

ORDINANCE NO. 2018-01

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO APPROVING: (1) REZONE LOT 304 AND (2) TRANSFER DENSITY OF FOUR
(4) PERSON EQUIVALENTS OF SINGLE FAMILY DENSITY FROM LOT 304 INTO THE
DENSITY BANK**

RECITALS

- A. The applicant and owner’s representative, The Law Office of Daniel Zemke, has submitted an application for a rezoning and density transfer for the reconfiguration of Lots 303R1, 304 and 305 replat into lots 303R2 and 305R. The proposed rezoning and density transfer is for one (1) unit of single family density, equivalent to four (4) person equivalents, to the density bank to be held by Telluvista, LLC (the **“Application”**) pursuant to the requirements of the Community Development Code (**“CDC”**).
- B. Telluvista LLC; is the owner of Lot 303R1 and 304 and Donald and Amy Smith is the owner of Lot 305 (**“Owner”**).
- C. Lots 303R1, 304 and 305 is referred to as the **“Property”** and have the following physical addresses in respective order: 317 Benchmark Drive, 317 Benchmark Drive and 101 Autumn Lane.
- D. The Owner has authorized the Law Office of Daniel Zemke, P.D. to pursue the approval of the minor subdivision application to replat Lots 303R1, 304 and 305 into Lots 303R2 and 305R concurrent with a rezoning and density transfer to transfer the density from former Lot 304 into the density bank.
- E. The Property has the following zoning designations pursuant to the Official Land Use and Density Allocation List and zoning as set forth on the Town Official Zoning Map:

Lot No.	Zone District	Zoning Designation	Actual Units	Person Equivalent per Actual Unit	Total Person Equivalent Density
Lot 303R1	Single Family	Residential	1	4	4
Lot 304	Single Family	Residential	1	4	4
Lot 305	Single Family	Residential	1	4	4

- F. At a public hearing held on January 4, 2018, the DRB considered the Applications, testimony and public comment and recommended to the Town Council that the Applications be approved with conditions pursuant to the requirement of the CDC.
- G. At its regularly scheduled meeting held on January 18, 2018, the Town Council conducted a public hearing pursuant to the CDC and after receiving testimony and public comment, closed the hearing and approved this Ordinance on first reading and set a further public hearing on February 15, 2018.
- H. At its regularly scheduled meeting held on February 15, the Town Council conducted a public hearing on this Ordinance, pursuant to the Town Charter and after receiving testimony and public comment, closed the hearing and approved the Applications and this Ordinance on second reading.

I. This Ordinance rezones the Property as follows

Lot No.	Zone District	Zoning Designation	Actual Units	Person Equivalent per Actual Unit	Total Person Equivalent Density	Notes
Lot 303R1	Single Family	Residential	1	4	4	
Lot 305R	Single Family	Residential	1	4	4	
The former Lot 304 (to be replat into Lots 303R1 & 305R)	Single Family	Residential	0	0	0	Transferred into the Density Bank

- J. Transfer of four (4) person equivalents of Single Family Density from Lot 304 to the Density Bank to be held by Telluvista, LLC.
- K. The meeting held on January 18, 2018 and the public hearing held on February 15, 2018 were duly publicly noticed as required by the CDC Public Hearing Noticing Requirements, including but not limited to notification of all property owners within 400 feet of the Property, posting of a sign and posting on the respective agendas.
- L. The Town Council hereby finds and determines that the Applications meet the Rezoning Process Criteria for Decision as provided in CDC Section 17.4.9(D) as follows:

Rezoning Findings

1. The proposed rezoning is in general conformance with the goals, policies and provisions of the Comprehensive Plan.
2. The proposed rezoning is consistent with the Zoning and Land Use Regulations.
3. The proposed rezoning meets the Comprehensive Plan.
4. The proposed rezoning is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources.
5. The proposed rezoning is justified because of the specific policies in the Comprehensive Plan that contemplate the rezoning as applied for.
6. Adequate public facilities and services are available to serve the intended land uses.
7. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion.
8. The proposed rezoning meets all applicable Town regulations and standards.

M. The Town Council finds that the Applications meet the Rezoning Density Transfer Process criteria for decision contained in CDC Section 17.4.10(D)(2) as follows:

Density Transfer Findings

1. The criteria for decision for a rezoning are met.
2. The density transfer meets the density transfer and density bank policies.
3. The proposed density transfer meets all applicable Town regulations and standards.

NOW, THEREFORE, BE IT RESOLVED that the Town Council approves the Applications.

Section 1. Effect on Zoning Designations

Section 2. Ordinance Effect

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 March 17, 2018 following public hearing and approval by Council on second reading.

Section 5. Public Hearing

A public hearing on this Ordinance was held on the 15th of February, 2018 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 18th day of January, 2018.

TOWN OF MOUNTAIN VILLAGE

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

By: 
Laila Benitez, Mayor

ATTEST:


Susan Johnston, Deputy Town Clerk

**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village,
Colorado this 15th day of February, 2018**

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

By: 
Laila Benitez, Mayor

ATTEST:


Susan Johnston, Deputy Town Clerk

Approved As To Form:


Jim Mahoney, Assistant Town Attorney

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

1. The attached copy of Ordinance No. 2018-01 ("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 January 18, 2018, by the affirmative vote of a quorum of the Town Council as follows:

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

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 January 24, 2018 in accordance with Section 5.2b of the Town of Mountain Village Home Rule Charter.

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 February 15, 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	X			
Dan Caton, Mayor Pro-Tem	X			
Dan Jansen	X			
Bruce MacIntire	X			
Patrick Berry	X			
Natalie Binder	X			
Jack Gilbride	X			

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 15th day of February, 2018.


Susan Johnston, Deputy Town Clerk

(SEAL)

