



Agenda Item No. 19
PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 369-8250

TO: Mountain Village Town Council

FROM: John Miller, Senior Planner

FOR: Mountain Village Town Council Meeting, November 21, 2019

DATE: November 8, 2019

RE: First reading of an Ordinance considering a rezone and density transfer application to transfer an addition 12 units of employee apartment density to Lot 640A. The applicant is requesting that the Town Council create the subject employee apartment density.

PROJECT GEOGRAPHY

Legal Description: Lot 640A, Telluride Mountain Village
Address: 306 Adams Ranch Road
Owner: Telluride Ski and Golf
Zoning: Multi-Family
Existing Use: Employee Apartments
Proposed Use: Multi-Family
Lot Size: 2.56 Acres

Adjacent Land Uses:

- **North:** Multi-Family / Open Space
- **South:** Multi-Family / Open Space
- **East:** Multi-Family / Open Space
- **West:** Multi-Family

ATTACHMENTS

- Exhibit A: Applicant's narrative
- Exhibit B: Public Comment



CASE SUMMARY:

Telluride Ski and Golf (TSG) is proposing to construct one additional apartment building in the existing Mountain View Apartment Complex to allow for a total of 12 new employee apartment units for a total of 42 employee apartment units. In order to proceed with this request, the applicant will first need to transfer the 12 units of employee apartment density to the site followed by a subsequent application for a design review process for any proposed building. At this point, the applicant has only submitted conceptual architectural design plans based on the current request per the density transfer and rezone requirements. As part of the application, TSG is requesting that the 12 additional units of employee apartment density be created by the town, as the town is

able to create additional density for employee and workforce housing that does not impact the Town of Mountain Village density limitation.

Lot 640A is discussed within the Comprehensive Plan’s Meadows Subarea Plan and is described as Parcel G / Telluride Apartments. Within the 2011 plan, Parcel G is described as having a target density of 91 deed-restricted units. It should be noted that subsequent to the adoption of the Comprehensive Plan, there was a citizen-initiated ordinance (Ordinance 2015-8A) that was adopted that limited the maximum number of units on Lot 640A to 45 total employee apartments which supersedes the Comprehensive Plan as such ordinance is law. The current proposal is within those parameters with 42 units as shown.

As per the Community Development Code (CDC), the density transfer and rezoning processes are being processed as concurrent development applications. Prior to submittal for design review of the proposed apartment building, the DRB and Town Council will need to determine that the application for density transfer and rezone is appropriate.

Table 1: Existing and Proposed Zoning/Densities

Lot	Acreage	Zone District	Zoning Designation	Actual Units	Person Equivalent per Actual Unit	Total Person Equivalent Density
Zoned Density						
640A	2.56	Multi-Family	Employee Apt.	30	3	90
Built Density			Employee Apt.	30	3	90
Unbuilt Density			Employee Apt.	0	0	0
Unbuilt Density after Transfer and Rezone			Employee Apt.	12	3	36
TOTAL DENSITY			Employee Apt	42	3	126

Staff Note: The proposal will result in a net increase of 12 Employee Apartment Units within the on Lot 640A and an overall person equivalent increase of 36. The total density on Lot 640A after the rezone and density transfer would be 42 Employee Apartment Units for a total person equivalent of 126 persons.

CRITERIA, ANALYSIS, AND FINDINGS

The criteria for the decision to evaluate a rezone that changes the zoning designation and/or density allocation assigned to a lot is listed below. The following criteria must be met for the review authority to approve a rezoning application:

17.4.9: Rezoning Process

(***)

- 3. Criteria for Decision: (***)
 - a. The proposed rezoning is in general conformance with the goals, policies, and provisions of the Comprehensive Plan;

Staff Finding: In addition to the standards discussed above related to Parcel G described in the 2014 Comprehensive Plan, the plan also provides guidance and considerations to other issues such as minimizing environmental impacts and ensuring that development fits and blends into the existing environment and character of the area.

Because 640A has a target density of 45 total apartment units, the proposal is within substantial conformance with the comp plan. The proposed location of the additional units has largely been driven by a desire to minimize impacts to the existing open space area that has been informally used a park over recent years. In addition, careful consideration has been given to the location of wetlands within Lot 640A to limit all impacts to those locations. The conceptual design of the proposed addition would blend in with the existing apartment buildings on site.

The proposed density transfer and rezone would allow an additional 12 units of employee apartment density which would help meet the community's needs given the occupancy rates and waitlists within the community.

- b. The proposed rezoning is consistent with the Zoning and Land Use Regulations;

Staff Finding: The proposed rezone and density transfer meets the requirements of the CDC. The Multi-Family Zone is intended to provide higher density multi-family uses limited to multi-family dwellings, hotbed development, recreational trails, workforce housing, and similar uses. Given the shortage of employee housing within the region, and the close proximity of the project to transit and recreational amenities – and additional 12 density units would meet the intent of the Zoning and Land Use Regulations for the types of desired development in Multi-Family Zone.

- c. The proposed rezoning meets the Comprehensive Plan project standards;

Staff Finding: As mentioned above, Parcel G is specifically described in the Comprehensive Plan – Meadows Subarea Plan as a site for additional development of employee apartments. The Subarea Plan originally called for a total of 91 employee apartments but as discussed was later limited to a maximum of 45 units. This request meets those standards at 42 total units.

- d. 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;

Staff Finding: The project is located within the existing Meadow View Apartment development and will provide an additional housing option for the local workforce. As part of this review and any subsequent design review, the owner will be required to meet all parking requirements for the site and have currently demonstrated that they have the ability to meet this requirement. The addition of 12 units would have minimal impact on the overall road capacity and associated required infrastructure to accommodate this request. Given the location of the development, the impact of increased vehicle trips would be limited to the eastern portion of Adams Ranch Road. The additional units will blend into the site architecturally and contextually in terms of mass and scale and will not create negative visual impacts on the neighborhood. Because of these reasons, the proposed zoning is consistent with public health, safety, and welfare, and is an efficient use of the land and its resources given the existing use of the Lot.

- e. The proposed rezoning is justified because there is an error in the current zoning, [and/or] there have been changes in conditions in the vicinity [and/] or there are specific policies in the Comprehensive Plan that contemplate the rezoning;

Staff Finding: The comprehensive plan and subsequent citizen-led initiative contemplated a total of 45 employee apartment units on Lot 640A. This specific policy within the plan and later action justify the proposed rezoning.

- f. Adequate public facilities and services are available to serve the intended land uses;

Staff Finding: The existing lines for all utilities serving the project are currently located within Lot 640A and would only require minor extensions. At this point, staff is working through determining if there are any infrastructure upgrades needed specifically related to the sanitary sewer for the project and adjacent users.

