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August 30, 2019

**Development narrative for the rezone and density transfer application from efficiency lodge to Lodge designation of Unit 41B, 117 Lost Creek Lane, Lot 42-B, Mountain Village, Colo 81435**

Carla and I are long term residents of San Miguel County, having owned property here since the early 80's. I have resided for the past 30 years on a 277 acre parcel of land which includes the original Finnegan Ranch Homestead, at the junction of Alder and Leopard Creeks, where county road 56 V meets Highway 62.

Looking forward to retiring from all the work on our ranch, we purchased unit 41B in the Blue Mesa Lodge Condominium complex, on May 3, 2019. Our intention was to move into this condominium as our full time residence in the Mountain Village. As we were assured by our Buyers Agency Realtor, that the units in the Blue Mesa Lodge Condominiums, unlike those in the Peaks, had no use restrictions and could be owner occupied full time, and upon seeing the Blue Mesa Lodge Condominium HOA declarations describing the BMLCondos as "residential condo apartments" intended for "individual ownership for residential use", we proceeded with our purchase of unit 41B.

We first became aware of the efficiency Lodge designation for the BMLCondominiums when we saw the May 16, 2019 letter from the Mountain Village Planning staff to the town council. Had we been aware of this efficiency lodge designation, and it's associated implications, we would not have closed on our unit 41B.

Our unit 41B is an 800 sq ft unit with 2 baths, a full kitchen, an 80 sq ft patio deck, and a loft bedroom with a full bath. The 41B floor plan is attached as exhibit A. The unit includes a full parking space described as parking unit 24 of the Gondola Plaza Parking Condominium.

Our unit 41B meets the criteria of the CDC section 17.4.9 subsection 3 as follows:

3.a The proposed rezoning is in general conformance with the goals ,policies and provisions of the comprehensive plan, as follows: Lodge designation of 41B will help create a vibrant year-round economy (pg 9 of CP), by allowing year-round residency of a couple who will contribute to the year-round (including shoulder seasons) economy of local restaurants and retail stores.

Lodge designation of 41B would be in compliance with pg 51-L of the CP which encourages full time residency in the mountain villace center, with provisions such as smaller units, the creation of a better sense of community, and other creative options.

3.b The proposed rezoning is consistent with with the Zoning and land use regulations because:41B meets the physical definition of lodge as it has a loft, full kitchen, and twice the required parking, Our proposed full time use as owners is allowed under lodge designation. Lodge designation would follow land use plan policy (pg 39-3.a) for a mixed use center.

3.c The proposed rezoning meets the comprehensive plan project standards because: The entire BML Condominium project which includes the subject unit 41B was designed, approved,built and managed as a residential condominium property.

3.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 because:The BMLCondominium building is physically suitable for lodge designation use. Upgrades to the garage fireproofing, roof drainage, waterproofing, plaza repairs,and creation of town easements to install sunset plaza snow melt, and creation of an easement for town delivery vehicles are all examples of the BML Condos contribution to the public health, safety, welfare, and efficiencies of use of the HOA property.

3.e The proposed rezoning is justified because there are the following errors in the current zoning: Numerous units in the BMLCondo building have been used as full time residences ,or used solely by the owner , since the original construction. Unit 41B was used by its previous owner for his exclusive use for the past 13 years. The history of the building is mixed use, with long term residency in multiple units. Current zoning has not been enforced since the 1998 resolution changed the zoning from residential condos to efficiency lodge units. There was no enforcement of parking obligations and there was no requirement to remove full kitchens from up to ten of the original units (in order to bring those units into compliance with lodge efficiency definitions).

Unit 41B was purchased with a full kitchen, which would be in error with efficiency lodge designation. The 1997 application for conversion to efficiency lodge was at the request of the developer/declarant and not by a properly constituted HOA on behalf of the owners. The developer/declarant further recorded a misleading amended declaration, stating the conversion was from residential condo to “residential studio apartments”, which is a designation that did not and does not exist. The developer/declarant then sold efficiency lodges represented as residential studio apartments, with the full chain of buyers (23 past and present owners contacted) thinking they had purchased residential

condos. In sum, the rezone to efficiency lodge appears in error and occurred from a lack of adequate diligence and review.

