

ORDINANCE NO. 2018-06

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO APPROVING: (1) REZONE LOT 151R FROM MULTI-FAMILY TO SINGLE FAMILY (2) CHANGING FOUR CONDOMINIUM UNIT DESIGNATIONS TO THREE SINGLE FAMILY UNIT DESIGNATIONS TO BE ASSIGNED TO EACH REPLATTED LOT (LOT 151R-1, LOT 151R-2 AND LOT 151R-3)

RECITALS

- A. The applicant and owner’s representative, Alpine Planning, LLC., has submitted an application for a rezoning and density transfer for the replat of Lots 151R into Lots 151R-1 151R-2 and 151R-3. The owner proposed to rezone the property from multi-family to single family and change four condominium unit designations to three single family unit designation to be assigned one single family unit designation per each replatted lot pursuant to the requirements of the Community Development Code (“CDC”).
- B. Retreat at Mountain Village III, LLC. is the owner of Lot 151R.
- C. Replatted 151R results in 151R-1 151R-2 and 151R-3 (collectively the “**Property**”) and have the following physical addresses in respective order: 239 Country Club, 241 Country Club and 243 Country Club Drive.
- D. The Owner has authorized the Alpine Planning LLC. to pursue the approval of the major subdivision application to replat Lot 151R into Lots 151R-1 151R-2 and 151R-3 (the “Subdivision Application”). Concurrent with the Subdivision Application a rezoning and density transfer application to rezone the property from multi-family to single family and change the unit configuration from condominium unit designation to single family unit designation has been filed (the “Rezone Application”).
- 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 151R	Multi Family	Condominium	4	3	12

- F. At a duly noticed public hearing held on June 7, 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 July 19, 2018 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.

H. 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 151R-1	Single Family	Single Family	1	4	4	
Lot 151R-2	Single Family	Single Family	1	4	4	
Lot 151R-3	Single Family	Single Family	1	4	4	

I. The meeting held on June 14, 2018 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.
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.

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:

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

- 1) The approval is conditioned upon the Major subdivision plat approval by the Town Council.
- 2) Direct town staff to update the Town of Mountain Village zoning map accordingly.

Section 1. Effect on Zoning Designations

A. This Resolution changes the zoning from Single Family to Multi-Family on the Properties.

B. This Resolution changes the unit designation from Condominium to Single Family.

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 August 18, 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 19th of July, 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 14th day of June, 2018.

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 19th day of July, 2018**

**TOWN OF MOUNTAIN VILLAGE
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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. 2018-06 ("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 June 14, 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 June 22, 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 July 19, 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 19th day of July, 2018.



(SEAL)

Jackie Kennefick
 Jackie Kennefick, Town Clerk