- g. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion; and

Staff Finding: The rezoning will not create vehicular or pedestrian circulation hazards due to the unique location of the complex within the Meadows Subarea. There is adequate transit options available year-round in this location, but the applicant is proposing to increase parking areas per the CDC requirements for 42 Employee Apartments. Other services such as trash will remain generally unchanged with the additional 12 units. The applicant was directed by the DRB to address pedestrian connectivity and specifically address ways to limit pedestrian trespass through adjacent multi-family complexes.

- h. The proposed rezoning meets all applicable Town regulations and standards.

Staff Finding: The application meets all applicable regulations and standards.

17.4.10: Density Transfer Process

(***)

D. Criteria for Decision

(***)

2. Class 4 Applications. The following criteria shall be met for the Review Authority to approve a density transfer.

- a. The criteria for decision for rezoning are met since such density transfer must be processed concurrently with a rezoning development application (except for MPUD development applications);

Staff Finding: The applicant has met the criteria for the decision for rezoning as provided above.

- b. The density transfer meets the density transfer and density bank policies; and.

Staff Finding: The application meets all applicable density transfer and density bank policies. The town may create density for workforce housing not subject to density limitations as per CDC Section 17.3.7 which provides "New workforce housing

density created by the Town subject to the workforce housing restriction is not included in the Density Limitation calculation”.

- c. The proposed density transfer meets all applicable Town regulations and standards.

Staff Finding: The application meets all applicable regulations and standards.

DESIGN REVIEW BOARD RECOMMENDATION: The Design Review Board reviewed the application for a rezoning and density transfer for Lot 640A at their November 7, 2019, Regular Meeting and voted 7-0 to recommend approval to Town Council with staffs’ recommended conditions and two additional conditions.

RECOMMENDATION: If Town Council determines that the rezone and density transfer application meet the criteria for decision listed within this staff memo, then the staff has provided the following suggested motion:

I move to approve, the first reading of an Ordinance regarding the rezone and density transfer application pursuant to CDC Sections 17.4.9 & 17.4.10 of the Community Development Code, to rezone Lot 640A and transfer 12 employee apartment density units (36-person equivalent density) to the subject lot, and direct the clerk to set a public hearing, based on the evidence provided within the Staff Report of record dated November 8, 2019, and with the following conditions:

1. *All parking required by the CDC shall be provided by Mountain View Apartments. Parking shall be constructed on-site prior to the issuance of a final building permit and shall be subject to the applicable Design Review Process.*
2. *The applicant will work with the town to preserve park space and/or access to the open space area.*
3. *The owner of Lot 640A shall be required to submit a Design Review Process Application to the DRB for design approval consistent with the representation on massing, scale, and siting as presented and approved in the rezoning and density transfer.*
4. *The owner of record of density shall be responsible for all dues, fees and any taxes associated with the assigned density and zoning until such time as the density is either transferred to a lot or another person or entity.*
5. *The final location and design of any buildings, 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.*

This motion is based on the evidence and testimony provided at a public hearing held on November 21, 2019, with notice of such hearing as required by the Community Development Code.

/jjm



REZONING/DENSITY TRANSFER APPLICATION

Planning & Development Services
 455 Mountain Village Blvd.
 Mountain Village, CO 81435
 970-728-1392
 970-728-4342 Fax
 cd@mntvillage.org

Revised 2.26.18

REZONING/DENSITY TRANSFER APPLICATION		
APPLICANT INFORMATION		
Name: TSG Ski & Golf, LLC	E-mail Address: jeff@telski.com	
Mailing Address: 565 Mountain Village Boulevard	Phone: 970 728-7444	
City: Mountain Village	State: Colorado	Zip Code: 81435
Mountain Village Business License Number:		
PROPERTY INFORMATION		
Physical Address: 306 Adams Ranch Road		Acreage: 2.56 Acres
Zone District:	Zoning Designations: Employee Housing	Density Assigned to the Lot or Site: 30 Employee Apartments
Legal Description: Lot 640A, TELLURIDE MOUNTAIN VILLAGE		
Existing Land Uses: Employee Housing		
Proposed Land Uses: Employee Housing		
OWNER INFORMATION		
Property Owner: TSG Ski & Golf, LLC	E-mail Address: jeff@telski.com	
Mailing Address: 565 Mountain Village Boulevard	Phone: 970 728-7444	
City: Mountain Village	State: Colorado	Zip Code: 81435
DESCRIPTION OF REQUEST		
<p>TSG Ski & Golf LLC is requesting to add 12 additional employee apartment units (24 bedrooms). These units will be located in an additional building on the 640A lot. Additional parking spaces will be included as required. This lot in the Mountain Village Comprehensive Plan as Meadows Subarea Parcel G, has a target of 91 units. We believe that the proposed total of 42 units will accommodate for adequate parking and open space. We have provided 4 site plan concept alternatives (A-D). Two of the concepts A & C, show minor encroachments into Active Open Space. Either of these options would allow for maximizing the opportunity for park space. Our preference is Concept A.</p>		

Development Narrative.

Proposal

TSG Ski & Golf LLC (“TSG”) is requesting to add 12 additional employee apartment units of density (24 bedrooms) to lot 640 A. These units will be located in a new building to be built on Lot 640A. A total of 63 parking spaces will be provided as required. The building architecture and exterior materials will match the existing building on the lot. (See conceptual elevation).

With the existing 30 Units on Lot 640A, TSG’s proposal consists of a total of 42 units on Lot 640A, which will allow sufficient undeveloped land on the Lot for adequate parking and open space for a park. As part of the density transfer/rezoning application, we are providing four (4) conceptual site plan alternatives (A-D). Two of the concepts, A & C, show minor encroachments into adjacent Active Open Space. TSG owns this adjacent Active Open Space, and employee housing is an allowed use on Active Open Space. Either of these options, A or C, would maximize the opportunity for a larger park space. TSG’s preference is Concept A. Further building, site plan, and landscaping details will be provided as part of the Sketch Plan and Final Plan design review process.

Consistent with Mountain Village Comprehensive Plan (Comp Plan).

TSG’s Application for a density transfer to allow additional deed restricted units to be built on Lot 640A is in general conformance with the Principles, Policies and Actions discussed in the Meadows Subarea Plan chapter of the Mountain Village Comprehensive Plan. The Meadows Subarea is envisioned to continue as the main area for deed restricted housing and will continue to be the main focal point for year-round residents.

Lot 640A is designated in the Comp Plan Meadows Subarea as Parcel G and also referred to as the Telluride Apartments. Although the Comp Plan envisioned Parcel G as having a target of 91 deed restricted units, in 2015, a citizen initiated ordinance was voted upon and approved, and resolved that the maximum number of units on Lot 640A would be 45. Thereafter, in 2015, the Town of Mountain Village passed an ordinance (see attached ORDINANCE NO. 2015-8A) to allow an increase in density on lot 640A from 30 (current density) to 45 units of density. In the RECITALS of the Ordinance it states that "Section 1. Increase of Density: The density on lot 640A may be increased from its current allowed density, but shall be limited to 45 units." As previously stated. TSG’s proposal is for a total of 42 units which complies with the Ordinance that was voted on, and approved by registered electors of the Town of Mountain Village at the regular municipal election held on June 30, 2015. The ordinance went into effect on July 30, 2015.

