

FOR IMMEDIATE RELEASE



Mountain Village seeks to amend Community Development Code to better align with Comprehensive Plan

MOUNTAIN VILLAGE, COLO. (Dec. 21, 2018) On Thursday, Jan. 3, 2019 the Town of Mountain Village’s Design Review Board will consider a recommendation to Town Council regarding a Community Development Code (CDC) amendment, aimed at implementing the Mountain Village Comprehensive Plan.

The proposed amendment would modify Section 17.3.4 of the CDC to allow for certain properties in the Village Center Subarea, which are currently zoned single family, to subdivide, transfer density or rezone to better align with goals outlined in the Comprehensive Plan.

Currently, the town’s CDC does not allow for further subdivision, density transfers or rezoning of any single-family lots, which creates inconsistencies with the town’s long-term planning visions and effectively eliminates the town’s ability to implement its goals in the Comprehensive Plan for the Village Center.

“This amendment really makes sense from a planning perspective,” said Mountain Village’s Senior Planner John Miller. “As planners, we are always trying to implement the community vision that has been created by the public, and at the same time we are constantly trying to create smart community design, especially buffers between incompatible uses.”

“By implementing the vision of the Comprehensive Plan, we can effectively create a transition zone of condominiums helping to maintain the overall character of the single-family neighborhoods that circumvent the Village Center,” Miller continued.

The Comprehensive Plan, which was adopted by Council in 2011 and amended by Council in 2014 and 2017, serves as the guiding visionary document for future growth and development throughout Mountain Village and particularly within designated subareas such as the Village Center.

It states, "Mountain Village Center is the heart of the town, and within it [development of multiple parcels] are recommended in order to improve the overall economic vibrancy and character [of the community]".

To accomplish this envisioned economic vibrancy, the Plan provides for the development of certain parcels of land identified in the Subarea Plan as Parcels C-1, C-2 and C-3; also known as Lots 89-2A, 89-2B, 89-2C, 89-3A, 89-3B, 89-3C, 89-3D, and 104. These lots are located on Mountain Village Boulevard near the Village Pond, and although they currently maintain a single-family zoning designation, the Comprehensive Plan designates this area to be developed as a mixture of ridgeline and flagship condominiums.

"Subdividing, density transfers and rezoning outside of the Village Center will not be affected by the proposed amendment, and any future development within the area affected will need to have general conformance with the Comprehensive Plan." Miller said.

The Design Review Board is expected to make a recommendation to Town Council, and the amendment could have a first hearing Jan. 17, 2019 and a final hearing Feb. 21, 2019.

For more information about the proposed CDC amendment, please visit <https://townofmountainvillage.com/governing/building-development/current-planning/current-planning-projects>

Date and Time of Public Hearing(s):

DRB Hearing Date: January 3, 2018

DRB Hearing Time: 10:30 a.m. or as soon as practicable thereafter

Council Hearing Date: January 17, 2018

Council Hearing Time: 8:30 a.m. or as soon as practicable thereafter

Final Council Hearing Date: February 21, 2018

Final Council Hearing Time: 8:30 a.m. or as soon as practicable thereafter

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Mountain Village Senior Planner

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AGENDA ITEM 13
PLANNING & DEVELOPMENT SERVICE
PLANNING DIVISION
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 728-1392

TO: Town Council

FROM: John Miller, Senior Planner

FOR: January 17, 2019 Regular Town Council Meeting

DATE: January 7, 2019

RE: First Reading of an Ordinance Regarding an Amendment of the Community Development Code Section 17.3.4(F)(4) – Single Family subdivisions and rezones, to allow for subdivision, rezone and density transfers for properties zoned Single Family within the Village Center Subarea consistent with the Mountain Village Comprehensive Plan

Exhibits:

- A. Ordinance amending CDC Chapter 17.3 Zoning and Land Use Regulations, Section 17.3.4(F)(4)
- B. Town of Mountain Village Future Land Use Map
- C. Mountain Village Center Subarea Plan Map
- D. Public Comment

