

**RESOLUTION OF THE TOWN COUNCIL
OF MOUNTAIN VILLAGE, RESOLUTION APPROVING ALTERNATIVE PARKING
REQUIREMENTS FOR LOT 165AB-R, CASSIDY RIDGE CONDOMINIUMS**

RESOLUTION NO. 2018-1213-31

- A.** Cassidy Ridge Homeowners Association, Inc. (“Cassidy Ridge”), a Colorado corporation, has applied for an Alternative Parking Requirement pursuant to the Town’s Community Development Code (“CDC”).
- B.** Cassidy Ridge Condominiums consists of 20 condominiums, and 3 employee condominiums.
- C.** The Cassidy Ridge has authorized Joseph A. Solomon Esq. to pursue the approval of Alternative Parking Requirement which Joseph A. Solomon, Esq. has submitted to the Town (“Application”).
- D.** Cassidy Ridge Declarant had inadvertently sold three required parking spaces to unit owners prior to 2017 which brought the Cassidy Ridge out of compliance with town parking regulations of 1.5 spaces per each condominium unit.
- E.** Cassidy Ridge proactively submitted an Alternative Parking application to the town to remedy to compliance issue.
- F.** Cassidy Ridge provided a parking study which demonstrates precedent for a reduced parking requirement from 1.5 parking spaces for the three employee condominiums to 1 parking space requirement specifically for units D202, C202 and C201.
- G.** Cassidy Ridge has agreed to address, all conditions of approval of the Application imposed by Town Council.
- H.** The Parking Requirements per the CDC are shown in the table below:

| Zoning Designation | Actual Units | Parking Space Per Unit | Total Parking Requirement |
|----------------------|--------------|------------------------|---------------------------|
| Condominium | 20 | 1.5 | 30 |
| Employee Condominium | 3 | 1.5 | 5 |

Proposed Alternative Parking Requirement:

| Zoning Designation | Actual Units | Alternate Parking Space Per Unit | Total Parking Requirement |
|----------------------|--------------|----------------------------------|---------------------------|
| Condominium | 20 | 1.5 (no change) | 30 |
| Employee Condominium | 3 | 1 | 3 |

- I. The proposed amended declaration also establishes a tiered priority use of the seven overflow HOA parking spaces for Cassidy Ridge which include use by the employee condominiums units D202, C202 and C201. The overflow parking spaces are identified as amendment #5 on page 2 of the amended declarations. The priority of use is established at subitems a-e. Cassidy Ridge affirms within the established hierarchy outlined in the declaration amendment, the employee condominiums can each use one overflow parking space.
- J. The Town Council finds that the Alternative Parking Requirement meets the criteria for decision set forth in Section 17.5.8.A.6 of the CDC as follows:
 - 1. The application provided a parking study consistent with the criteria for review.
 - 2. The Alternative Parking Requirements shall be sufficient to meet the parking demand for the proposed uses; and
 - 3. The Alternative Parking Requirements are not detrimental to the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL HEREBY APPROVES THE ALTERNATIVE PARKING REQUIREMENT AS SHOWN IN EXHIBIT A AND AUTHORIZES THE MAYOR TO SIGN THE RESOLUTION SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. An amended condominium map and associated declarations must be recorded concurrent with this approval to the satisfaction of the town illustrating the revised parking configuration as represented in this application and other parking improvements demonstrated on the proposed revised condominium map amendment.
- 2. Any amendments to the declarations cannot contravene this approval without going through required town processes.
- 3. The applicants will be expected to complete any and all necessary interior and exterior parking improvements within eight (8) months of this approval and seek necessary town design, development or building permit applications to have those improvements approved and completed consistent with the representations made at this hearing and recorded with the condominium map amendment.
- 4. Verify that the exterior parking depicted on the condominium map amendment, does not adversely affect the necessary hammerhead/fire truck turnaround.

Section 1. Resolution Effect

- A. This Resolution shall have no effect on pending litigation, if any, and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the resolutions repealed or amended as herein provided and the same shall be construed and concluded under such prior resolutions.
- B. All resolutions, of the Town, or parts thereof, inconsistent or in conflict with this Resolution, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

Section 2. Severability

The provisions of this Resolution are severable and the invalidity of any section, phrase, clause or portion of this Resolution as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Resolution.

Section 3. Effective Date

This Resolution, with its stated conditions and contingencies, shall become initially effective on December 13, 2018 (the "Effective Date") as herein referenced throughout this Resolution.

Section 4. Public Meeting


A public meeting on this Resolution was held on the 13th day of December 2018 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

Approved by the Town Council at a public meeting held on December 13, 2018

Town of Mountain Village, Town Council

By: 
Laila Benitez, Mayor

Attest:

By: 
Jackie Kennefick, Town Clerk

Approved as to Form:


James Mahoney, Assistant Town Attorney