3.g The proposed rezoning meets all applicable town regulations and standards because:

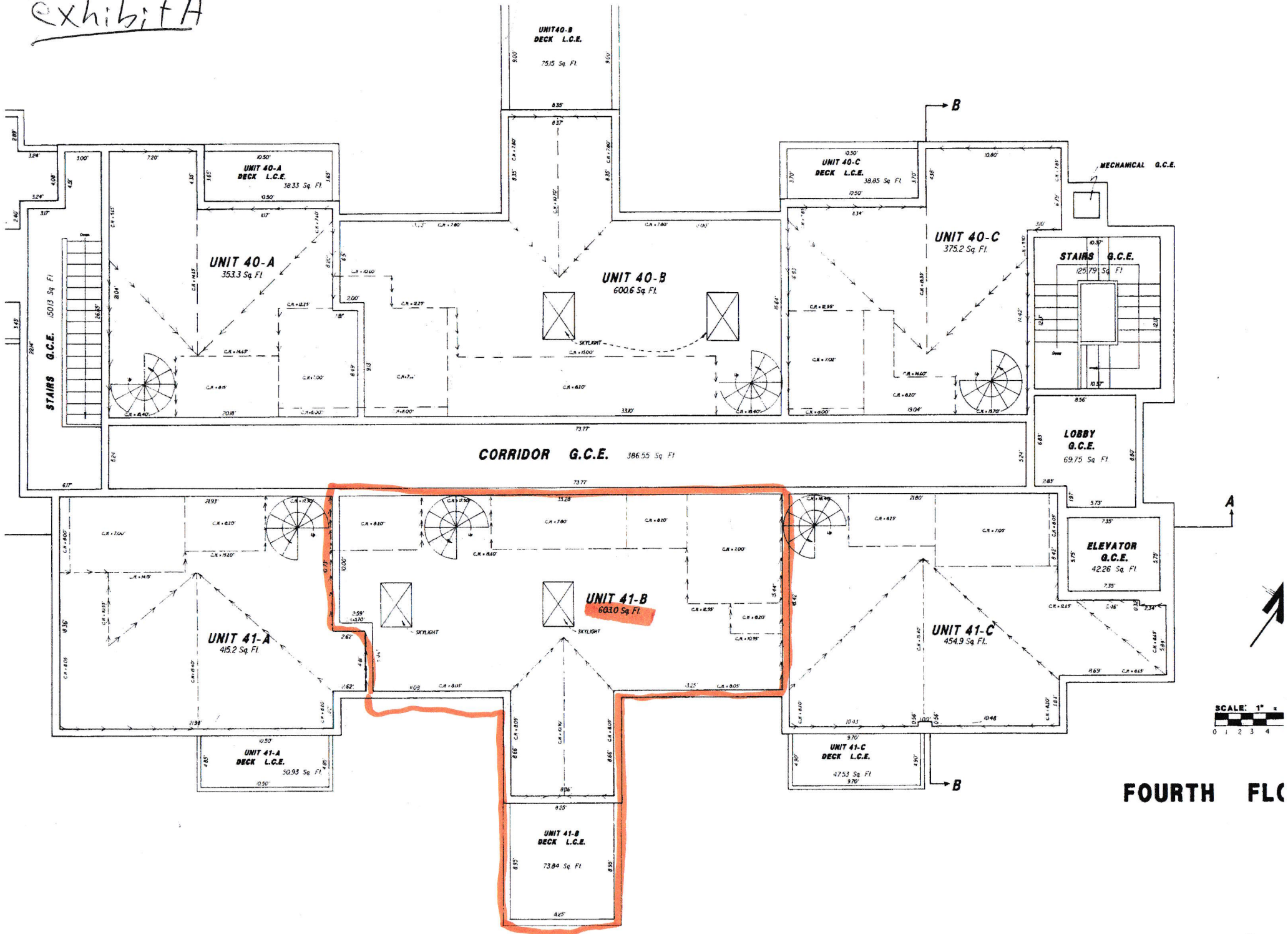
The subject property was constructed to a residential condo standard. The lodge designation allows for the original intended use.

We want to thank Town Staff for considering our application and to Town Council for recommended the town consider waiving the application fees.

