

ORDINANCE NO. 2020-15

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO APPROVING: (1) REZONE OF 3,264 SQ.FT. OF COMMERCIAL ZONED SPACE INTO FOUR EMPLOYEE APARTMENTS, AND (2) DENSITY TRANSFER OF FOUR UNITS OF EMPLOYEE APARTMENT DENSITY FROM THE DENSITY BANK TO LOT 648AR.

RECITALS

- A. Telluride Ski and Golf (“**Owner**”) has submitted to the Town: (1) a development application for a rezoning of a portion of Lot 648AR to rezone 3,264 square feet of commercially zoned office space into four employee apartments; and (2) density transfer application to transfer four units of employee apartment density from the density bank to Lot 648AR (“**Applications**”) pursuant to the requirements of the Community Development Code (“**CDC**”).
- B. Telluride Ski and Golf is the owner of the commercial space in question at Lot 648AR and the associated development rights and density located within the Density Bank on Certificate Number 25.
- C. The proposed rezoning and density transfer is to transfer existing employee apartment density in the Density Bank and converting existing commercial space to four employee apartments, resulting in a rezoning of the same, pursuant to the requirements of the CDC.
- D. The Owner proposed to rezone the existing units from a commercial zoning designation to employee apartment zoning designations pursuant to the requirements of the CDC.
- 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:

Lot	Acreage	Zone District	Zoning Designation	Actual Units	Person Equivalent per Actual Unit	Total Person Equivalent Density
Zoned Density						
648AR	1.01	Multi-Family	Employee Condominium	6	3	18
			Condominium	1	3	3
			Commercial			
Total Zoned Density:				7		21
Unbuilt Density				0		0

- F. At a duly noticed public hearing held on October 1, 2020, 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 October 15, 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 November 19, 2020.
- H. At its regularly scheduled meeting held on November 19, 2020, 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.

I. This Ordinance rezones Lots 648AR as follows:

Lot	Acreage	Zone District	Zoning Designation	Actual Units	Person Equivalent per Actual Unit	Total Person Equivalent Density
Zoned Density						
648AR	1.01	Multi-Family	Employee Condominium	6	3	18
			Condominium	1	3	3
			Employee Apartment	4	3	12
			Commercial			
Total Zoned Density:				11		33
Unbuilt Density				0		0

J. This Ordinance approves a density transfer and rezone converting 3,264 square feet of existing commercial zoned space into four employee apartment units.

K. The meeting held on November 19, 2020 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.

L. 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.

M. 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 criteria for decision for a rezoning are met, since such density transfer must be processed concurrently with a rezoning development application
2. The density transfer meets the density transfer and density bank policies.
3. The proposed density transfer meets all applicable Town regulations and standards.

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

1. 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.
2. 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.
3. Prior to the issuance of any Building permit for the conversion of the commercial space to employee apartments, the owner must verify and provide written documentation that the proposal meets all Town Building Department and Town of Mountain Village Housing Authority requirements for the space to be occupied as a dwelling unit, including but not limited to applicable fire codes.
4. The applicant shall verify livable square footage of the employee apartment along with the square footage of the remaining commercial space, prior to final Approval of the Density Transfer and Rezone.
5. The Lot list shall be updated to reflect four employee apartments assigned to Lot 648AR.
6. The applicant shall submit a condominium map amendment to the Town for review and approval, showing the final square footage and configuration of the new employee apartment units at Prospect Plaza.
7. A Town of Mountain Village Deed Restriction shall be executed concurrently with the Ordinance and recorded concurrently for the newly created employee apartments.

Section 1. Effect on Zoning Designations

This Ordinance changes the zoning designations of specific units located at Lot 648AR as well as transfers Employee Apartment density from the Density Bank to Lot 648AR

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 December 19, 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 19th day of November 2020 via Zoom virtual meeting.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 15th day of October 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 19th day of November 2020

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

By: 
Laila Benitez, Mayor

ATTEST:


Susan Johnston, Town Clerk

Approved as To Form:


Paul Wisor, Assistant 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. 2020-15 ("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 via virtual Zoom meeting, on October 15, 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			

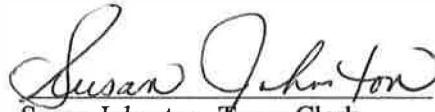
3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on October 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 via virtual Zoom meeting, on November 19, 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 19th day of November 2020.


Susan Johnston, Town Clerk

(SEAL)