Consistent with Community Development Code

TSG's Application is consistent with the CDC for the following reasons:

1. Multi-Family Zone District: Lot 640A is zoned as multi-family zone district. The CDC, at Section 17.3.2.B.4, provides for a multi-family zone district, which is intended to provide higher density, multi-family uses limited to multi-family dwellings, hotbed development, recreational trails, workforce housing and similar uses. Therefore, TSG's intended use and development is consistent with the CDC as TSG is proposing additional density for workforce housing.
2. Creation of Workforce Housing Density. The CDC at Section 17.3.7 also provides for density transfers, and allows for the creation by the Town of new workforce housing. New workforce housing density created by the Town subject to the workforce housing restriction is not included in the Town's Density Limitation calculation. TSG is requesting the Town create twelve (12) units of employee apartment density pursuant to this Application.
3. Workforce Housing Restrictions. Employee Apartments zoning designations ("workforce housing") are restricted to occupancy exclusively by persons who are employed within the Telluride R-1 District and their spouses and children. TSG Ski & Golf understands that it will be required to enter into a workforce housing restriction on use, zoning and occupancy with the Town that will constitute a covenant that runs in perpetuity as a burden thereon and shall be binding on the owner and on the heirs, personal representatives, assigns, lessees, licensees and any transferee of the owner. A workforce housing restriction will be executed and recorded prior to any issuance of any Certificate of Occupancy.
4. Workforce Housing Requirements. In addition to the above, TSG's Application further complies with the CDC requirements for workforce housing set forth in Section 17.3.9. TSG's Application shows we are developing workforce housing in accordance with the Comp Plan policies and workforce housing restrictions.

**TSG - LOT 640 A MOUNTAIN VIEW
APTS - PHASE 2**

Telluride Ski and Golf
LOT 640 A

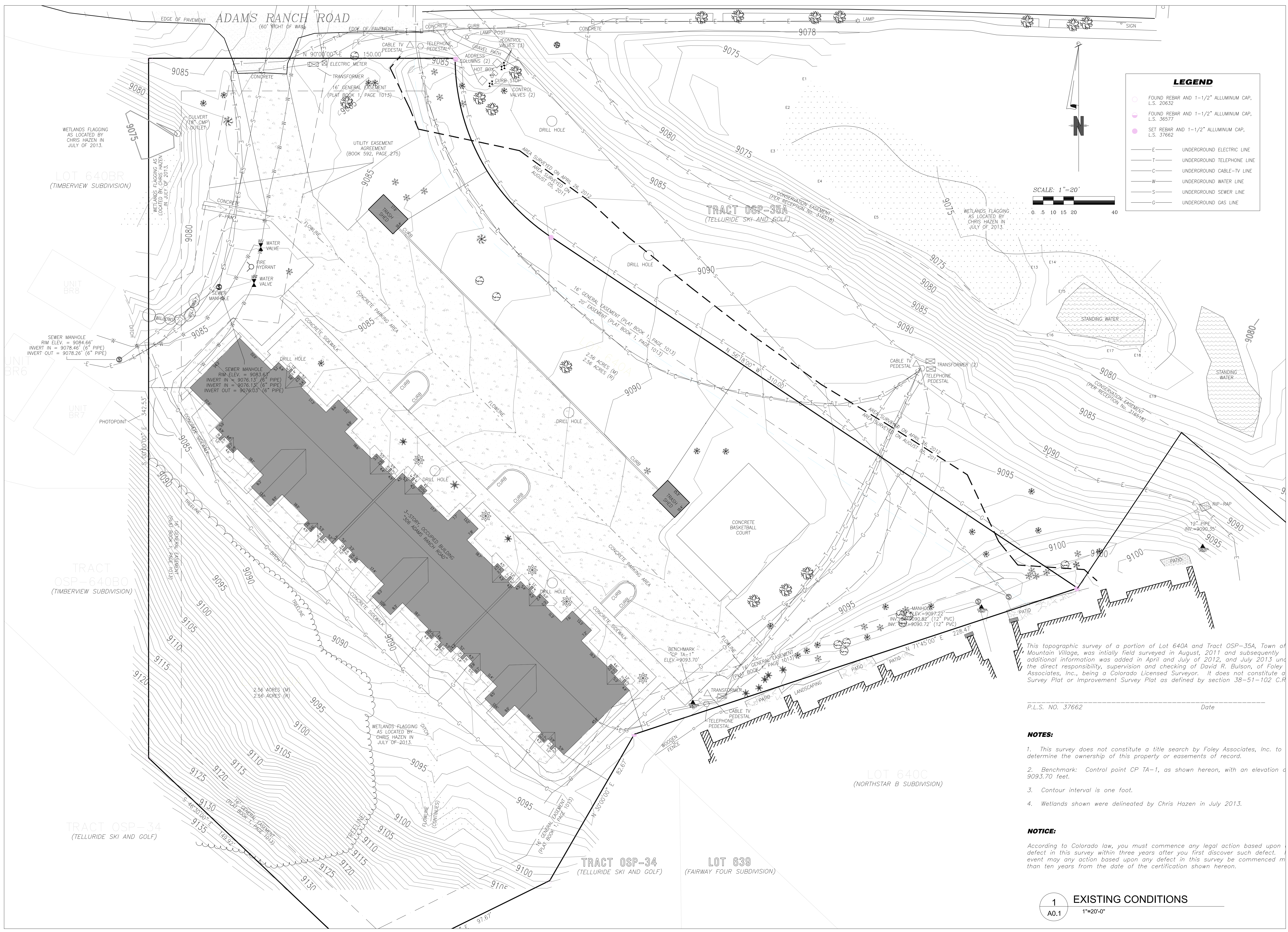
Document Date:
Sept. 30, 2019

Document Phase:
Schematic Design

REV.	DATE	REMARK
1	9.1.19	CONCEPTUAL SITE
2	9.12.19	CONCEPTUAL SITE ALTS
3	9.30.19	DENSITY TRANSFER
4		
5		
6		
7		
8		
9		

**EXISTING
CONDITIONS**

A0.1



SCALE: 1"=20'
0 5 10 15 20 40

LEGEND

- FOUND REBAR AND 1-1/2" ALLUMINIUM CAP, L.S. 20632
- FOUND REBAR AND 1-1/2" ALLUMINIUM CAP, L.S. 36577
- SET REBAR AND 1-1/2" ALLUMINIUM CAP, L.S. 37662
- E — UNDERGROUND ELECTRIC LINE
- T — UNDERGROUND TELEPHONE LINE
- C — UNDERGROUND CABLE-TV LINE
- W — UNDERGROUND WATER LINE
- S — UNDERGROUND SEWER LINE
- G — UNDERGROUND GAS LINE

This topographic survey of a portion of Lot 640A and Tract OSP-35A, Town of Mountain Village, was initially field surveyed in August, 2011 and subsequently additional information was added in April and July of 2012, and July 2013 and the direct responsibility, supervision and checking of David R. Bulson, of Foley Associates, Inc., being a Colorado Licensed Surveyor. It does not constitute a Survey Plat or Improvement Survey Plat as defined by section 38-51-102 C.R.