Most Sincerely,

David and Carl Mackown

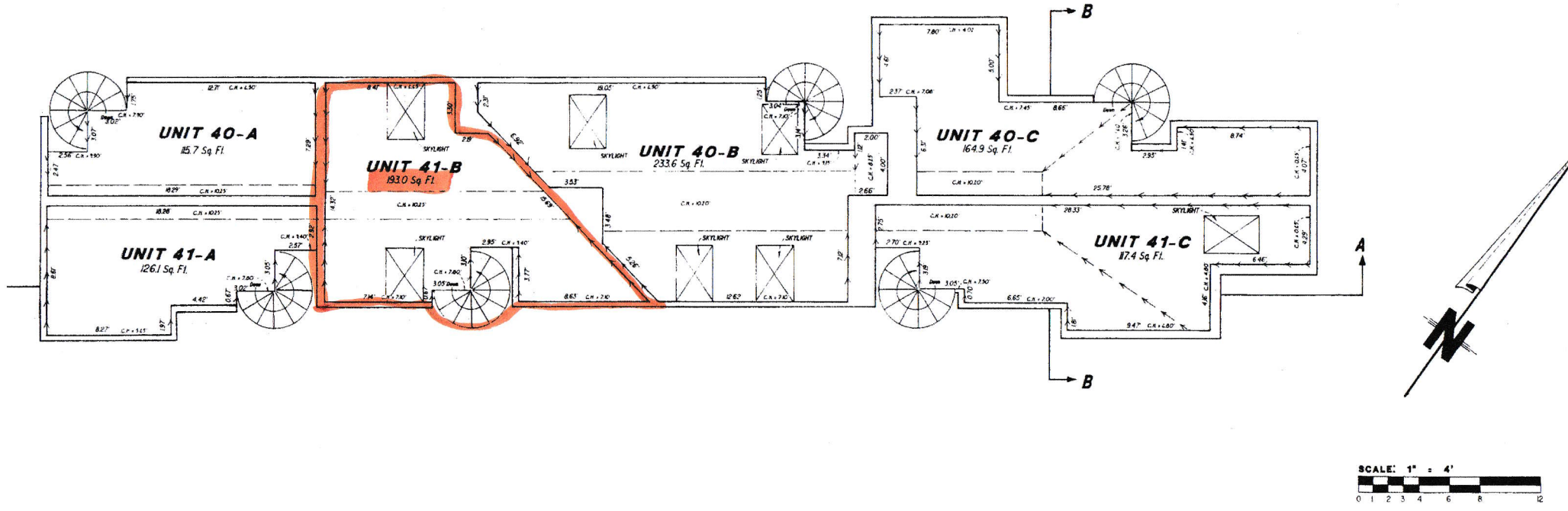
Exhibit A



SCALE: 1" = 4'

