

ORDINANCE NO. 2015-10

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO APPROVING: (1) REZONING AND (2) DENSITY TRANSFER ON LOT 128.**

RECITALS

- A. The applicant and owner’s representative, Law Offices of Thomas G. Kennedy, has submitted an application for a rezoning and density transfer for Lot 128. The proposed rezoning is proposing to redesignate 174 Condo Hotel Units from hotel units to 142 efficiency lodge units and 32 lodge units and transfer 200.5 Person Equivalent Units to the density bank. (“Applications”) pursuant to the requirements of the Community Development Code (“CDC”).
- B. Telluride Resort and Spa, LLC is the owner of Lot 128 (“**Telluride Resort and Spa, LLC**”).
- C. Lot 128, Filing 1, Town of Mountain Village is referred to as the “**Property**”.
- D. The Property has the following zoning designations pursuant to the Official Land Use and Density Allocation List as recorded at Reception Number 301133:

Zoning Designation	Actual Units	Person Equivalent Units	Zoning Designation	Actual Units	Person Equivalent Units
Hotel	200	300	Hotel	200	300
Condo	26	78	Condo	26	78
	226	378		226	378

Resolution No. 2007-0517-09 transferred one condo to the density bank, leaving 25 condo units on Lot 128.

- E. At a public hearing held on July 2, 2015, 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.
- F. At its regularly scheduled meeting held on July 16, 2015, the Town Council pursuant to the CDC, approved this Ordinance on first reading and set a public hearing on August 20, 2015.
- G. At its regularly scheduled meeting held on August 20, 2015, 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:

Current Density Zoning Designation	Actual Units	Person Equivalent Per Actual Unit	Person Equivalent Units
Hotel (Built Units Owned or Controlled by Applicant) ¹	174	1.5	261
Hotel (Unbuilt Units)	23	1.5	34.5
Total	197	1.5	295.5
Proposed On-Site Density²			
Lodge	32	0.75	24
Efficiency Lodge	142	0.5	71
Total	174		95
Difference to the Density Bank			
Lodge	266	0.75	199.5
Efficiency Lodge	2	0.5	1
Total	268		200.5

¹Three hotel units will remain zoned on Lot 128 that are assigned to platted units that are currently used for The Peaks' game room.

²The rezoning is not affecting the 3 hotel units that are a part of The Peaks' game room or the 25 zoned condominium units on the property.

- I. The meeting held on July 16, 2015 and the public hearing held on August 20, 2015 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 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:
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 Applications.

Section 1. Conditions of Approval

1. The Applicant shall work with Staff to complete the required Ordinance with Town Council and Submit appropriate fees to Staff for recordation with the San Miguel County Assessor's office within six months of approval.

Section 2. Effect on Zoning Designations

There will be no change to the zone district. Lot 128 will remain a Village Center 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 19, 2015, 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 20th day of August, 2015 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

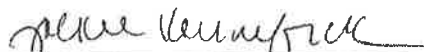
INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 16th day of July, 2015.

TOWN OF MOUNTAIN VILLAGE

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

By: 
Dan Jansen, Mayor

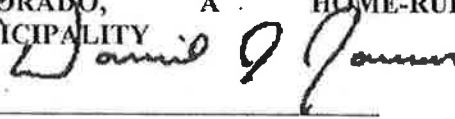
ATTEST:


Jackie Kennefick, Town Clerk

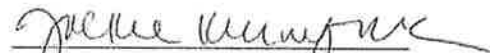
HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 20th day of August, 2015.

TOWN OF MOUNTAIN VILLAGE

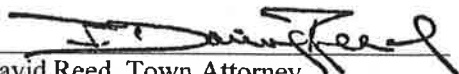
**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

By: 
Dan Jansen, Mayor

ATTEST:


Jackie Kennefick, Town Clerk

Approved As To Form:


J. David Reed, 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. 2015-10 ("Ordinance") is a true, correct and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading as presented 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 16, 2015, by the affirmative vote of a quorum of the Town Council as follows:

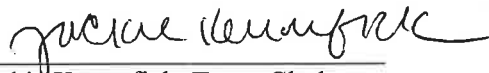
Council Member Name	"Yes"	"No"	Absent	Abstain
Dan Jansen, Mayor	X			
Cath Jett			X	
Laila Benitez	X			
Dan Caton	X			
Michelle Sherry	X			
Martin McKinley, Mayor Pro-Tem	X			
Bruce MacIntire				X

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 20, 2015. 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	
Cath Jett	X			
Laila Benitez	X			
Dan Caton	X			
Michelle Sherry			X	
Martin McKinley, Mayor Pro-Tem	X			
Bruce MacIntire				X

4. 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 August, 2015.


 Jackie Kennefick, Town Clerk

(SEAL)