P.L.S. NO. 37662 _____ Date

- NOTES:**
- This survey does not constitute a title search by Foley Associates, Inc. to determine the ownership of this property or easements of record.
 - Benchmark: Control point CP TA-1, as shown hereon, with an elevation of 9093.70 feet.
 - Contour interval is one foot.
 - Wetlands shown were delineated by Chris Hazen in July 2013.

NOTICE:

According to Colorado law, you must commence any legal action based upon a defect in this survey within three years after you first discover such defect. No event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

1 EXISTING CONDITIONS
A0.1 1"=20'-0"

**TSG - LOT 640 A MOUNTAIN VIEW
APTS - PHASE 2**

Telluride Ski and Golf
LOT 640 A

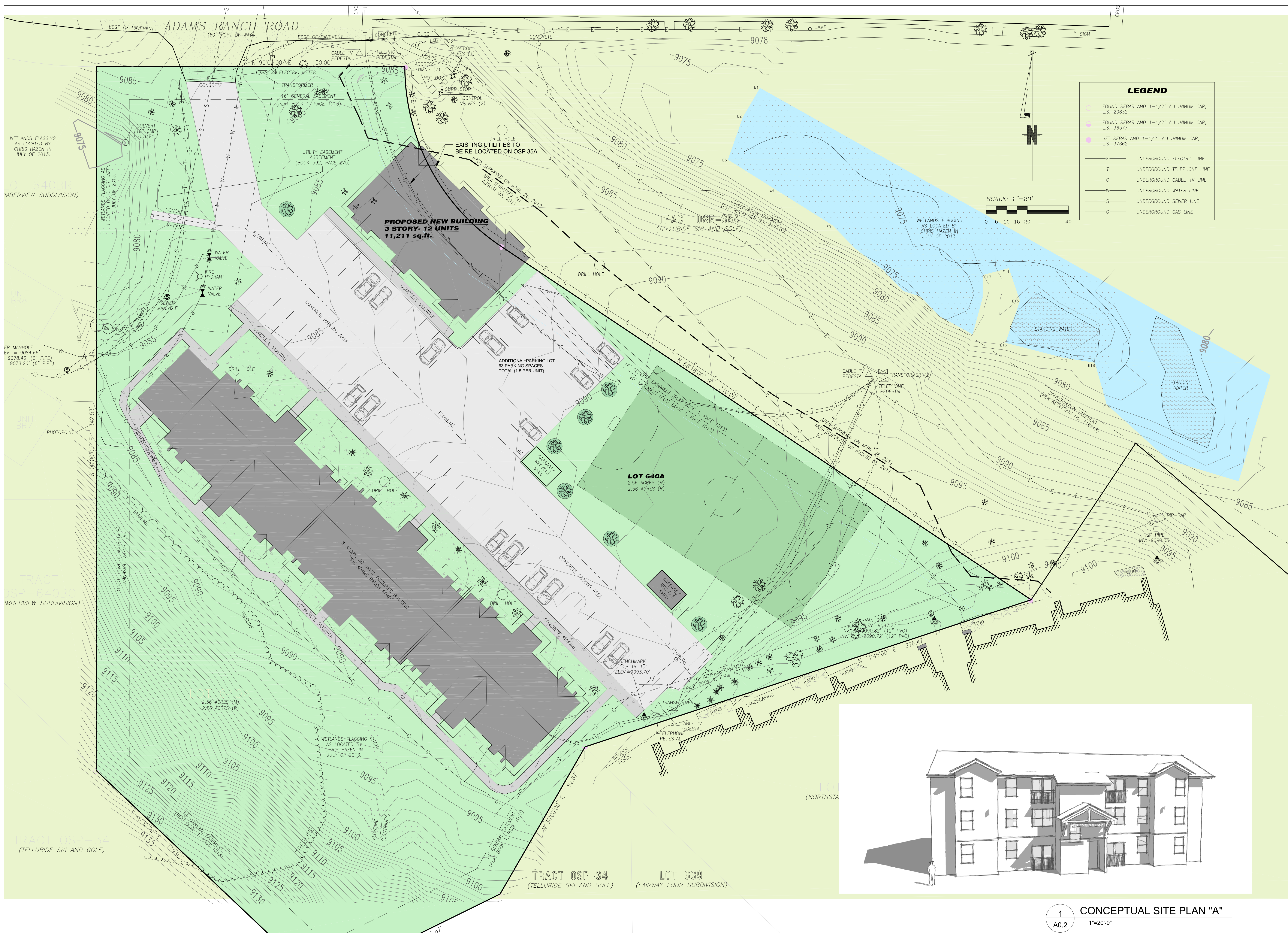
Document Date:
Sept. 30, 2019

Document Phase:
Schematic Design

REV.	DATE	REMARK
1	9.1.19	CONCEPTUAL SITE
2	9.12.19	CONCEPTUAL SITE ALTS
3	9.30.19	DENSITY TRANSFER
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CONCEPTUAL
SITE PLAN "A"

A0.2



LEGEND

- FOUND REBAR AND 1-1/2" ALLUMINIUM CAP, L.S. 20632
- FOUND REBAR AND 1-1/2" ALLUMINIUM CAP, L.S. 36577
- SET REBAR AND 1-1/2" ALLUMINIUM CAP, L.S. 37662
- E — UNDERGROUND ELECTRIC LINE
- T — UNDERGROUND TELEPHONE LINE
- C — UNDERGROUND CABLE-TV LINE
- W — UNDERGROUND WATER LINE
- S — UNDERGROUND SEWER LINE
- G — UNDERGROUND GAS LINE

