

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE APPROVING (1) A CONDITIONAL USE PERMIT TO ALLOW FOR THE DEVELOPMENT OF 52 WORKFORCE APARTMENT HOUSING UNITS ON FULL USE ACTIVE OPEN SPACE ON LOT 1001R**

**Resolution No. 2017-0518-10**

- A. The Mountain Village Housing Authority, (“**Owner**”) has submitted to the Town: (1) a conditional use permit application to allow for the development of 52 employee apartment or condominium units on Full Use Active Open Space on Lot 1001R (“**Application**”) pursuant to the requirements of the Community Development Code (“**CDC**”).
- B. At a public hearing held on May 4, 2017, the Design Review Board (“**DRB**”) considered the Application, testimony and public comment and recommended to the Town Council that the Application be approved with conditions pursuant to the requirement of the CDC.
- C. At its regularly scheduled meeting held on May 18, 2017, the Town Council considered the Application, all submittal materials, public letters and public testimony, and approved the Application with conditions as set forth in this Resolution.
- D. The Town Council finds and determines that the Conditional Use Application meets the Conditional Use Permit Criteria for Decision as set forth in CDC Section 17.4.14(D) as follows:
- 1.1. The proposed conditional use is in general conformity with the policies of the principles, policies and actions set forth in the Comprehensive Plan. The Conditional Use Application is in general conformance with Land Use Principles, Policies and Actions, Principle I because the development is consistent with the land use pattern envisioned by the Comprehensive Plan to provide economic and social vibrancy;
  - 1.2. The Conditional Use Application is in general conformance with 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 Conditional Use Application is in general conformance with 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 Conditional Use Application is in general conformance with 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 (Please refer to criterion below) which sets forth a target density of 91 deed restricted units for the Property;
  - 1.5. The Conditional Use Application is in general conformance with the Meadows Subarea Plan Principle, Policy and Action II.B requires any applicant who proposes a rezoning, density transfer, subdivision to strive to reach the target density outlined in the Meadows Development Table which sets forth a target density of 91 deed restricted units for the Property;
  - 1.6. The Conditional Use Application meets the vision of the Comprehensive Plan by providing for a playfield (park); n; and,

- 1.7. The Comprehensive Plan envisions a fence to be installed along Northstar property in appropriate locations to prevent trespassing.
2. The proposed conditional use is in harmony and compatible with surrounding land uses and the neighborhood and will not create a substantial adverse impact on adjacent properties or on services and infrastructure because, without limitation:
  - 2.1. The site is presently developed as multi-family;
  - 2.2. The building height will be according to the CDC or lower and therefore will not exceed the height of existing units at VCA;
  - 2.3. The DRB is recommending conditions be applied to the rezoning to limit impacts to an existing neighbor;
  - 2.4. The development will be evaluated pursuant to the Design Regulations which will further ensure compatibility and harmony with surrounding land uses; and
  - 2.5. The parking requirement will be reduced, but not beyond what can be provided on site or in the adjacent parking garage.
3. The design, development and operation of the proposed conditional use does not constitute a substantial physical hazard to the neighborhood, public facilities, infrastructure or open space because, without limitation: the proposed conditional use will be safely developed and not pose a physical hazard to the neighborhood; adequate infrastructure is available to serve the proposed conditional use; and adequate public facilities area available to serve the proposed conditional use.
4. The design, development and operation of the proposed conditional use shall not have significant adverse effect to the surrounding property owners and uses because, without limitation:
  - 4.1. The DRB recommended conditions be applied to the rezoning to limit impacts to an existing neighbor by moving units away.
5. The design, development and operation of the proposed conditional use shall not have significant adverse effect on open space or the purposes of the facilities owned by the Town because, without limitation:
  - 5.1. The proposed employee units shall have little, if any, encroachment on the Full Use Active Open Space area adjacent to the Village Court Apartments.
  - 5.2. The 2017 draft of the Town Hall Center Subarea Plan recommends replacing open space now designated as development Parcel D in the current Town Hall Center Subarea Plan.
6. The design, development and operation of the proposed conditional use shall minimize adverse environmental and visual impacts to the extent possible considering the nature of the proposed conditional use.
7. The design, development and operation of the proposed conditional use has adequate infrastructure, with water, sewer, electric, natural gas, telecommunications, police protection, and fire protection all provided to the site.
8. The proposed conditional use does not potentially damage or contaminate any public, private, residential or agricultural water supply source because water quality will have to be protected during and after construction.
9. The proposed conditional use meets all applicable Town regulations and standards.

E. The Conditional Use Permit approved by this Resolution shall become valid in perpetuity upon the issuance of a Certificate of Occupancy from the Town for the proposed conditional use.

**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL HEREBY APPROVES THE CONDITIONAL USE PERMIT TO ALLOW FOR THE DEVELOPMENT OF 52 WORKFORCE APARTMENT HOUSING UNITS ON FULL USE ACTIVE OPEN SPACE ON LOT 1001R AND AUTHORIZES THE MAYOR TO SIGN THE RESOLUTION SUBJECT TO CONDITIONS SET FORTH BELOW:**

1. The concurrent Rezoning and Density Transfer Application be approved by a second reading of the enabling Ordinance and such Ordinance becoming effective.

**Be It Further Resolved** that the Property may be developed as submitted in accordance with Resolution NO. 2017-0518-10

**Approved** by the Town Council at a public meeting May 18, 2017.

Town of Mountain Village, Town Council

By: \_\_\_\_\_

Dan Jansen, Mayor

**Attest:**

By: \_\_\_\_\_

Jackie Kennefick, Town Clerk

Approved as to Form:

Jim Mahoney, Assistant Town Attorney