

**ORDINANCE NO. 2021-02**

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,  
COLORADO APPROVING A REZONE AND DENSITY TRANSFER FOR LOT 37, COLUMBIA  
PLACE CONDOMINIUMS, UNITS 5, 6, 7, 8, 9, 10, 11, AND 12 – REZONING FROM EIGHT  
HOTEL EFFICIENCY ZONING DESIGNATION UNITS TO EIGHT LODGE ZONING  
DESIGNATION UNITS AND TRANSFERRING RESULTING EXCESS DENSITY TO THE  
DENSITY BANK**

**RECITALS**

- A. Robert Stenhammer (“**Applicant**”), acting on behalf of the owners of Units 5, 6, 7, 8, 9, 10, 11, and 12 (“**Owners**”) has submitted to the Town: (1) a rezoning and density transfer development application for a rezone of Units 5, 6, 7, 8, 9, 10, 11, and 12, Columbia Place Condominiums (Lot 37) from eight Hotel Efficiency units to eight Lodge Units (“**Application**”), pursuant to the requirements of the Community Development Code (“**CDC**”).
- B. Contemporaneously with the Application, Applicant requested on behalf of the owners of Units 6, 7, 9, 10, 11, and 12 that the Town establish a Parking In-Lieu Fee for the aforementioned units in order to satisfy the CDC parking requirements for Lodge Units (“**Payment In-Lieu**”).
- C. The proposed rezoning is to rezone eight Hotel Efficiency units into eight Lodge Units pursuant to the requirements of the CDC at Section 17.4.9.
- D. In order to rezone Units 5, 6, 7, 8, 9, 10, 11, 12, the owners of these units will need to transfer resulting excess density into the density bank prior to recordation of this Ordinance in accordance with Section 17.4.10 of the CDC.
- E. In order to rezone Units 6, 7, 9, 10, 11, and 12, the owners of these units would need to meet the parking requirement of 0.5 parking spaces per unit. Town Council considered a Parking In-Lieu Fee Payment at its December 3, 2020, meeting to establish the required fee for each Unit owner to otherwise meet the parking requirements for Lodge Units.
- F. 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:

<b>Lot</b>	<b>Acreage</b>	<b>Zone District</b>	<b>Zoning Designation</b>	<b>Actual Units</b>	<b>Person Equivalent per Actual Unit</b>	<b>Total Person Equivalent Density</b>
<b>Zoned Density</b>						
37	4,214 sq. ft.	Village Center	Efficiency Hotel	8	2	16
			Commercial			
<b>Total Zoned Density:</b>				8		16
<b>Unbuilt Density</b>				0		0

- G. At a duly noticed public hearing held on September 3, 2020, the DRB considered the Application, testimony and public comment and recommended to the Town Council that the Application be approved with conditions pursuant to the requirement of the CDC.

- H. At its regularly scheduled meeting held on October 15, 2020, the Town Council conducted a public hearing pursuant to the CDC and after receiving testimony and public comment, continued the first reading and public hearing to November 19, 2020.
- I. At its regularly scheduled meeting held on November 19, 2020, the Town Council conducted a public hearing pursuant to the CDC and after receiving testimony and public comment, closed the hearing and approved this Ordinance on first reading and set a public hearing on December 10, 2020.
- J. At its regularly scheduled meeting held on December 10, 2020, the Town Council continued the public hearing on this Ordinance to the January 21, 2021 meeting.
- K. At its regularly scheduled meeting held on January 21, 2021, the Town Council conducted a public hearing on this Ordinance, pursuant to the Town Charter and after receiving testimony and public comment, closed the hearing and approved the Applications and this Ordinance on second reading.
- L. This Ordinance rezones Lots 37 as follows:

Lot	Acreage	Zone District	Zoning Designation	Actual Units	Person Equivalent per Actual Unit	Total Person Equivalent Density
<b>Zoned Density</b>						
37	4,214 sq. ft.	Village Center	Lodge	8	.75	6
			Commercial			
<b>Total Zoned Density:</b>				8		6
<b>Excess Density to Bank</b>				0		10

- M. This Ordinance approves a density transfer and rezone converting eight Hotel Efficiency units to eight Lodge Units. Commercial space remains unchanged.
- N. The meeting held on January 21, 2021, 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.
- O. 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 with the approval of the Variance from the parking requirements for Units 7, 9, 10, 11 and 12.
- P. 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 parking requirements for Units 5 and 8 have been satisfied through the purchase of off-site parking.
2. Upon payment in full of the Parking In-Lieu Fee, then the parking requirement for Unit 6, 7, 9, 10, 11, and 12 will be met. Alternatively, the purchase of a parking space within the Mountain Village by each respective owner can satisfy the parking requirement consistent with the CDC.
3. By Resolution, Town Council adopted a parking payment in lieu fee for Columbia Place at a special meeting on December 3, 2020.
4. On November 19, 2020, The Town Council Tabled the associated parking Variance application for Columbia Place.

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

1. Prior to the recordation of the Ordinance approving the Density Transfer and Rezone, each respective owner shall demonstrate that the parking requirements of the CDC have been met, as applicable.
2. If the respective owner determines that purchasing of a parking space is preferable to the established payment in-lieu fee, then each parking space shall be deed-restricted to remain with the associated lodge unit in perpetuity or until the use of the lodge unit ceases.
3. The applicants should work with the Columbia Place HOA to update the declarations to recognize Units 5, 6, 7, 8, 9, 10, 11, and 12 as Lodge units.
4. The Lot list shall be updated to reflect the rezone from eight hotel efficiency units to eight lodge units.
5. The applicant shall demonstrate the remaining unused density has been transferred into the Town Density Bank prior to recording the associated ordinance rezoning the units from hotel efficiency to lodge units.

**Section 1. Effect on Zoning Designations**

A. This Resolution does not change any other zoning designation on the Properties it only affects Units 5, 6, 7, 8, 9, 10, 11, and 12.

**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 February 20, 2021, following public hearing and approval by Council on second reading.

**Section 5. Public Hearing**

A public hearing on this Ordinance was held on the 21<sup>st</sup> day of January 2021 via virtual Zoom meeting.

**INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 19<sup>th</sup> day of November 2020.**

**TOWN OF MOUNTAIN VILLAGE**

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

By:   
Laila Benitez, Mayor

ATTEST:

  
Susan Johnston, Town Clerk

**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 21<sup>st</sup> day of January 2021.**

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

By: *Laila Benitez*  
Laila Benitez, Mayor

ATTEST:  
*Susan Johnston*  
Susan Johnston, Town Clerk

Approved as To Form:  
*Paul Wisor*  
Paul Wisor, Town Attorney

I, Susan Johnston, 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.2021-02 ("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 18, 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			

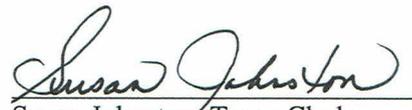
3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on November 26, 2020 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 January 21, 2021. 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 21<sup>st</sup> day of January, 2021.

  
Susan Johnston, Town Clerk

(SEAL)