1 CONCEPTUAL SITE PLAN "A"
A0.2 1"=20'-0"

**TSG - LOT 640 A MOUNTAIN VIEW
APTS - PHASE 2**

Telluride Ski and Golf
LOT 640 A

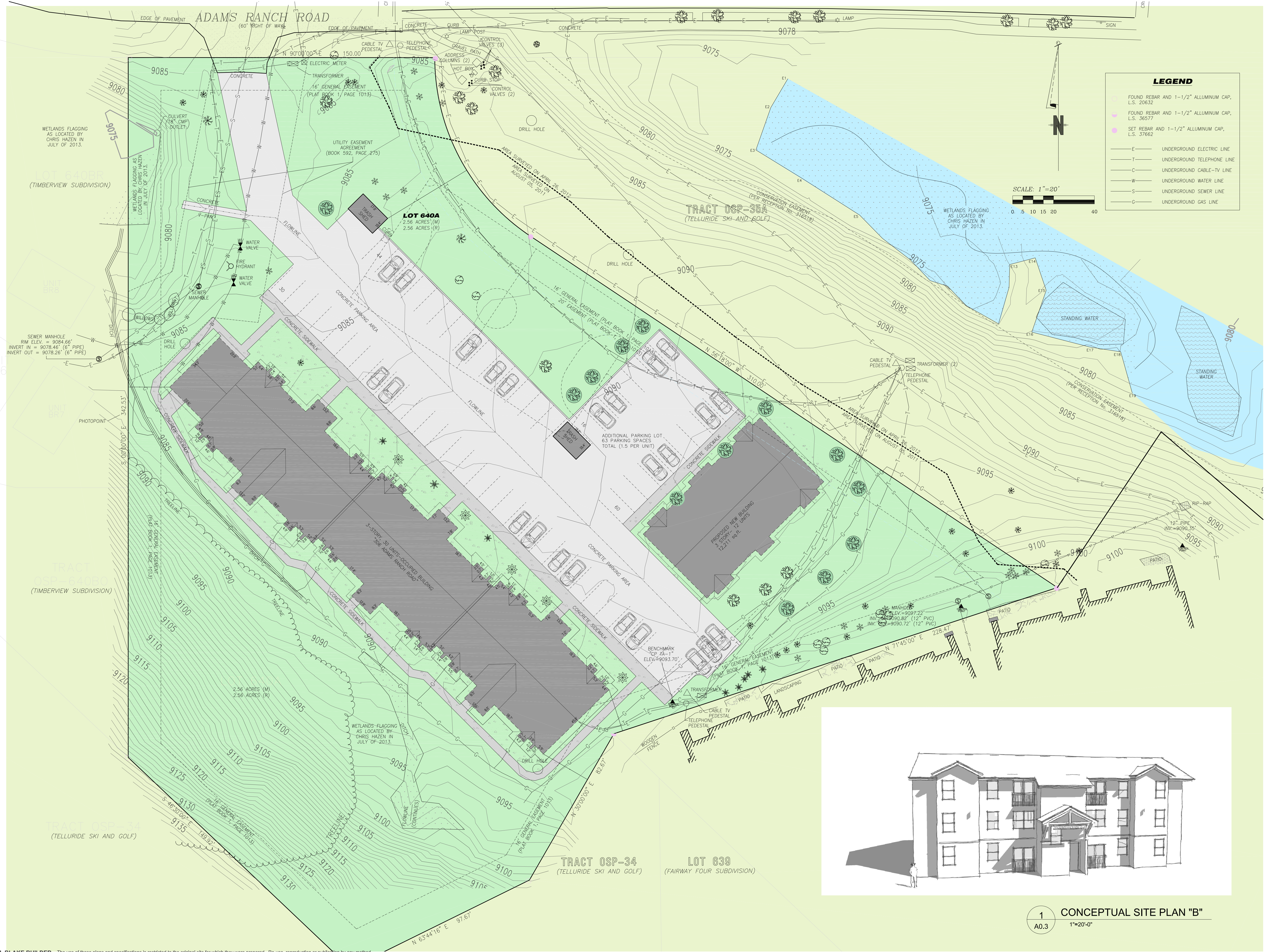
Document Date:
Sept. 30, 2019

Document Phase:
Schematic Design

REV.	DATE	REMARK
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2	9.12.19	CONCEPTUAL SITE ALTS
3	9.30.19	DENSITY TRANSFER
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CONCEPTUAL
SITE PLAN "B"