PART I. Introduction and Background

This staff memo and accompanying ordinance amends the Town of Mountain Village (TOMV) Community Development Code (CDC), Section 17.3.4(F)(4), to allow for applicants to propose subdivisions, rezoning and density transfers of certain Single-Family Lots within the Village Center Subarea consistent with the Town of Mountain Village Comprehensive Plan. This code amendment arose from a conflict regarding an existing prohibition on the further subdivision and rezoning of Single-Family Zoned Lots and the policies and objectives listed for the Mountain Village Center Subarea Plan Parcels C-1, C-2, and C-3. As provided on Page 2, Figure 1, the amendment will affect only the following lots within the Town: 89-2A, 89-2B, 89-2C, 89-3A, 89-3B, 89-3C, 89-3D, and 104. It should also be noted that although Lots 89-1B, 89-1C and 89-1D (89-1BCDR) are included within Parcel C-1, the lots are currently zoned Multi-Family and will not be affected by the proposed change. Any future development applications shall generally conform to the standards provided in the Mountain Village Center Subarea Plan Map (Figure 1), and to accomplish this individual applicants or property owners may propose future subdivision, rezones, or density transfers that would allow for development in alignment with Table 1, page 2.

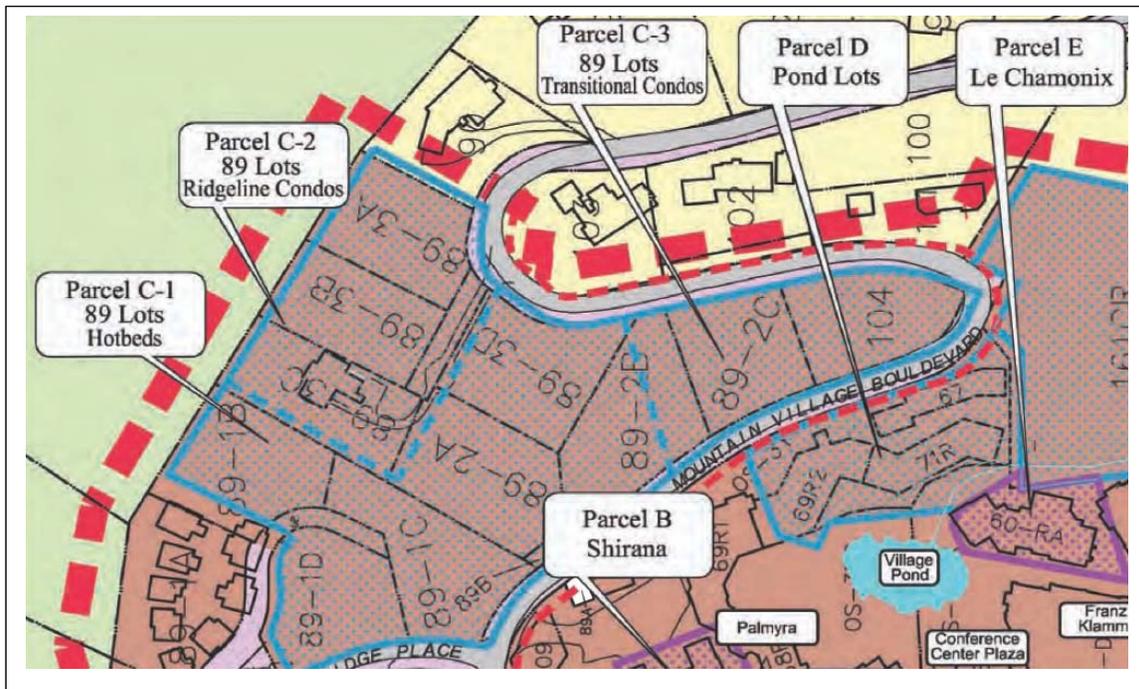
Table 1: Parcels/Future Use envisioned by the Comprehensive Plan and Existing Zoning

<u>Parcel/Lots</u>	<i>Development Table Use (pg. 52)</i>	<i>Existing Zoning</i>
<i>Parcel C-1: 89-1BCDR</i>	<i>Mixed Use Center with 201 Flagship Hot Beds</i>	<i>Single-Family</i>
<i>Parcel C-2: 89-3ABCD</i>	<i>Mixed Use Center with 8 Ridgeline Condos</i>	<i>Single-Family</i>
<i>Parcel C-3: 89-2C and Lot 104</i>	<i>Mixed Use Center with 8 Flagship Transitional Condos</i>	<i>Single-Family</i>

