



**Agenda Item No. 11
PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT**

455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 369-8250

TO: Mountain Village Town Council

FROM: John Miller, Senior Planner

FOR: Town Council Meeting; August 15, 2019

DATE: July 30, 2019

RE: Second Reading, Public Hearing and Council vote on, an Ordinance approving a density transfer and rezone, increasing the unbuilt employee apartment density on Lot 1001R, 415 Mountain Village Blvd (Village Court Apartments) from 42 units to 49 units; an increase of 7 units total, pursuant to Community Development Code Sections 17.4.9 & 17.4.10.

PROJECT GEOGRAPHY

Legal Description: *Lot 1001, Town of Mountain Village, According to the Replat of Lots 1001, 1007, 1008 and Tract OS-1R-1, Mountain Village, Filing 1 Recorded September 10, 2014 in Plat Book 1 at Page 4671.*

Address: 415 Mountain Village Blvd
Applicant/Agent: Michelle Haynes; Planning and Development Services Director
Owner: Mountain Village Housing Authority
Zoning: Multi-Family Zone District / Active Open Space
Existing Use: Employee Apartments
Proposed Use: Employee Apartments
Lot Size: 8.394 acres

Adjacent Land Uses:

- **North:** Active Open Space
- **South:** Civic
- **East:** Active Open Space
- **West:** Active Open Space

ATTACHMENTS

- Exhibit A: Applicant Narrative
- Exhibit B: Plan Set
- Exhibit C: Ordinance

Figure 1: Lot 1001 - Vicinity Map



CASE SUMMARY: Mountain Village Housing Authority, working with Tom Umbhau of Bauen Group, is proposing to construct two additional employee apartment buildings which would provide a total of 49 new employee apartments located adjacent to existing apartments within the Village Court Apartment Complex (VCA). In order to secure approval for this project as designed, the applicant is proposing a concurrent application process for Design Review, Density Transfer and Rezone for the creation of an additional 7 units of employee apartment density, and a Variance for the allowed Maximum Building Height. In order to avoid confusion, staff will address the two new buildings in the same manner as the applicant and they will be referred to as the “West” and “East” building throughout this memo.

Specific to this memo; Michelle Haynes, Housing Director, on behalf of the Mountain Village Housing Authority, is requesting a Town initiated density transfer and rezone, which if approved would increase the density on Lot 1001R by 7 units of employee apartment units of density. The Town is able to create additional density for employee and workforce housing in a way that does not impact the San Miguel County / Mountain Village Settlement agreement – which affects our overall density limits within the Town. In addition, VCA has been identified within the Comprehensive Plan (comp plan) as the primary site for additional town owned Employee Apartment Units in the foreseeable future. Because of this, there was an extensive planning and vetting process prior to this application to determine appropriate areas and densities for development within VCA in order to achieve the highest number of additional units with the lowest impact to the environment and neighborhood. This vetting was codified in the Town Hall Subarea Comprehensive Plan Update adopted in 2017 along with additional feasibility studies in 2018 finalizing 49 units within 2 buildings as proposed.

As per the Community Development Code (CDC), the density transfer and rezoning processes must be processed concurrently although the zoning designation of the Lot will not change. In addition, the applicant received Initial Architectural and Site Review approval at the June 6, 2019 Design Review Board (DRB) meeting and Final Architectural Approval from DRB on July 11, 2019. Any design review approval from the DRB is conditioned on Town Council approval of the Density Transfer and Rezone. If the Town Council is unable to determine that the application meets the requirements of the CDC, then the applicant will be required to re-submit revised architectural plans to the DRB for review, or minimally modify the floor plans.

Table 1: Existing and Proposed Zoning/Densities

Lot	Acreage	Zone District	Zoning Designation	Actual Units	Person Equivalent per Actual Unit	Total Person Equivalent Density
Zoned Density						
1001R	8.394ac	Multi-Family	Employee Apt.	234	3	702
Built Density			Employee Apt.	192	3	576
Unbuilt Density			Employee Apt.	42	3	126
Unbuilt Density after Transfer and Rezone			Employee Apt.	49	3	147

Staff Note: The proposal will result in a net increase of 7 Employee Apartment Units within the on Lot 1001R and an overall person equivalent increase of 21. The total density on Lot 1001R after the rezone and density transfer would be 234 Employee Apartment Units.