FOURTH FLOOR

Exhibit A

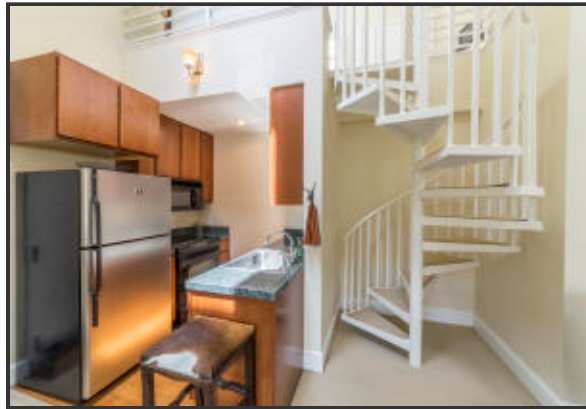


**FOURTH FLOOR LOFT**

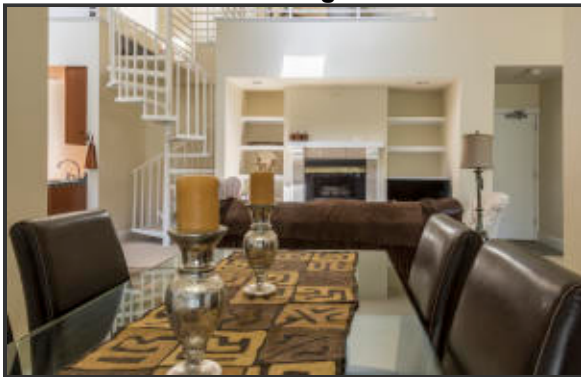
**Living Area**



**Kitchen**



**Dining**



**From Loft**



**Bedroom**



**Loft Area**



**Upstairs Bath**



**Master Bath**

**Living Area**



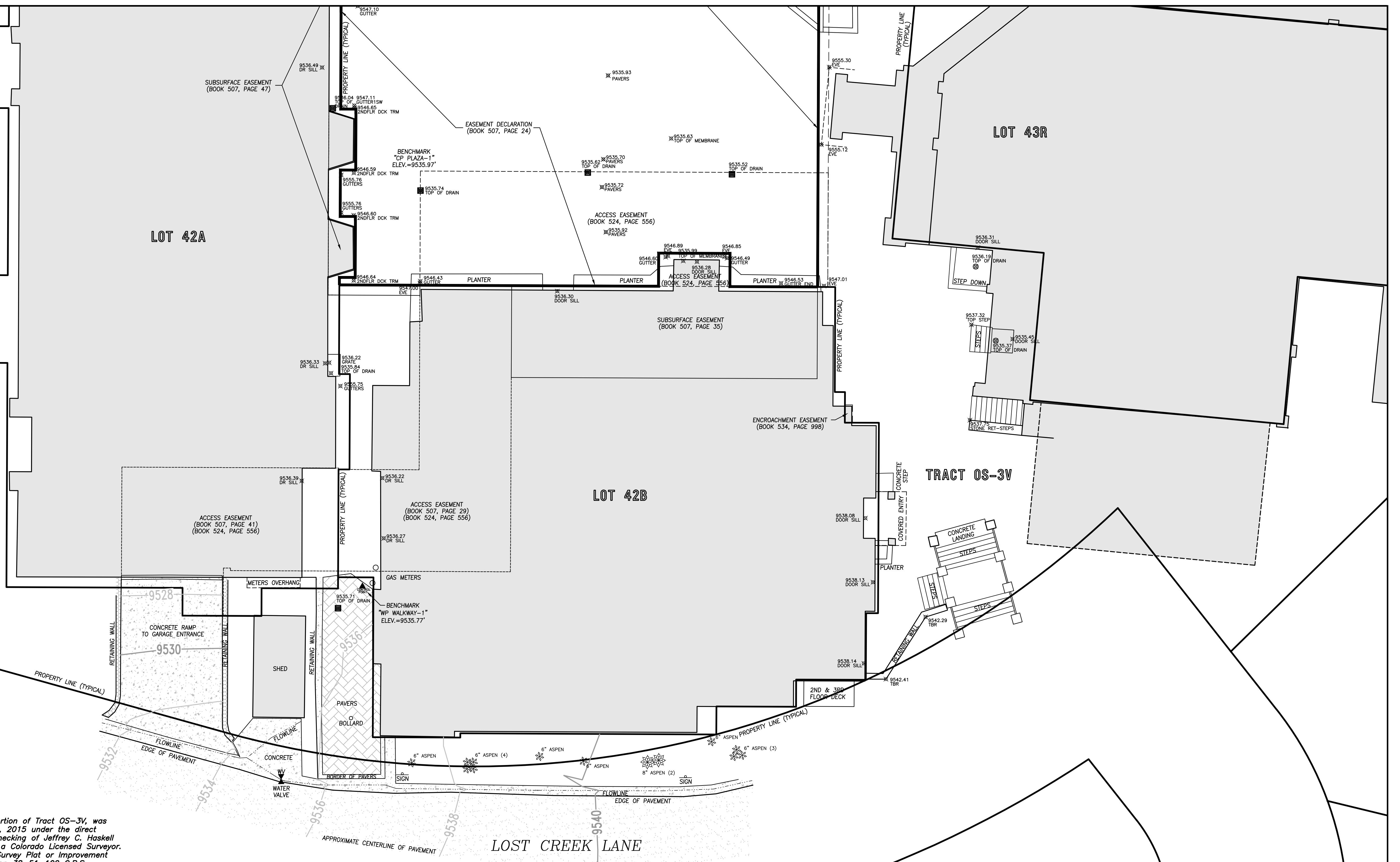
**Deck View**



**Blue Mesa Entry**



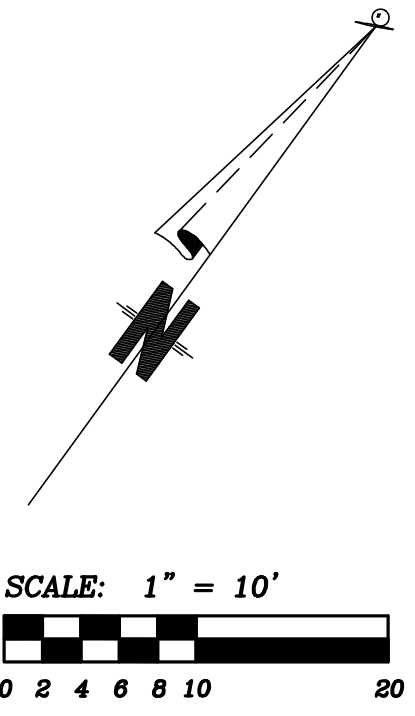
**8.30.19 note:**  
 This Plat Surface Addition is part of a full Survey made in 2015 for the Town of Mountain Village and the Blue Mesa Lodge HOA. The full survey was provided to the Town in 2015.



This topographic survey of a portion of Tract OS-3V, was field surveyed on September 14, 2015 under the direct responsibility, supervision and checking of Jeffrey C. Haskell of Foley Associates, Inc., being a Colorado Licensed Surveyor. It does not constitute a Land Survey Plat or Improvement Survey Plat as defined by section 38-51-102 C.R.S.

P.L.S. NO. 37970 \_\_\_\_\_ Date \_\_\_\_\_

- NOTES:**
- Title search was provided by Land Title Guarantee Company in September of 2015.
  - Benchmark: Control point "WP WALKWAY-1", as shown hereon, with an elevation of 9535.77 feet.
  - Contour interval is one foot.
  - NOTICE:** According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In 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.



**SURFACE INFORMATION**

**Existing Conditions for  
 The Gondola Plaza Parking Condominium**

Project Mgr:	JH
Technician:	MC
Checked by:	KV
Start date:	09/14/2015

Rev.	description	date	by

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Drawing path: dwg\93007 Surface Addition 09-15.dwg Sheet 1 of 1 Project #: 93007