A0.3



1
A0.3 CONCEPTUAL SITE PLAN "B"
1"=20'-0"

**TSG - LOT 640 A MOUNTAIN VIEW
APTS - PHASE 2**

Telluride Ski and Golf
LOT 640 A

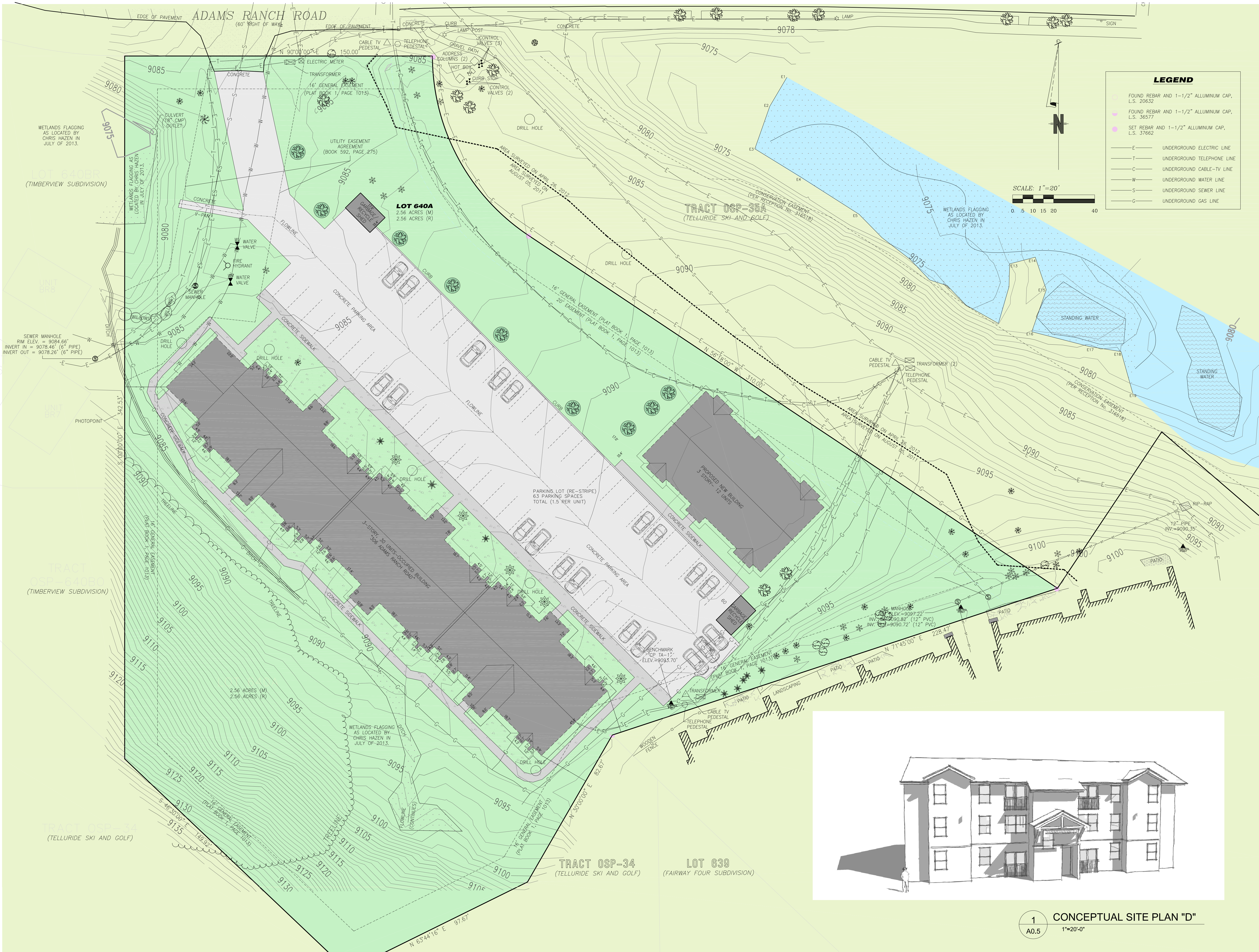
Document Date:
Sept. 30, 2019

Document Phase:
Schematic Design

REV.	DATE	REMARK
1	9.1.19	CONCEPTUAL SITE
2	9.12.19	CONCEPTUAL SITE ALTS
3	9.30.19	DENSITY TRANSFER
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CONCEPTUAL
SITE PLAN "D"

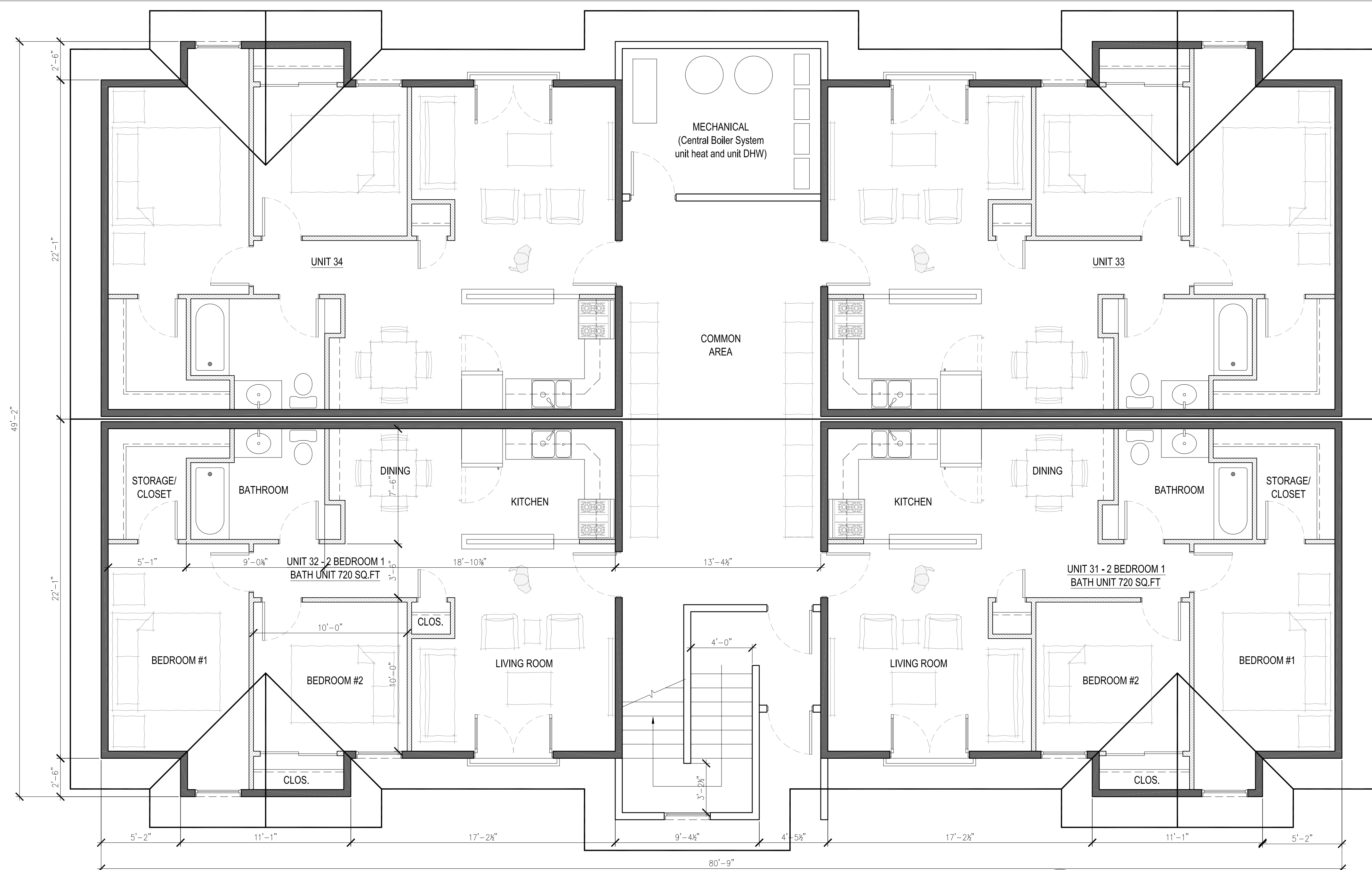
A0.5



1 CONCEPTUAL SITE PLAN "D"
A0.5 1"=20'-0"

**TSG - LOT 640 A MOUNTAIN VIEW
APTS - PHASE 2**

Telluride Ski and Golf
LOT 640 A



1 CONCEPTUAL FLOOR PLAN
A0.6 1/4" = 1'-0"



2 CONCEPTUAL ELEVATION
A0.6 NTS

Document Date:
Sept. 30, 2019

Document Phase:
Schematic Design

REV.	DATE	REMARK
1	9.1.19	CONCEPTUAL SITE
2	9.12.19	CONCEPTUAL SITE ALTS
3	9.30.19	DENSITY TRANSFER
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CONCEPTUAL
FLOOR PLAN
and ELEVATION