CRITERIA, ANALYSIS AND FINDINGS

The criteria for decision for the board to evaluate a rezone that changes the zoning designation and/or density allocation assigned to a lot is listed below. The following criteria must be met for the review authority to approve a rezoning application:

17.4.9: Rezoning Process

(***)

3. Criteria for Decision: (*)**

- a. The proposed rezoning is in general conformance with the goals, policies and provisions of the Comprehensive Plan;

Staff Finding: The Comprehensive Plan provides guidance and considerations to minimizing environmental impacts and ensuring that development fits and blends into the existing environment and character of the area. In addition, within the Town Hall Center Subarea Plan, site specific principles, policies, and actions are called out for Parcel B which includes Lot 1001R (VCA). Included is guidance from the plan that calls for the town to continue to provide deed restricted housing consistent with the town Housing Authority policies and specifies that in order to accomplish that the town must “continue the measured development of vacant, buildable land and VCA”. It should also be noted that within Table 8: Town Hall Development Table (pg.62 Comp Plan) the target maximum building height for Parcel B is 58’-0”.

Due to site constraints identified in feasibility analyses of both Lot 1001R and 1005R, there was a planned reduction in the overall number of new buildings to be located at VCA. In order to maintain the allotted site density, the proposed buildings were combined into two buildings as shown within the current proposal. This change along with the modular design of the project has resulted in a height that exceeds the target height listed for Parcel B in the Comprehensive Plan.

The proposed density transfer and rezone would allow an additional 7 units of employee apartment density which would help meet the communities needs given the occupancy and waitlist for units at VCA. In addition, it would meet the comp plan direction for additional units.

- b. The proposed rezoning is consistent with the Zoning and Land Use Regulations;
Staff Finding: The proposed rezone and density transfer meets the requirements of the CDC. The Multi-Family Zone is intended to provide higher density multi-family uses limited to multi-family dwellings, hotbed development, recreational trails, workforce housing and similar uses. Given the shortage of employee housing within the region, and the close proximity of the project to transit, commercial, and recreational amenities – and additional 7 density units would enhance this project and overall would meet the intention of the Zoning and Land Use Regulations for the types of desired development in Multi-Family Zone.
- c. The proposed rezoning meets the Comprehensive Plan project standards;
Staff Finding: As mentioned above, Parcel B is specifically described in the Comprehensive Plan – Town Hall Center Subarea Plan as a site for additional development of employee apartments.

- d. 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;
Staff Finding: The project is located within the current VCA development and will provide a needed housing option for the local workforce. The rezoning of the additional 7 units will have a minimal affect on the overall impact of the project but will reduce the need to utilize additional land in other areas. By maximizing the use of Parcel B – Lot 1001R, we are efficiently providing housing and limiting the overall impact to land and available resources. There are very few potential impacts that could arise related to public health, safety, and the welfare of adjacent uses. By clustering the development within the existing VCA area, it limits future development needs in other areas that could potentially have higher impacts than the proposed location.

- e. The proposed rezoning is justified because there is an error in the current zoning, [and/or] there have been changes in conditions in the vicinity [and/] or there are specific policies in the Comprehensive Plan that contemplate the rezoning;
Staff Finding: The comprehensive plan and extensive outreach and planning efforts for VCA identified the potential for 50 additional units. Due to site constraints, the maximum number of units achievable is 49. This necessitates the rezoning and density transfer as proposed along with a maximum height variance.

- f. Adequate public facilities and services are available to serve the intended land uses;
Staff Finding: The existing lines for all utilities serving the project are currently located within Lot 1001R and would require minor extensions. At this point, staff is working through determining if there are any infrastructure upgrades needed specifically related to the sanitary sewer for the project and adjacent users.

