

ORDINANCE NO. 2017-06

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO APPROVING: (1) REZONE LOTS 1001R AND 1005R, ZONED MULTI-FAMILY AND FULL USE ACTIVE OPEN SPACE ZONE DISTRICTS TO TRANSFER 42 AND EIGHT (8) UNITS OF EMPLOYEE APARTMENT DENSITY RESPECTIVELY, TO INCREASE THE TOTAL PERMITTED DENSITY FROM 222 TO 272 EMPLOYEE APARTMENTS UNITS; (2) APPROVE AN ALTERNATIVE PARKING REQUIREMENT FOR THE VILLAGE COURT APARTMENTS, 415 MOUNTAIN VILLAGE BOULEVARD.

RECITALS

- A. The Mountain Village Housing Authority, (“**Owner**”) authorized staff on April 20, 2017 to initiate the rezoning of Lots 1001R and 1005R to transfer up to 70 Employee Apartment or Condominium units to increase the permitted density from 222 to 292 Employee Apartment or Condominium units for the Village Court Apartments. Staff has also initiated the request to approve alternative parking requirements (“**Applications**”) pursuant to the requirements of the Community Development Code (“**CDC**”).
- B. Lots 1001R and 1005R, owned by the Mountain Village Housing Authority, are collectively referred to as the “**Property**”.
- C. The Property has the following zoning designations pursuant to the Official Land Use and Density Allocation List as recorded at Reception Number 301133 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
1001R	Multi-Family, Full Use Active Open Space	Employee Apts.	192	3	576
1005R	Multi-Family, Full Use Active Open Space	Employee Apts.	30	3	90

- D. Section 17.5.8.A.6 of the CDC allows the review agency to approve parking requirements different than the requirements of the CDC through the Class 4 process if the parking is analyzed by a parking professional and certain findings are made.
- E. At a public hearing held on May 4, 2017, the Design Review Board (“**DRB**”) considered the Applications, testimony and public comment and recommended to the Town Council that the Applications be approved with conditions, including but not limited to the reduction in the number of units from 70 to 60 units, pursuant to the requirement of the CDC.

- F. At its regularly scheduled meeting held on May 18, 2017, the Town Council considered and approved the first reading of this ordinance with changes; gave direction to staff to delineate an adjacent wetland and set the public hearing on June 20, 2017.
- G. At the May 18, 2017 meeting the Town Council changes included reducing the height of two buildings in proximity to a single family neighborhood to two stories and eliminate any outside patios that face to the neighborhood and strive to provide more parking than the one space per unit; and
- H. After staff provided an accurate delineation of the wetland area adjacent to VCA it was determined that 14 of the proposed units could not be built and reducing the height of another building would cause a loss of an additional five units; and
- I. At its regularly scheduled meeting held on June 20, 2017, the Town Council conducted the public hearing on this Ordinance and after receiving testimony and public comment, closed the hearing and approved the Applications as recommended by staff and as depicted in Exhibit A.
- J. This Ordinance rezones the Property as follows

Lot No.	Zone District	Zoning Designation	Actual Units	Person Equivalent per Actual Unit	Total Person Equivalent Density
1001R	Multi-Family and Full Use Active Open Space	Employee Apartment and Condominium and Full Use Active Open Space	234	3	702
1005R	Multi-Family and Full Use Active Open Space	Employee Apartment and Condominium and Full Use Active Open Space	38	3	114

- K. The Ordinance approved alternative parking requirements to equal one (1) parking space per unit, however staff shall further evaluate parking options to bring the parking ratio above 1:1, but below 1.5 spaces per unit.
- L. The meeting held on May 18, 2017 and the public hearing held on June 20, 2017 were duly 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.
- M. 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 because, without limitation:

- 1.1 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;
 - 1.2 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;
 - 1.3 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;
 - 1.4 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.
2. The proposed rezoning is consistent with the Zoning and Land Use Regulations because, without limitation:
- 2.1 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;
 - 2.2 The CDC density limitation will not be exceeded because new workforce housing does not count towards the density limitation;
 - 2.3 The development will be required to comply with the building height and lot coverage requirements during the required Design Review Process development application.
3. The proposed rezoning meets the Comprehensive Plan project standards as follows:
- 3.1. 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.
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 because, without limitation:
- 4.1 The Telluride Fire Protection District will provide fire protection services;
 - 4.2 The Mountain Village Police Department will provide police protection services;
 - 4.3 The proposed development is envisioned by the Comprehensive Plan to provide for economic and social vibrancy, thus creating a more sustainable community; and
 - 4.4 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.
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 because, without limitation:
- 6.1 Water and sewer are available from the Town of Mountain Village.

7. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion, because, without limitation:
 - 7.1 A transportation study 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;
 - 7.2 There will be a net reduction in the land uses proposed in the comprehensive plan with the adoption of the amended Town Hall Subarea;
 - 7.3 The proposed Town Hall Subarea Plan recommends an additional access point to VCA directly through the parking garage to Mountain Village Boulevard;
 - 7.4 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
 - 7.5 There will be additional and improved pedestrian connections between VCA and the Town Hall area, including new bus stops.
8. The proposed rezoning meets all applicable Town regulations and standards.
- N. 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:
 1. The criteria for decision for a rezoning are met;
 2. The density transfer meets the density transfer and density bank policies because, without limitation:
 - 2.1 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 limitation.
 3. The proposed density transfer meets all applicable Town regulations and standards.
- O. The Town Council finds that the alternative parking requirement shall be sufficient for the proposed use.
 1. Staff and the Town's parking consultant have evaluated the actual parking demand for the Village Court Apartments and based on the proximity of transit are recommending a parking ratio of one (1) space per unit.
 2. The alternative parking requirement shall not be detrimental to the public health, safety and welfare as there is adequate room on-site and/or in the adjacent parking garage.

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

Section 1. Conditions of Approval

1. The final location and design of the building, 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, including but not limited to the Design Regulations, except:
 - 1.1 The 16 Stacked Flats as shown in Exhibit A shall be limited to two stories or 30 feet; and shall not have outside decks facing Tract OS1R1; and
 - 1.2 The applicant may seek certain variations to the Design Regulations such as the percent of stone, roofing material, window materials or other similar variations as are typically granted for employee housing projects; and
 - 1.3 Parking shall be provided at a minimum ratio of one (1) space per unit on-site or in the adjacent parking garage.

- 1.4 Staff shall further evaluate options to bring the parking ratio above one (1) space per unit, but below 1.5 parking spaces per unit.
2. The proposed density shall not exceed 272 employee condo/apartment units and the general location of the buildings shall remain substantially as shown in the conceptual plan (Exhibit A), except as modified herein.
3. The Employee Housing Deed Restriction that exists on the property shall be extended to include the additional 50 units.

Section 2. Ordinance Effect

- A. 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 July 20, 2017, following public hearing and approval by Council on second reading.


Section 5. Public Hearing

A public hearing on this Ordinance was held on the 20th day of June, 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 18th day of May, 2017

TOWN OF MOUNTAIN VILLAGE

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


By: _____
Dan Jansen, Mayor

ATTEST:

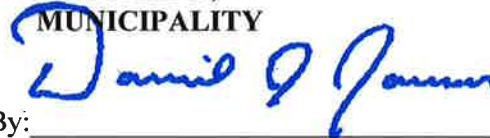


Jackie Kennefick, Town Clerk

**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village,
Colorado this 20th day of June, 2017.**

TOWN OF MOUNTAIN VILLAGE

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



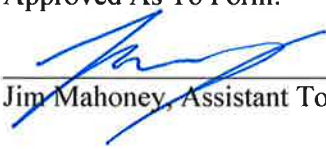
By: _____
Dan Jansen, Mayor

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. 2017-06 ("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 May 18, 2017, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Dan Jansen, Mayor	X			
Martin McKinley, Mayor Pro-Tem			X	
Bruce MacIntire	X			
Dan Caton	X			
Michelle Sherry			X	
Cath Jett	X			
Laila Benitez	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 May 24, 2017 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 June 20, 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
Dan Jansen, Mayor	X			
Martin McKinley, Mayor Pro-Tem	X			
Bruce MacIntire	X			
Dan Caton			X	
Michelle Sherry	X			
Cath Jett	X			
Laila Benitez	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 20th day of June, 2017.

(SEAL)



Jackie Kennefick
 Jackie Kennefick, Town Clerk

Exhibit A: Conceptual Site Plan

D. Buffering of Existing Single Family Neighborhood

Building No.	Building Footprint	# of Stories/max height	Building Area w/out Garage	Unit Type	Average Unit Size	# Units per Building	Parking of 1 per unit
1	4,370	2 5/44	10,920	1-2 BR	800	12	12
2	4,370	3/44	13,920	1-2 BR	800	14	14
3	Eliminate						
4	Eliminated due to wetland encroachment						
5	2,650	3/47	7,950	1-2 BR	800	8	8
5F	4,800	2/30	8,600	Stacked Flats	800	16	16
TOTAL			42,390			50	50

VCA Development Alternative Scenarios
Mountain Village - Town Hall Center Subarea Plan

AECOM
6.9.2017

