevelopment of the Town of Vail municipal complex site to include a medical office complex linked with the Vail Valley Medical Center (VVMC), has refocused concerns over how future VVMC redevelopment will be integrated into the larger community. At issue are quality of care, increasing traffic concerns and the location of emergency helicopter services.

#### **Proposed Enclosed Pedestrian Bridge Linking Town Site Medical Building to VVMC Campus**

**Defining Real Solutions in a Blizzard of Public Relations Shape-Shifting:** Recently, the Town of Vail and VVMC have conducted a series of open meetings concerning VVMC's long-term expansion plans. Some who attended those meetings reported, however, that the meetings seemed more like public relations events than efforts to seek common ground with the community. No property owners from the affected neighborhoods were consulted in setting the meeting format or agenda, and matters that had been agreed on earlier in the municipal complex site discussions, such as traffic patterns and helicopter service issues, were ignored. Earlier, those matters had been "put to bed" with agreements to remove medical center traffic from Vail Road and West Meadow Drive via a joint access roundabout on the South Frontage Road and the helicopter pad was to have been located away from residential neighborhoods on the roof of the municipal site medical office building and interconnected with all other VVMC buildings on the main campus via an enclosed pedestrian bridge over the South Frontage Road.

**Solutions to Neighborhood Concerns Are Still Valid:** The Vail municipal complex project's failure greatly disappointed many of those who live in the surrounding residential neighborhoods who had worked hard to finalize collaborative solutions. As a result of the planning and design work done for the project, it is now known that practical and economically viable solutions that would resolve all of the affected neighborhoods' public safety and congestion concerns do exist. Both VVMC and the Town invested hundreds of thousands of dollars in the study and design of these solutions. Critics ask, is that investment to be wasted by being disregarded and just thrown away?

**Separating Fact from Fiction:** There are those who believe the Town of Vail is backing away from those solutions because of new push back from VVMC and the fear that if redevelopment concessions are not made to VVMC, it will make good on its threatened relocation down valley to be closer to emerging population centers where it has already located some aspects of its operations. Others say this possibility is exaggerated, if not



outright misleading. VVMC, they say, is adamant that it remain a locally controlled institution. A substantial relocation by VVMC out of Vail would increase the chance that a large, non-local, medical corporation would move in to fill the void, bringing with it unwelcomed competition, causing VVMC to lose the competitive advantage that it now holds throughout Eagle County.

Critics say that the Vail Town Council, in their negotiations over the redevelopment of the VVMC facilities, should take into consideration the possibility of a takeover by a large outside corporate entity, with the associated follow on consequences, much like that which occurred when the local ski mountain operator moved their offices out of the valley. The Town, they advise, should hold VVMC to the same standards that applied to other large-scale developments and not approve development piecemeal. And, as part of any plan, the Town should insist that VVMC give enforceable assurances that protect the community's interests in the key issues of quality of care, traffic safety and the location of helicopter services.

**Increasingly, Pedestrian Crossings Cause Vail Road Traffic Backups at the West Meadow Drive Intersection.**

**Traffic Safety Still at Issue:** At a recent open meeting in May, VVMC officials gave no indication that they intended to remove anything but emergency vehicular traffic from Vail Road and West Meadow Drive, even though traffic from VVMC continues to increasingly congest the area. VVMC has not documented that their proposed development and resulting [vehicular traffic](#) would not negatively impact the surrounding residential neighborhoods served by Vail Road and West Meadow Drive.

[A 2003 study](#) of the intersection of Vail Road and West Meadow Drive indicated that an unacceptable level of traffic congestion was a potential problem. And it has only grown worse. The Town of Vail recently completed a traffic analysis that demonstrated that a [new roundabout on the South Frontage Road](#) would improve access to the VVMC and Town Municipal building sites. For decades, the [Town of Vail](#) has called on the VVMC to remove its vehicular traffic from West Meadow Drive.

**West Meadow Drive Street Traffic Is a Public Safety Concern for Neighborhood Residents.**

**Medical Helicopter Services**

**VVMC Medical Helicopter on Community's Emergency Helipad Located on CDOT Land at Town of Vail Municipal Building**

**Helicopter Services - A Step Backwards?** At another recent open meeting, officials of the Vail Valley Medical Center said that it intends to relocate its helicopter landing operation to a location immediately adjacent to residential buildings. The VVMC has provided no

evidence that such relocation would be a safer alternative or that patient safety warrants the move.