- g. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion; and
Staff Finding: The rezoning will not create a vehicular or pedestrian circulation hazards due to the unique location and access to the public transportation within the Town Center Subarea. The applicant has provided a detailed list of plans and actions that have been identified within the Comprehensive plan to reduce any potential conflicts and hazards related to pedestrian, bike, and auto movement in the village. In addition, the overall design of the project and the clustered nature of VCA allow for parking, trash, and deliveries to be maintained even with an increase of an additional 7 units.

- h. The proposed rezoning meets all applicable Town regulations and standards.
Staff Finding: The application meets all applicable regulations and standards.

17.4.10: Density Transfer Process

(***)

D. Criteria for Decision

(***)

- 2. Class 4 Applications. The following criteria shall be met for the Review Authority to approve a density transfer.
 - a. The criteria for decision for a rezoning are met, since such density transfer must be processed concurrently with a rezoning development application (except for MPUD development applications);

Staff Finding: The applicant has met the criteria for decision for rezoning as provided above.

- b. The density transfer meets the density transfer and density bank policies; and *Staff Finding: The application meets all applicable density transfer and density bank policies. The town may create density for workforce housing not subject to density limitations as per CDC Section 17.3.7 which provides “New workforce housing density created by the Town subject to the workforce housing restriction is not included in the Density Limitation calculation”.*
- c. The proposed density transfer meets all applicable Town regulations and standards. *Staff Finding: The application meets all applicable regulations and standards.*

DESIGN REVIEW BOARD RECOMMENDATION: The Design Review Board reviewed the application for rezone and density transfer for Lot 1001R at their June 6, 2019 Regular Meeting and provided a unanimous recommendation as written to the Town Council

RECOMMENDATION: If Town Council determines that the application to create and transfer density to Lot 1001R meets the criteria for decision listed within this staff memo, then staff has provided the following suggested motion:

I move to approve, an Ordinance approving the rezone and density transfer application pursuant to CDC Sections 17.4.9 & 17.4.10 of the Community Development Code, to rezone Lot 1001R and transfer seven employee apartment density units (21-person equivalent density) to the subject lot based on the evidence provided within the Staff Report of record dated July 30, 2019 and with the following conditions:

1. The final location and design of any buildings, grading, landscaping, parking areas, and other site improvements shall be determined with the required Design Review Process application pursuant to the applicable requirements of the CDC.
2. The general location of the buildings shall remain substantially as shown in the rezoning plan set submitted by the applicant, made part of the record of these proceedings and approved herein.
3. The requisite Employee Apartment Density is hereby created and placed on Lot 1001R.

This motion is based on the evidence and testimony provided at a public hearing held on August 15, 2019 with notice of such hearing as required by the Community Development Code.



REZONING/DENSITY TRANSFER APPLICATION

Planning & Development Services
455 Mountain Village Blvd.
Mountain Village, CO 81435
970-728-1392
970-728-4342 Fax
cd@mtnvillage.org

Revised 2.26.18

REZONING/DENSITY TRANSFER APPLICATION

APPLICANT INFORMATION

Name: Michelle Haynes		E-mail Address: mhaynes@mtnvillage.org	
Mailing Address: 455 Mountain Village Blvd		Phone: 970-239-4061	
City: Mountain Village	State: CO	Zip Code: 81435	
Mountain Village Business License Number: n/a			

PROPERTY INFORMATION

Physical Address: 415 Mountain Village Blvd		Acreage: 8.94
Zone District: Multi-Family	Zoning Designations: Employee Apartment	Density Assigned to the Lot or Site: 42
Legal Description: Lot 1001R		
Existing Land Uses: workforce housing		
Proposed Land Uses: workforce housing		

OWNER INFORMATION

Property Owner: Mountain Village Housing Authority		E-mail Address: kmontgomery@mtnvillage.org	
Mailing Address: 455 Mountain Village Blvd, Suite A		Phone: 970-369-6411	
City: Mountain Village	State: CO	Zip Code: 81435	