The Comprehensive Plan provides guidance for future growth and development within the Village Center stating that “*Mountain Village Center is the heart of the town, and within it multiple development parcels are recommended in order to improve the overall economic vibrancy and character and provide new and enhanced recreational, cultural and landscape amenities*”. To accomplish this, the plan identifies areas that were vetted and deemed appropriate for desired development that would enable economic and social vibrancy such as hotbeds and community facilities, without compromising the town’s character, open space, and environmental quality. The plan that “*Mountain Village Center is developed and redeveloped in accordance with the Mountain Village Center Subarea Plan to reinforce its role as the center of tourist accommodations, activity, and conferencing in addition to locally-serving commercial, cultural, recreational and civic spaces in order to maintain year-round vibrancy*”. As part of this, each development application within the Village Center will be reviewed to determine if it meets general compliance with the Comprehensive Plan and the target densities outlined in the subarea plan. Although these target densities outlined in the Mountain Village Center Development Table are not meant to be set in stone and an applicant may propose different heights or densities, such development must still meet the applicable criteria for decision making for each required development review application such as CDC standards, ridgeline development covenants, and the Comprehensive Plan’s Land Use Principles, Policies, and Actions.

Within the Mountain Village Center Subarea Plan- Future Land Use Plan, the town has designated all the 8 subject lots as Multi-Family, and on the Development Table (pg. 52 Comp. Plan), the plan proposes future uses of Parcel C-1 as Flagship Hotbeds, C-2 as Ridgeline Condos, and C-3 as Flagship Transitional Condos. Within those three parcels, the plan identifies 8 subject lots currently zoned single-family, a zoning designation which currently would prohibit the implementation of the subarea plan. It should be noted that it is problematic to have deviations between the CDC and the Comprehensive Plan, and this CDC amendment will provide better consistency between the CDC and the Comprehensive Plan policy goals identified for transitional condominium housing in this area, allowing for a buffer between the Village Center and the adjacent single family uses occurring within the general vicinity. The prohibition on subdivision and rezoning outside of the Village Center Subarea would not be affected by the proposed amendment.

Figure 1: Parcel C-1, C-2 and C-3; Mountain Village Subarea Map



PART II. Text Amendment Discussion

The following formatting styles are used for the proposed code language:
 Regular Text = Existing code language to remain
Underline = Proposed new language
~~Strikethrough~~ = Language proposed for removal
 (***) = Portion of existing code removed (skipping to another code section to reduce report length)

Section 1: Amend Section 17.3.4(F)(4) to be replaced with the following:

17.3.4 SPECIFIC ZONE DISTRICT REQUIREMENTS

(***)

F. Single-Family Zone District

(***)

4. Further Subdivision Prohibited and Rezoning Limited. A single-family lot may not be further subdivided and additional density may not be transferred onto a single-family lot by the Rezoning Process or otherwise. This prohibition does not prohibit lot line adjustments, lot line vacations or correction plats, which do not create additional lots. Single-family lots may only be rezoned to the Passive Open Space District. Notwithstanding any other provisions therein, areas identified in the Mountain Village Center Subarea Plan Map as Parcel C-1, C-2, and C-3 (specifically also known as lots 89-2A, 89-2B, 89-2C, 89-3A, 89-3B, 89-3C, 89-3D, and 104) may be subdivided or rezoned and additional density may be transferred by the Rezoning and/or Density Transfer Process, in order to implement the principles (goals), policies and actions contained in the Mountain Village Comprehensive Plan

PART III. Design Review Board Recommendation

The Design Review Board reviewed the proposed amendments at their regular meeting on January 3, 2017 and provided a 6-1 recommendation as written to the Town Council.

PART IV. Findings and Recommended Motion

Findings:

These amendments are necessary to implement the stated policy of the CDC which mandates that development within the Town should be in “general conformance” with the Comprehensive Plan.

Proposed Motion:

Staff recommends Town Council approval of the amendment with the following proposed motion:

I move to approve, the first reading of an ordinance amending the CDC Chapter 17.3 Zoning and Land Use Regulations, Section 17.3.4(F)(4) to allow for applicants to propose subdivisions, rezoning and density transfers of certain Single-Family Lots within the Mountain Village Center Subarea consistent with the Town of Mountain Village Comprehensive Plan, and direct the Town Clerk to set a public hearing for February 21, 2019.