The Town of Vail oversees the existing emergency heliport which is so designated because it is to serve all types of "emergencies", not just medical emergencies. This is the community's only helipad, which is located on a portion of Federal Interstate 70 land in the state administered Colorado Department of Transportation (CDOT) right-of-way adjacent to the Municipal Building complex and immediately across the street (South Frontage Road) from the VVMC. It was allowed to be located on Federal lands because of its use for national and homeland security purposes providing for other types of emergencies besides medical. The Town has not approached the Colorado congressional delegation to gain permanent status for the location of the existing emergency heliport on a portion of Federal lands.

**CDOT Has National Security Responsibilities to Keep Emergency Heliport on Their Land:** During the investigation of site placement, CDOT had indicated to Town authorities that it would approve relocation of the helipad to other sites on Town owned property immediately adjacent to Interstate 70. Many in the affected neighborhoods have not favored these proposals, wanting to keep the current location on Federal land because of its proximity to the medical center and the community's public safety services, which also have interconnection with national homeland security responsibilities.

**Other Options With Less Neighborhood Impact Are Available:** If it does become necessary to move the existing emergency helipad from CDOT land, many in the affected neighborhoods would prefer shifting it less than 50 feet onto the Municipal complex site. The minor relocation would keep the helipad north of the South Frontage Road and maintain the greatest distance from residential neighborhoods while allowing the flight path to follow the Interstate 70 corridor. This option would have least impact on the residential neighborhoods surrounding VVMC.

**Helipad Standards and Protections Recommended by FAA:** The VVMC and Town of Vail authorities continue to avoid discussing [Federal Aviation Agency](#) (FAA) recommendations that provide detailed guidelines for the creation of a medical helipad, as well as providing a model zoning ordinance for municipalities so that they can regulate the practice. These guidelines recommend that medical heliports not be located in residential neighborhoods. Residential owners are concerned that the Town of Vail has taken no steps through the exercise of its zoning powers to protect their safety or to mitigate the potential for significant financial and legal liabilities in the event of catastrophe.

**Neighborhood Impacts:** Beyond safety issues, are the operational impacts on surrounding neighborhoods. Until recently, Vail used to limit helicopter landings to emergency or national security uses only. The Town interrupted this limitation when Town administrators, without public review, allowed the VVMC to base [daily non-emergency helicopter flight/operations](#) from the "emergency" heliport for a period of time. Reportedly, those non-emergency base operations were terminated for financial reasons, but the frequency of flights has not decreased noticeably. Near daily flights continue with aggressive fly-overs above the nearby residences. Without appropriate regulation, the number of flights could be readily expanded, having a much greater negative impact on the surrounding area.

**Good Governance Means Disentangling Town Government From Vested Special Interests:** The VVMC is an important component of the community. However, that should not excuse it from meeting the same standards and scrutiny expected of all property

owners so that the long-term viability of the entire community is protected and enhanced. The Vail Homeowners Association believes that the ethical standard of fair treatment is even more important when the TOV enters into joint economic "partnerships" with private interests. Adherence to Vail standards allows the TOV to exercise the highest degree of integrity and transparency in the conduct of good governance practices by separating its regulatory and enforcement responsibilities from the vested interests of economic development or particular business entities. Otherwise, backing down from previous agreements calls its objectivity into question and gives fuel to the concerns over the VVMC/TOV economic development partnership.

## **Remaking West Vail - Proposed Roost Lodge Redevelopment**

### **Proposed Roost Lodge Redevelopment as Seen From I-70**

Changes to the West Vail development plan, approved nearly five years ago, were recently requested and granted by the Town of Vail's planning commission. Developers are said to have involved Marriott properties as investors. The plan is to demolish the antique Roost Lodge replacing it with development that contains both short-term, and long-term rental, residential units. Issues that have been concerns in earlier public planning commission deliberations include the design of North Frontage Road traffic flow patterns, especially the turn lane onto Buffer Creek Road. Importantly, concerns have been raised about the appearance of the project after a large portion of the hillside is extracted at the east end of the property. The worry is that the extraction will leave an unsightly scar on a significant portion of the hillside. Some neighbors want a landscape plan as part of the approval that shows that their concerns are appropriately mitigated. The proposed project is emblematic of the type of higher density development that will most likely appear throughout the West Vail area in the coming years.

## **Vail's Eye View**

**Art in Public Places - Gilman Graffiti**

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