A0.6

**TSG - LOT 640 A MOUNTAIN VIEW
APTS - PHASE 2**

Telluride Ski and Golf
LOT 640 A

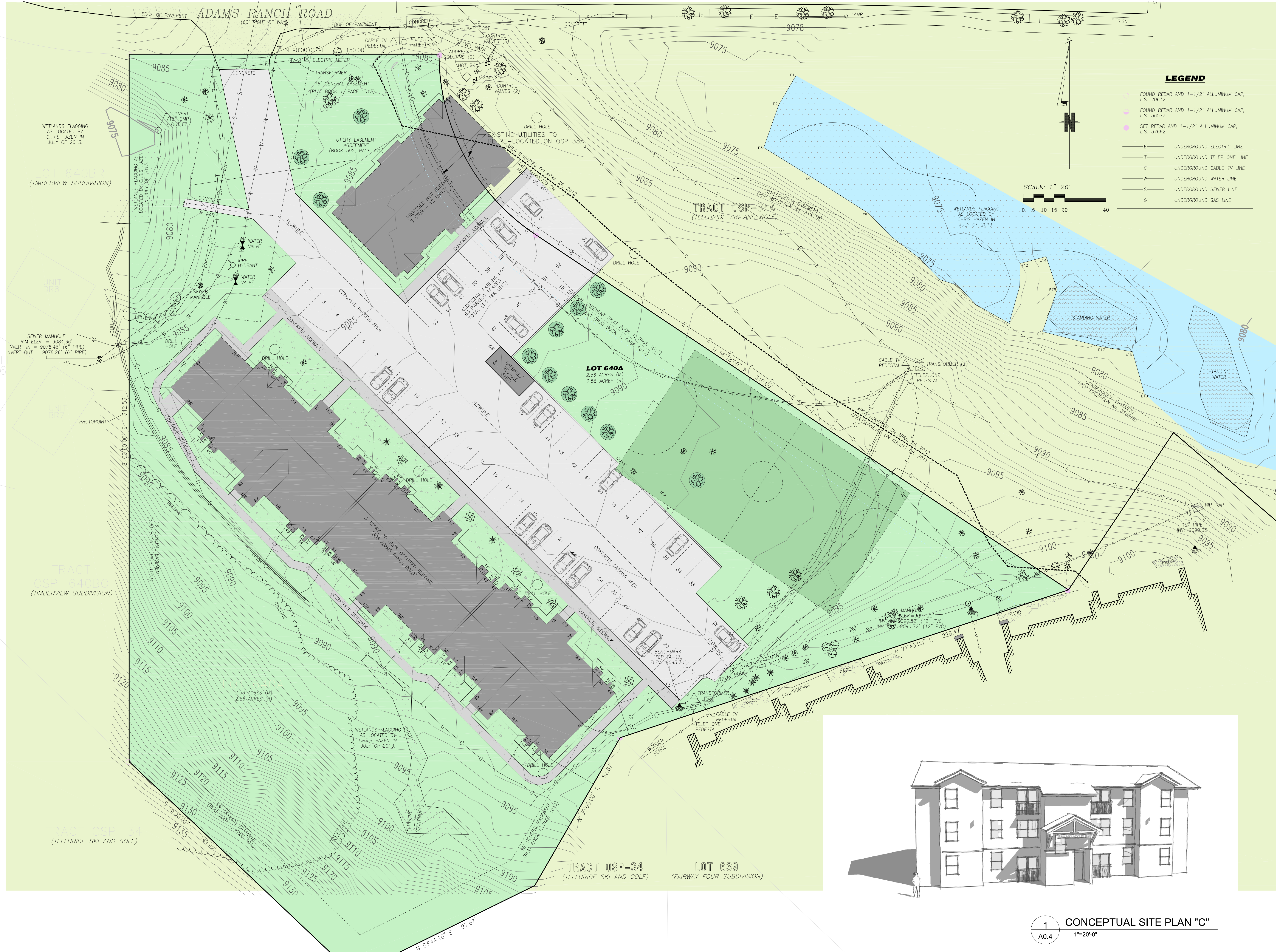
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Schematic Design

REV.	DATE	REMARK
1	9.1.19	CONCEPTUAL SITE
2	9.12.19	CONCEPTUAL SITE ALTS
3	9.30.19	DENSITY TRANSFER
4	11.7.19	REVISIONS
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**CONCEPTUAL
SITE PLAN "C"**

A0.2



1 CONCEPTUAL SITE PLAN "C"
A0.4 1"=20'-0"

**TSG - LOT 640 A MOUNTAIN VIEW
APTS - PHASE 2**

Telluride Ski and Golf
LOT 640 A

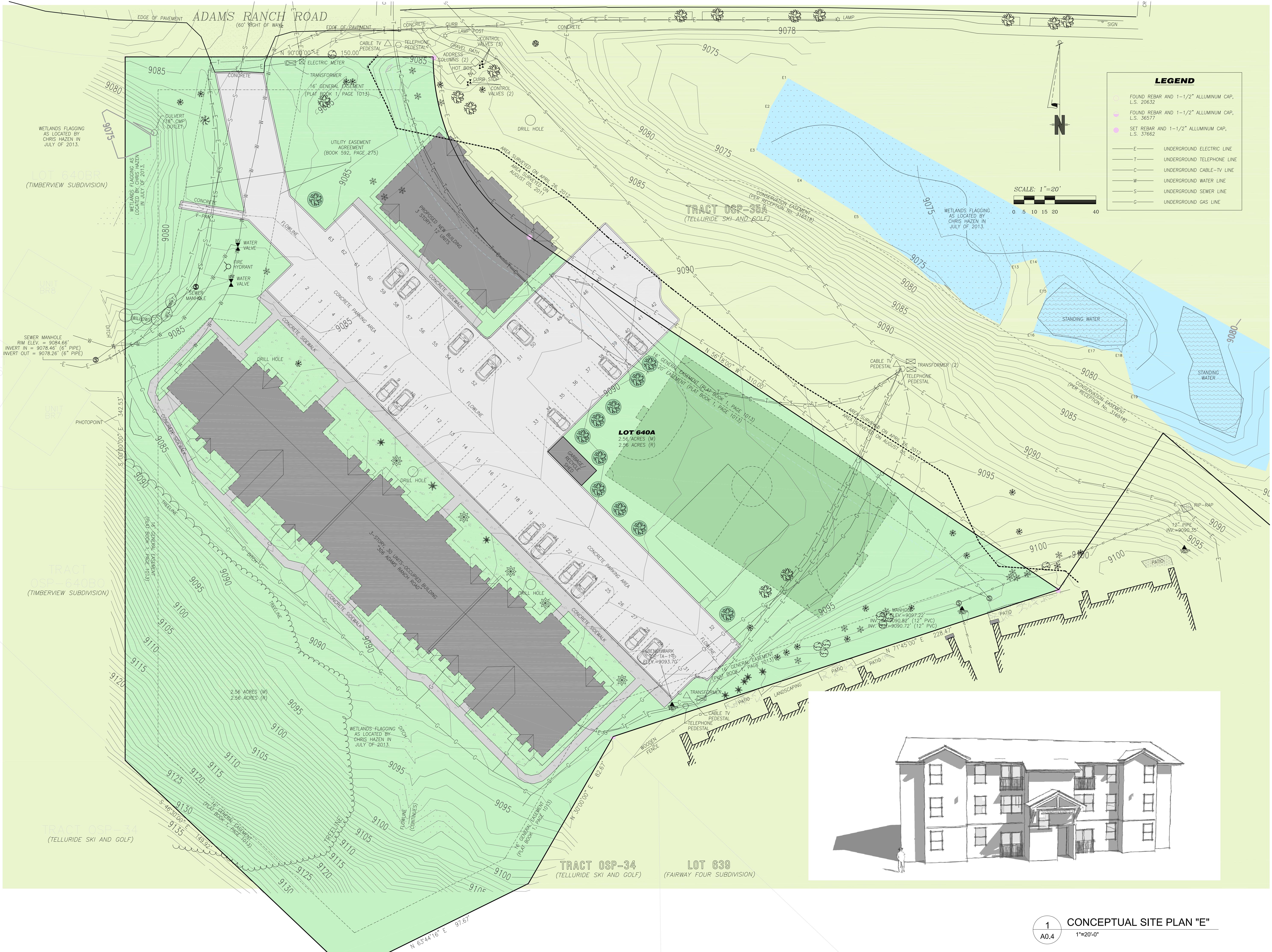
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Sept. 30, 2019