This motion is based on the evidence and testimony provided at a public hearing held on January 17, 2019, with notice of such hearing as required by the Community Development Code.

/jm

ORDINANCE NO. 2019-221-_____

AN ORDINANCE OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, AMENDING THE COMMUNITY DEVELOPMENT CODE (CDC), SECTION 17.3.4(F)(4); SPECIFIC ZONE DISTRICT REQUIREMENTS – SINGLE-FAMILY ZONE DISTRICT.

RECITALS

- A. The Town of Mountain Village (the “Town”) is a legally created, established, organized and existing Colorado municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado (the “Constitution”) and the Home Rule Charter of the Town (the “Charter”).
- B. Pursuant to the Constitution, the Charter, the Colorado Revised Statutes and the common law, the Town has the authority to regulate the use and development of land and to adopt ordinances and regulations in furtherance thereof.
- C. The Town Council may amend the CDC from time-to-time to address CDC interpretations, planning matters, clarify and refine the Town's land use regulations; or to address issues or policy matters.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO AS FOLLOWS:

Section 1. Amendment of Community Development Code

- A. The Town of Mountain Village Community Development Code, Title 17 is hereby amended and replaced as set forth in Exhibit A which is attached hereto and incorporated herein.
- B. The Planning Division is directed to codify the amendments in Exhibit A into the CDC.
- C. The Planning Division may correct typographical and formatting errors in the amendments or the adopted CDC.

Section 2. Ordinance Effect

- A. This Ordinance shall have no effect on pending litigation, if any, and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.
- B. All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

Section 3. Severability

The provisions of this Ordinance are severable and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

Section 4. Effective Date

This Ordinance shall become effective on February 21, 2018

Section 5. Public Hearing

A public hearing on this Ordinance was held on the 17th day of January 2019 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 3rd day of January 2019

TOWN OF MOUNTAIN VILLAGE:

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

ATTEST:

By: _____
Laila Benitez, Mayor

Jackie Kennefick, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 21st day of February 2019.

TOWN OF MOUNTAIN VILLAGE:

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

ATTEST:

By: _____
Laila Benitez, Mayor

Jackie Kennefick, Town Clerk

Approved As To Form:

Jim Mahoney, Assistant Town Attorney

I, Jackie Kennefick, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No. _____ ("Ordinance") is a true, correct and complete copy thereof.

2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on _____, 2018, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Dan Jansen				
Bruce MacIntire				
Patrick Berry				
Natalie Binder				
Jack Gilbride				

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on _____, 2018 in accordance with Section 5.2b of the Town of Mountain Village Home Rule.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on _____, 2018. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Dan Jansen				
Bruce MacIntire				
Patrick Berry				
Natalie Binder				
Jack Gilbride				

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this _____ day of _____, 2018.

Jackie Kennefick, Town Clerk

(SEAL)

EXHIBIT A

The following formatting styles are used for the proposed code language:

Regular Text = Existing code language to remain

Underline = Proposed new language

~~Strikethrough~~ = Language proposed for removal

(***) = Portion of existing code removed

Section 1: CDC § 17.3.4 (F)(4) amended as follows:

17.3.4 SPECIFIC ZONE DISTRICT REQUIREMENTS

(***)

F. Single-Family Zone District

(***)

4. Further Subdivision Prohibited and Rezoning Limited. A single-family lot may not be further subdivided and additional density may not be transferred onto a single-family lot by the Rezoning Process or otherwise. This prohibition does not prohibit lot line adjustments, lot line vacations or correction plats, which do not create additional lots. Single-family lots may only be rezoned to the Passive Open Space District. Notwithstanding any other provisions therein, areas identified in the Mountain Village Center Subarea Plan Map as Parcel C-1, C-2, and C-3 (specifically also known as lots 89-2A, 89-2B, 89-2C, 89-3A, 89-3B, 89-3C, 89-3D, and 104) may be subdivided or rezoned and additional density may be transferred by the Rezoning and/or Density Transfer Process, in order to implement the principles (goals), policies and actions contained in the Mountain Village Comprehensive Plan