

**ORDINANCE NO. 2019-17**

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO APPROVING A REZONE AND DENSITY TRANSFER TO CONVERT BLUE MESA LODGES UNIT 41-B FROM AN EFFICIENCY LODGE ZONING DESIGNATION UNIT TO A LODGE ZONING DESIGNATION UNIT.**

**RECITALS**

- A. David and Carla Mackown (“Owners”) has submitted to the Town: (1) a rezoning and density transfer development application for a rezone of Unit 41-B, Blue Mesa Lodge Condominiums (Lot 42B) from one efficiency lodge units to one lodge unit (“Application”); pursuant to the requirements of the Community Development Code (“CDC”).
- B. David and Carla Mackown are the owners of Unit 41B, Blue Mesa Lodge Condominiums, and the associated development rights and density allocated to Unit 41-B, Blue Mesa Lodge Condominiums.
- C. The proposed rezoning and density transfer is to convert one efficiency lodge unit into one lodge unit pursuant to the requirements of the CDC.
- D. In order to rezone Unit 41-B, the owners need an additional .25-person equivalent density to satisfy the CDC requirements. The owners intend to purchase the required .25-person equivalent density prior to recordation of this ordinance.
- 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 for 41B, Lot 42B Blue Mesa Lodge Condominiums

Unit No.	Zone District	Zoning Designation	Actual Units	Person Equivalent
41B	Village Center	Efficiency Lodge	1	.5

Figure 2. Proposed Zoning Designation

Unit No.	Zone District	Zoning Designation	Actual Units	Person Equivalent
41B	Village Center	Lodge	1	.75 <sup>1</sup>

<sup>1</sup> As noted above the deficient density of .25 will be acquired by the owner of unit 41B, Lot 42B, prior to recordation of this ordinance.

Figure 3. Lot 42B Current Zoning Designation for the Property

Lot	Zone District	Zoning Designation	Actual Units	Person Equivalent	Total Person Equivalent
42B	Village Center	Efficiency Lodge	28	.5	14
	Village Center	Commercial	n/a	n/a	n/a

Figure 4. Lot 42B Proposed Zoning Designation for the Property

Lot	Zone District	Zoning Designation	Actual Units	Person Equivalent	Total Person Equivalent
42B	Village Center	Efficiency Lodge	27	.5	13.5
	Village Center	Lodge	1	.75	.75
	Village Center	Commercial	n/a	n/a	n/a

- F. At a duly noticed public hearing held on November 7, 2019, the DRB considered the Applications, 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 12, 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. At the time that the requisite required density of .25 person equivalents is acquired, the applicant will meet the density required to execute a rezone from efficiency lodge to lodge zoning designation
2. The applicant has met or exceeded the parking requirement of .5 parking spaces
3. Blue Mesa Lodge is not identified in the Comprehensive Plan for redevelopment.

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

1. The applicant should work with the Blue Mesa HOA to update the declarations to recognize Unit 41-B as one Lodge unit.
2. The Lot list shall be updated to reflect the rezone from one efficiency lodge unit to one lodge unit.
3. The applicant shall demonstrate the required density has been acquired prior to recording the associated ordinance rezoning unit 41-B from efficiency lodge to lodge unit.

### **Section 1. Effect on Zoning Designations**

A. This Resolution does not change any other zoning designation on the Properties it only affects Unit 41-B.

### **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 January 11, 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 12<sup>th</sup> of December 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 21<sup>st</sup> day of November 2019.**

TOWN OF MOUNTAIN VILLAGE

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

By:   
Laila Benitez, Mayor

ATTEST:  
  
Jackie Kennefick, Town Clerk

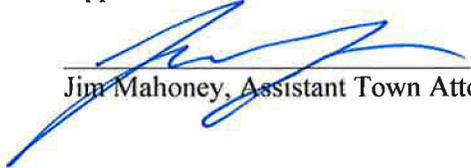
**HEARD AND FINALLY ADOPTED** by the Town Council of the Town of Mountain Village,  
Colorado this 12<sup>th</sup> day of December 2019

TOWN OF MOUNTAIN VILLAGE  
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COLORADO, A HOME-RULE  
MUNICIPALITY

By:   
Laila Benitez, Mayor

ATTEST:  
  
Jackie Kennefick, 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.2019-17 ("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 November 21, 2019, by the affirmative vote of a quorum of the Town Council as follows:

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

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 November 27, 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 December 12, 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	X			
Dan Caton, Mayor Pro-Tem	X			
Martinique Davis Prohaska	X			
Peter Duprey	X			
Patrick Berry	X			
Natalie Binder	X			
Jack Gilbride	X			

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 12<sup>th</sup> day of December, 2019.

(SEAL)



*Jackie Kennefick*  
 Jackie Kennefick, Town Clerk