DESCRIPTION OF REQUEST

A rezone application to change the density designation on the lot from 42 to 4 9 employee apartments. A density transfer application because Town Council is creating 7 employee apartment unit designations and assigning to Lot 1001R



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**OWNER/APPLICANT
ACKNOWLEDGEMENT
OF RESPONSIBILITIES**

I, Mountain Village Housing Authority, the owner of Lot 1001R (the "Property") hereby certify that the statements made by myself and my agents on this application are true and correct. I acknowledge that any misrepresentation of any information on the application submittal may be grounds for denial of the development application or the imposition of penalties and/or fines pursuant to the Community Development Code. We have familiarized ourselves with the rules, regulations and procedures with respect to preparing and filing the development application. We agree to allow access to the proposed development site at all times by member of Town staff, DRB members and the Town Council. We agree that if this request is approved, it is issued on the representations made in the development application submittal, and any approval or subsequently issued building permit(s) or other type of permit(s) may be revoked without notice if there is a breach of representations or conditions of approval. By signing this acknowledgement, I understand and agree that I am responsible for the completion of all required on-site and off-site improvements as shown and approved on the final plan(s) (including but not limited to: landscaping, paving, lighting, etc.). We further understand that I (we) are responsible for paying Town legal fees and other fees as set forth in the Community Development Code.

[Handwritten Signature]

4/19/19

Signature of Owner

Date

[Handwritten Signature]

4/19/19

Signature of Applicant/Agent

Date

OFFICE USE ONLY

Fee Paid:

By:

Planner:



REZONING/DENSITY TRANSFER APPLICATION

Planning & Development Services
455 Mountain Village Blvd.
Mountain Village, CO 81435
970-728-1392
970-728-4342 Fax
cd@mtnvillage.org

Revised 2.26.18

OWNER AGENT AUTHORIZATION FORM

I have reviewed the application and hereby authorize Michelle Haynes of
Town of Mountain Village to be and to act as my designated representative and represent the development
application through all aspects of the development review process with the Town of Mountain Village.

[Handwritten signature]

(Signature)

4-19-19

(Date)

Kim Montgomery

(Printed name)



Rezoning Density Transfer Application Narrative
VCA Phase IV
Submitted on April 19, 2019

At the June 20, 2017 Town Council meeting, Town Council passed an ordinance increasing the employee apartment density at the Village Court Apartments not to exceed 292 employee units and specifically as follows:

VCA Property	Existing Density Employee Apartment Unit Designations	Added Density Unit Designations	Total Density Unit Designations
Lot 1001R	192	42	234
Lot 1005R	30	8	38
Total Combined	222	50	272

At the time of adoption, the Town anticipated a development pattern that included three buildings and a renovation of the existing Munchkins units once Munchkins was relocated. We have determined that two buildings with 49 total units on Lot 1001R will be developed at this time.

To construct all 49 units, the Town needs to create seven (7) additional employee apartment units. This is a class 4 application that requires a review and recommendation from the Design Review Board, and two readings of an ordinance by the Town Council.

Adding seven (7) units is consistent with the direction given by Council in 2017 and does not exceed the 292 employee units anticipated for the property.

REZONE CRITERIA

Because we request to add seven employee apartment densities to lot 1001R, this requires a rezone application from 42 to 49 employee apartment unit designations on Lot 1001R.

Criteria for Decision

The following criteria shall be met for the review authority to approve a rezoning development application:

a. The proposed rezoning is in general conformance with the goals, policies and provisions of the Comprehensive Plan;

- The development applications meet Land Use Principles, Policies and Actions, Principle I because the development will promote a land use pattern envisioned by the Comprehensive Plan that will provide economic and social vibrancy;



