

**ORDINANCE NO. 2020-03**

**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 are 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**

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

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

<b>Unit No.</b>	<b>Zone District</b>	<b>Zoning Designation</b>	<b>Actual Units</b>	<b>Built Density</b>	<b>Person Equivalent</b>
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 January 16, 2020, the Town Council conducted a first reading of an ordinance and set a public hearing, pursuant to the Town Charter.
- H. On February 20, 2020, 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. Parking shall be actively managed by the Property Owner and shall required parking passes to be issued to the residents in accordance with the Town's Parking Requirements.
- 2. The applicant will work with the town to preserve park space and/or access to the open space area. At a minimum, the applicant will provide the features described and required in the Comprehensive Plan and detailed in the staff memo.

3. The applicant will provide additional fencing to augment the landscape buffer adjacent to Northstar per the Comprehensive Plan.
4. The applicant will resolve access to the park by granting the Town an easement for access from Adams Ranch Road to the Open Space Parcel OSP-35A.
5. 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.
6. 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.
7. 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.
8. 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.
9. Telluride Ski & Golf shall discuss in good faith with the Town regarding the following four items and staff and Telluride Ski & Golf shall report back to the Town Council prior to filing the required replat application:
  - a. Transportation enhancements
  - b. Meadows Park
  - c. Trails and pedestrian accessibility
  - d. Parking in Meadows subarea

### **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 March 21, 2020, following public hearing and approval by Council on second reading.

### **Section 5. Public Hearing**

A public hearing on this Ordinance was held on the 20<sup>th</sup> of February 2020 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

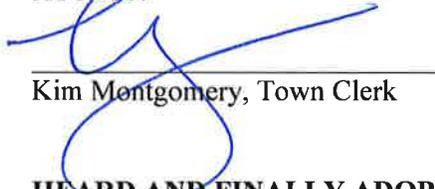
**INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 16th day of January 2020.**

**TOWN OF MOUNTAIN VILLAGE**

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

By:   
Laila Benitez, Mayor

ATTEST:

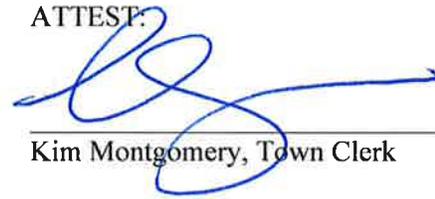
  
Kim Montgomery, Town Clerk

**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 20th day of February 2020**

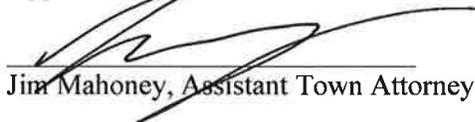
**TOWN OF MOUNTAIN VILLAGE  
TOWN OF MOUNTAIN VILLAGE,  
COLORADO, A HOME-RULE  
MUNICIPALITY**

By:   
Laila Benitez, Mayor

ATTEST:

  
Kim Montgomery, Town Clerk

Approved as To Form:

  
Jim Mahoney, Assistant Town Attorney

I, Kim Montgomery, 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.2020-03 ("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 January 16, 2020, 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			

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 January 24, 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 February 20, 2020. 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:

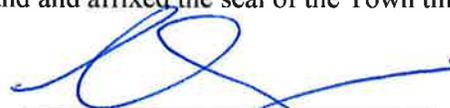
Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor	X			
Dan Caton, Mayor Pro-Tem	X			
Martinique Davis Prohaska			X	
Peter Duprey	X			
Patrick Berry				X
Natalie Binder	X			
Jack Gilbride	X			

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 20th day of February, 2020.

(SEAL)



  
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 Kim Montgomery, Town Clerk