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Schematic Design

REV.	DATE	REMARK
1	9.1.19	CONCEPTUAL SITE
2	9.12.19	CONCEPTUAL SITE ALTS
3	9.30.19	DENSITY TRANSFER
4	11.7.19	REVISIONS
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CONCEPTUAL
SITE PLAN "E"

A0.5



LEGEND

- FOUND REBAR AND 1-1/2" ALLUMINIUM CAP, L.S. 20632
- FOUND REBAR AND 1-1/2" ALLUMINIUM CAP, L.S. 36577
- SET REBAR AND 1-1/2" ALLUMINIUM CAP, L.S. 37662
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- C — UNDERGROUND CABLE-TV LINE
- W — UNDERGROUND WATER LINE
- S — UNDERGROUND SEWER LINE
- G — UNDERGROUND GAS LINE

SCALE: 1"=20'

0 5 10 15 20 40

**TOWN OF MOUNTAIN VILLAGE, COLORADO
ORDINANCE NO. 2015 -8A**

**A CITIZEN INITIATED ORDINANCE TO ALLOW AN INCREASE IN DENSITY ON LOT 640A
FROM ITS CURRENT ALLOWED DENSITY BUT LIMITING DENSITY TO 45**

RECITALS

Section 1. Increase of Density:

The density on Lot 640A may be increased from its current allowed density, but shall be limited to 45 units.

*This Ordinance 2015-8A was initiated by the citizens of the Town of Mountain Village and voted on and approved by the registered electors of the Town of Mountain Village at the regular municipal election held on June 30, 2015, to become effective on July 30, 2015. The format of this Ordinance was, by legal requirement, accepted as presented by the citizens, and therefore is not consistent with the formatting used for other Town of Mountain Village ordinances.

ORDINANCE NO. 2019-__

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO APPROVING: (1) REZONE OF LOT 640A AND (2) DENSITY TRANSFER TO INCREASE THE PERMITTED UNBUILT DENSITY FROM 0 EMPLOYEE APARTMENT UNITS TO 12 EMPLOYEE APARTMENT UNITS FOR A TOTAL DENSITY OF 42 EMPLOYEE APARTMENT UNITS.

RECITALS

- A. Telluride Ski and Golf (“**Owner**”) has submitted to the Town: (1) a rezoning and density transfer development application for a rezone of Lot 640A to increase the unbuilt employee apartment density by 12 units which upon construction would increase the total density to 42 employee apartments (“**Application**”); pursuant to the requirements of the Community Development Code (“**CDC**”).
- B. Telluride Ski and Golf is the owner of Lot 640A and the associated development rights and density allocated to the Lot.
- C. The proposed rezoning and density transfer is to create an additional twelve (12) units of employee apartment unit density, equivalent to thirty-six (36) person equivalents to be placed on Lot 640A by the Town pursuant to the requirements of the CDC.
- D. The Town of Mountain Village has the ability to create workforce or employee density without impacting the density limitation.
- 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:

Figure 1. Current Zoning Designation and Density for Lot 640A Mountain View Apartments

Unit No.	Zone District	Zoning Designation	Actual Units	Built Density	Person Equivalent
640A	Multi-Family	Employee Apartment	30	30	90

Figure 2. Proposed Zoning Designation for Lot 640A Mountain View Apartments

Unit No.	Zone District	Zoning Designation	Actual Units	Built Density	Person Equivalent
640A	Multi-Family	Employee Apartment	42	30	126

- F. At a duly noticed public hearing held on November 7, 2019, the DRB considered the Application, 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 November 21, 2019, the Town Council conducted a first reading of an ordinance and set a public hearing, pursuant to the Town Charter.
- H. On December 19, 2019, Town Council held a second reading and public hearing on the ordinance and approved with conditions the Application.

- I. The meeting held on November 7, 2019, 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 project standards.
 - 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 there is an error in the current zoning, there have been changes in conditions in the vicinity or there are specific policies in the Comprehensive Plan that contemplate the rezoning.
 - 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:

Density Transfer Findings

- 1. The Town of Mountain Village has the ability to create Workforce or Employee density not subject to the Density Limitations.
- 2. The applicant has demonstrated adequate parking for the project.
- 3. Although identified in the Comprehensive Plan, the application is subject to Town Ordinance 2015-8A, limiting the overall density of Lot 640A to 45 Units of Employee Apartment Density.

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

- 1. All parking required by the CDC shall be provided by Mountain View Apartments. Parking shall be constructed on-site prior to the issuance of a final building permit and shall be subject to the applicable Design Review Process.
- 2. The applicant will work with the town to preserve park space and/or access to the open space area.
- 3. The owner of Lot 640A shall be required to submit a Design Review Process Application to the DRB for design approval consistent with the representation on massing, scale, and siting as presented and approved in the rezoning and density transfer.

4. The final location and design of any buildings, 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.
5. In the event the final building siting for the additional density does not fit entirely on Lot 640A, the applicant shall replat Lot 640A and OSP-35A so that all improvements are within Lot 640A.
6. The owner of record of density shall be responsible for all dues, fees and any taxes associated with the assigned density and zoning until such time as the density is either transferred to a lot or another person or entity.

Section 1. Effect on Zoning Designations

A. This Ordinance does not change any other zoning designation on the Properties it only affects the overall unbuilt density on the Lot.

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 _____, 2019 following public hearing and approval by Council on second reading.

Section 5. Public Hearing

A public hearing on this Ordinance was held on the __st of _____ 2019 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 __th day of _____ 2019.

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 XXst day of _____ 2019

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

By: _____
Laila Benitez, Mayor

ATTEST:

Jackie Kenefick, 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. _____ ("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 _____, 2019, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Martinique Davis Prohaska				
Peter Duprey				
Patrick Berry				
Natalie Binder				
Jack Gilbride				

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 _____, 2019 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 _____, 2019. 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				
Dan Caton, Mayor Pro-Tem				
Martinique Davis Prohaska				
Peter Duprey				
Patrick Berry				
Natalie Binder				
Jack Gilbride				

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 ____ day of _____, 2019.

Jackie Kennefick, Town Clerk

(SEAL)