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- The development applications meet Land Use Principles, Policies and Actions, Principle I, Policy B that requires rezoning, Planned Unit Developments (PUD), subdivisions, special use permits, density transfers, and other discretionary land use applications to be in general conformance with the Land Use Plan, the Subarea Plans and their associated principles and policies, and the applicable policies of the Comprehensive Plan;
- The development applications meet Land Use Principles, Policies and Actions, Principle I, Policy C that permits development applications in general conformance with the Comprehensive Plan per the applicable criteria for decision-making;
- The development applications meet Land Use Principles, Policies and Actions, Principle I, Policy G that requires a rezoning, PUD, subdivision or density transfer to meet the certain site standards that have been embodied in the CDC as the Comprehensive Plan Project Standards because the site has been evaluated through the one year process to amend the Town Hall Subarea Plan. The additional units will fit the site.

b. The proposed rezoning is consistent with the Zoning and Land Use Regulations;

- Employee housing is a permitted use in the current Multi-Family Zone District and is a conditional use in the existing Full Use Active Open Space Zone District;
- The CDC density limitation will not be exceeded because new workforce housing does not count towards the density limitation;
- Concurrent town approvals assure consistency with zoning and land use regulations.

c. The proposed rezoning meets the Comprehensive Plan project standards;

Additional development at the site of Village Court Apartments was proposed and evaluated through the one-year process to amend the Town Hall Subarea Plan chapter of the comprehensive plan. The additional development will fit on the site.

d. 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;

- The Telluride Fire Protection District will provide fire protection services;
- The Mountain Village Police Department will provide police protection services;
- The proposed development is envisioned by the Comprehensive Plan to provide for economic and social vibrancy, thus creating a more sustainable community; and
- The development will reduce the amount of economic leakage out of the Telluride Region, with local employees spending more dollars locally rather than in the surrounding commuting communities.



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e. The proposed rezoning is justified because there is an error in the current zoning, there have been changes in conditions in the vicinity or there are specific policies in the Comprehensive Plan that contemplate the rezoning;

The proposed rezoning is justified because of the specific policies in the Comprehensive Plan that contemplate the rezoning and density.

f. Adequate public facilities and services are available to serve the intended land uses;

Water and sewer are available from the Town of Mountain Village along with all other necessary services.

g. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion; and

- A transportation study (in 2017) completed for the Comprehensive Plan showed that Mountain Village Boulevard has a volume to capacity ratio of approximately 70% based on the build-out of the land uses as proposed;
- There will be a net reduction in the land uses proposed in the comprehensive plan with the adoption of the amended Town Hall Subarea;
- The proposed Town Hall Subarea Plan recommends an additional access point to VCA directly through the parking garage to Mountain Village Boulevard;
- The intersection of the Village Court Apartments driveway and Mountain Village Boulevard will be improved for pedestrians and vehicles with the addition of a round-about and
- There will be additional and improved pedestrian connections between VCA and the Town Hall area, including new bus stops.
- By restriping in 2017 and parking improvements implement in 2018, the Town created 50 additional parking spaces in anticipation of the VCA Phase IV project.
- The town will evaluate and organize all existing accessory buildings on the VCA property to better utilize space including trash houses, grill sheds, bike sheds, bike racks and recycling facilities in coordination with VCA Phase IV.

h. The proposed rezoning meets all applicable Town regulations and standards.

CREATION OF WORKFORCE HOUSING DENSITY

The density transfer meets the density transfer and density bank policies because without limitation, the Town Council may create workforce housing density that is not in the density bank and transfer it to a site because new workforce housing density is not subject to the density limitations pursuant to CDC Section 17.3.7, "New workforce housing density created by the



PLANNING & DEVELOPMENT SERVICES

455 Mountain Village Boulevard, Suite A

Mountain Village, CO 81435

(970) 239-4061

Town subject to the workforce housing restriction is not included in the Density Limitation calculation.”

Sincerely,

Michelle Haynes, MPA
Planning and Development Services Director

Town of Mountain Village
455 Mountain Village Blvd. Suite A
Mountain Village, CO 81435

O:: 970-239-4061 – *PLEASE NOTE NEW OFFICE PHONE NUMBER*

M:: 970-417-6976

mhaynes@mtnvillage.org

ORDINANCE NO. 2019-__

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO APPROVING: (1) REZONE OF LOT 1001R AND (2) TRANSFER DENSITY TO INCREASE THE PERMITTED UNBUILT DENSITY FROM 42 WORKFORCE (EMPLOYEE) APARTMENT UNITS TO 49 WORKFORCE APARTMENT UNITS.

