

**RESOLUTION OF THE TOWN COUNCIL OF MOUNTAIN VILLAGE, COLORADO,
AUTHORIZING AND APPROVING A REZONING REQUEST ON LOT 28 TO
INCLUDE COMMERCIAL ZONING**

Resolution No. 2011-1208-36

WHEREAS, Lucky Mountain Holding, LLC., is the owner of record of real property described as Lot 28, Town of Mountain Village; and

WHEREAS, the Owners' authorized agent, Mike Courter, has submitted an application requesting approval of a Rezone on Lot 28, Town of Mountain Village; and

WHEREAS, the applicant proposes the rezone to including commercial zoning located on Lot 28; and

Current Zoning

ZONING DESIGNATION	UNIT NO	DENSITY PER UNIT	TOTAL DENSITY
Condo	10	3.00	30.00
Lodge	8	0.75	6.00
Efficiency Lodge	11	0.50	5.50
Employee Condo	1	3.00	3.00

Proposed Zoning

ZONING DESIGNATION	UNIT NO	DENSITY PER UNIT	TOTAL DENSITY
Condo	10	3.00	30.00
Lodge	8	0.75	6.00
Efficiency Lodge	11	0.50	5.50
Employee Condo	1	3.00	3.00
Commercial	(1,554 sq)	0.00	0.00

WHEREAS, the Design Review Board (DRB) considered this application, along with evidence and testimony, at a public meeting held on November 10, 2011. Upon concluding their review, the DRB voted 6-0 in favor of recommending that the Town Council approve the Rezone; and

WHEREAS, the Town Council considered this application, along with evidence and testimony, at a public meeting held on December 8, 2011; and

WHEREAS, the public hearings referred to above were preceded by publication of public notice of such hearings on such dates and/or dates from which such hearings were continued in the *Telluride Daily Planet*, and by mailing of public notice to property owners within one hundred fifty feet (150') of the Property, as required by the LUO; and

WHEREAS, the Town Council considered the Application submittal materials, and all other relevant materials, public letters and public testimony, and approved the Application with conditions as set forth in this Resolution; and

WHEREAS, the Owner has addressed, or agreed to address, all conditions of approval of the Application imposed by Town Council based upon a recommendation for approval by the DRB; and

Now, Therefore, Be It Resolved that the Town Council hereby approves the Rezone and authorizes the Mayor to sign the Resolution subject to the following conditions:

1. The applicant shall work with Staff to complete the required Resolution for Town Council and submit appropriate fees to Staff for recordation with the San Miguel County Assessor's office within six months of approval.
2. Vehicle parking on Lost Creek Lane or in unapproved areas in front of the building are prohibited.
3. Valet parking shall be provided at all times for the parking garage.
4. All representations of the applicant, whether within the submittal or at the DRB hearing, are conditions of this approval.
5. Per Section 2-1307 of the Town of Mountain Village Design Regulations, this approval does not allow any violation to the LUO and/or Design Regulations or imply approval of any errors that may be contained in this application that violate the LUO and/or the Design Regulations.

Section 4-501 of the LUO states the following standards and requirements shall be used to evaluate Density Transfers and rezoning requests.

(1) The replat/rezone proposed is generally consistent with the underlying purposes and goals of the LUO and the Design Regulations.

(2) The proposed replat/rezone is compatible with the surrounding environment, neighborhood and area relative to, but not limited to, scale, bulk, Building height, buffer zones, character, and orientation and shall not unreasonably affect existing land Uses and the future Development of the surrounding neighborhood and area.

(3) Adequate public facilities and services are available to serve the proposed replat/rezone.

(4) The proposed replat/rezone shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion.

Town Council based their recommendation for approval of this Application on the following findings, as stated in Section 4-501 of the Land Use Ordinance:

1. The rezone is generally consistent with the underlying purposes and goals of the LUO and the Design Regulations.

2. The proposed rezone is compatible with the surrounding environment, neighborhood and area relative, but not limited to, scale, bulk, building height, buffer zones, character, and orientation and shall not unreasonably affect existing land uses and the future development of the surrounding neighborhood and area as no physically changes proposed to the building and the commercial space will enhance the vitality of the village core.
3. Adequate public facilities and services are available to serve the proposed rezone.
4. The proposed rezone shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion as free valet parking is available onsite and paid parking is available within the village core

Be It Further Resolved that Lot 28 may be rezoned as submitted in accordance with Resolution No. 2011-1208-36.

Approved by the Town Council at a public meeting December 8, 2011

Town of Mountain Village, Town Council

By: _____

Robert Delves, Mayor

Attest:

By: _____

Jackie Kennefick, Town Clerk