

**ORDINANCE NO. 2017-07**

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,  
COLORADO APPROVING: (1) REZONING AND (2) DENSITY TRANSFER ON  
KNOLL ESTATES UNIT 22-23**

**RECITALS**

- A. The applicant and owner’s representative, Nicole Y. Pieterse, Esq., Russell & Pieterse, LLC (“Applicant”) has submitted an application for a rezoning and density transfer for Knoll Estates Unit 22-23 (“Property”). The proposed rezoning is proposing to combine Condominium Units 22 and 23 and transfer 3 Person Equivalent Units to the Density Bank (“Application”) pursuant to the requirements of the Community Development Code (“CDC”).
- B. Richard W. Hetzel and Nicke MecCaskey Hetzel are the owners of Knoll Estates Units 22 and 23.
- C. Units 22 and 23 are being merged into Unit 22-23 by virtue of a condominium map amendment/replat that was approved by Staff as a Class 1 application.
- D. The Property has the following zoning designations pursuant to the Official Land Use and Density Allocation List.

<b>Zoning Designation</b>	<b>Actual Units</b>	<b>Person Equivalent Units</b>
Condo	2	6
Totals	2	6

- E. At a public hearing held on July 6, 2017, the DRB considered the Application, testimony and public comment and recommended to the Town Council that the Application be approved with conditions pursuant to the requirements of the CDC.
- F. At its regularly scheduled meeting held on July 27, 2017, 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 August 17, 2017.
- G. At its regularly scheduled meeting held on August 17, 2017, 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 Application and this Ordinance on second reading.

H. This Ordinance rezones the Property as follows:

<b>Zoning Designation</b>	<b>Actual Units</b>	<b>Person Equivalent Units</b>
Condo	1	3
Totals	1	3

- I. The meeting held on July 6, 2017 and the public hearing held on July 27th, 2017 were duly publically 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 Application meets the Rezoning Process Criteria for Decisions 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 is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources.
- 4. The proposed rezoning is justified because of the specific policies in the Comprehensive Plan that contemplate the rezoning as applied for.
- 5. Adequate public facilities and services are available to serve the intended land uses.
- 6. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion.
- 7. The proposed rezoning meets all applicable Town regulations and standards.

- K. The Town Council finds that the Application meet the Rezoning Density Transfer Process criteria for decision contained in CDC Section 17.4.10(D)(2) as follows:
  - 1. The criteria for decision for a rezoning are met.
  - 2. The density transfer meets the density transfer and density bank policies.

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

**Section 1. Conditions of Approval**

- 1. The Applicant shall work with Staff to complete the required Ordinance and submit appropriate fees to Staff for recordation with the San Miguel County Clerk’s office within six months of approval.
- 2. The applicant shall cause the a condominium map amendment which merges Knoll Estates Units 22 and 23, and which was approved by Staff, to be recorded in the San Miguel County Clerk’s office within six months of this approval.

**Section 2. Effect on Zoning Designations**

There will be no change to the zone district.

**Section 3. 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 4. 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 5. Effective Date**

This Ordinance shall become effective on September 16, 2017, following the public hearing and approval by Council on second reading.

**Section 6. Public Hearing**

A public hearing on this Ordinance was held on the 17<sup>th</sup> day of August, 2017 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 27<sup>th</sup> day of July, 2017.**

**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 17<sup>th</sup> day of August, 2017.**

**TOWN OF MOUNTAIN VILLAGE**

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

By:   
Laila Benitez, Mayor

ATTEST:

  
James Mahoney, Assistant Town Attorney

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

1. The attached copy of Ordinance No. 2017-07 (“Ordinance”) is a true, correct and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading 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 July 27, 2017, 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			
Paul Oupadia	X			
Dan Jansen	X			
Patrick Berry	X			
Jack Gilbride	X			
Bruce MacIntire	X			

3. 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 August 17, 2017. 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
Paul Oupadia	X			
Dan Jansen	X			
Patrick Berry	X			
Jack Gilbride	X			
Bruce MacIntire	X			

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 27<sup>th</sup> day of August, 2017.

(SEAL)



Jackie Kennefick, Town Clerk