RECITALS

- A. Mountain Village Housing Authority (“**Owner**”) has submitted to the Town: (1) a rezoning development application for a rezoning of Lot 1001R to reallocate employee apartment density on the lot; and (2) density transfer application to increase the permitted unbuilt density from 42 workforce apartment units to 49 unbuilt workforce apartment units (“**Applications**”) pursuant to the requirements of the Community Development Code (“**CDC**”).
- B. Mountain Village Housing authority is the owner of Lot 1001R.
- C. The proposed rezoning and density transfer is to create seven (7) units of employee apartment density, equivalent to twenty-one (21) person equivalents to be placed on Lot 1001R by the Owner pursuant to the requirements of the CDC.
- D. The owner proposed to rezone the property to reallocate employee apartment zoning designations and change forty-two (42) employee apartment unit designations to forty-nine (49) employee apartment unit designations pursuant to the requirements of the CDC.
- 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	Acreage	Zone District	Zoning Designation	Actual Units	Person Equivalent per Actual Unit	Total Person Equivalent Density
Zoned Density						
1001R	8.394ac	Multi-Family	Employee Apt.	234	3	702
Built Density			Employee Apt.	192	3	576
Unbuilt Density			Employee Apt.	42	3	126

- F. At a duly noticed public hearing held on June 6, 2019, 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 July 18, 2019, the Town Council considered on first reading of an ordinance and set a public hearing for August 15, 2019

H. This Ordinance approves a density transfer of an additional seven (7) employee apartment units as shown below:

Lot	Acreage	District	Zoning Designation	Actual Units	Person Equivalent per Actual Unit	Total Person Equivalent Density
Zoned Density						
1001R	8.394ac	Multi-Family	Employee Apt.	241	3	723
Built Density			Employee Apt.	192	3	576
Unbuilt Density after Transfer and Rezone			Employee Apt.	49	3	147

I. On August 15, 2019, 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. The meeting was 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.

J. 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 project standards.
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 there is an error in the current zoning, there have been changes in conditions in the vicinity or there are specific policies in the Comprehensive Plan that contemplate the rezoning.
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.

K. 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, since such density transfer must be processed concurrently with a rezoning development application
2. The density transfer meets the density transfer policies.

3. The proposed density transfer meets all applicable Town regulations and standards.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL HEREBY APPROVES THE APPLICATION SUBJECT TO THE FOLLOWING CONDITIONS.

1. The final location and design of any buildings, grading, landscaping, parking areas, and other site improvements shall be determined with the required Design Review Process application pursuant to the applicable requirements of the CDC.
2. The general location of the buildings shall remain substantially as shown in the rezoning plan set submitted by the applicant, made part of the record of these proceedings and approved herein.
3. The requisite Employee Apartment Density is hereby created and placed on Lot 1001R.

Section 1. Effect on Zoning Designations

A. This Ordinance does not change the zoning designations on the Properties; it only adds density to Lot 1001R.

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 _____, 2019 following public hearing and approval by Council on second reading.

Section 5. Public Hearing

A public hearing on this Ordinance was held on the ___st of _____ 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 18th day of July 2019.

TOWN OF MOUNTAIN VILLAGE

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

By: _____
Laila Benitez, Mayor

ATTEST:

Jackie Kennefick, Town Clerk

**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain
Village, Colorado this 15th day of August, 2019**

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

By: _____
Laila Benitez, Mayor

ATTEST:

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 _____, 2019, 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				
Martinique Davis Prohaska				
Peter Duprey				
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 _____, 2019 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 _____, 2019. 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				
Martinique Davis Prohaska				
Peter Duprey				
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 _____, 2019.

Jackie Kennefick, Town Clerk

(SEAL)