

RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR A TRASH ENCLOSURE ON A PORTION OF ACTIVE OPEN SPACE OS-1-R1

Resolution No. 2021-0819-13

- A. Telluride Ski and Golf, Mountain Village Owners Association (“TMVOA”) and the Town of Mountain Village (collectively, the “Owners”) are the owners of record of real property described respectively as (i) OS 1-R1, (ii) Lot 1003R-2A (Town Hall Buildings) and (iii) Land Unit 1, The Village Station Condominiums (also referred to as 1003R-1, and, together with OS1-R1 and the Town Hall Buildings, the “Property”).
- B. TMVOA (“Applicant”) submitted an application for a conditional use permit for a trash enclosure that serves the Mountain Village Condominium Owners Association (MVCOA) (“Application”).
- C. The proposed development is in compliance with the provisions of sections 17.4.14 and 17.4.16 of the Community Development Code (“CDC”).
- D. The Design Review Board (“DRB”) considered the Application, along with evidence and testimony, at a public meeting held on August 5, 2021. Upon concluding their review, the DRB recommended approval of the Application by a unanimous vote of 7 to 0 to the Town Council subject to certain conditions.
- E. The public hearings referred to above were preceded by publication of public notice of such hearings on such dates on the Town website, and by mailing of public notice to property owners within four hundred feet (400') of the Property, as required by the public hearing noticing requirements of the CDC.
- F. After the public hearings referred to above, the DRB and the Town Council each individually considered the Application’s submittal materials, and all other relevant materials, public letters and public testimony, and approved the Application with conditions as set forth in this Resolution.
- G. The Owner has, agreed to address, all conditions of approval of the Application imposed by Town Council.
- H. The Town Council finds the Applications meets the conditional use permit criteria for decision contained in CDC Section 17.4.14(D) as follows:

Conditional Use Permit Criteria:

1. The proposed conditional use is in general conformity with the principles, policies and actions set forth in the Comprehensive Plan;
2. The proposed conditional use is in harmony and compatible with surrounding land uses and the neighborhood and will not create a substantial adverse impact on adjacent properties or on services and infrastructure;
3. The design, development and operation of the proposed conditional use will not constitute a substantial physical hazard to the neighborhood, public facilities, infrastructure or open space;
4. The design, development and operation of the proposed conditional use shall not have significant adverse effect to the surrounding property owners and uses;

5. The design, development and operation of the proposed conditional use shall not have a significant adverse effect on open space or the purposes of the facilities owned by the Town;
6. The design, development and operation of the proposed conditional use shall minimize adverse environmental and visual impacts to the extent possible considering the nature of the proposed conditional use;
7. The design, development and operation of the proposed conditional use shall provide adequate infrastructure,;
8. The proposed conditional use does not potentially damage or contaminate any public, private, residential or agricultural water supply source; and
9. The proposed conditional use permit meets all applicable Town regulations and standards.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL HEREBY APPROVES A CONDITIONAL USE PERMIT TO APPROVE A TRASH ENCLOSURE ON A PORTION OF ACTIVE OPEN SPACE OS-1-R1 AND AUTHORIZES THE MAYOR TO SIGN THE RESOLUTION SUBJECT TO CONDITIONS SET FORTH IN SECTION 1 BELOW:

Be It Further Resolved that the Property may be developed as submitted in accordance with this Resolution No. 2021-0819

Section 1. Conditions of Approval

- 1) A variance from the tramway board must be approved for the location of the trash enclosure within a perimeter of the ski lift and airspace prior to issuance of a building permit.
- 2) Applicant shall provide a detailed trash and delivery plan for the market assuring that the primary deliveries and pickups will continue to occur from the loading dock and not create any nuisance or hazard by forcing deliveries to the front of the store.
- 3) Associated use, location and cost sharing agreements will be executed to the satisfaction of the respective parties, including the Town, prior to the issuance of a Certificate of Completion and include and may not be limited to the easement agreement.
 - a. Applicant shall assure that the trash enclosure will be modified or relocated should the town develop Land Unit 1, the Village Station Condominiums in the future and written into the easement agreement.
- 4) The Conditional Use Permit granted herein remains valid for a ten-year period at which time it may be reapplied for. Staff reserves the right to revisit the trash and delivery plan on an as needed basis in the event the Town receives complaints or similar communications related to trash pickup and delivery.
- 5) The Town Council may periodically review the terms of the Conditional Use Permit with the owner to address issues or concerns with the intent that delivery and trash management continue to be mitigated. The Town reserves the right to impose additional conditions to mitigate impacts at the Town Council's sole and absolute discretion and/or the ability to revoke or suspend this Conditional Use Permit upon a violation of any conditions.
- 6) Applicant is hereby required to mitigate and avoid disturbance of wetlands as a requirement of approval consistent with town regulations.

Section 2. Resolution Effect

- A. This Resolution shall have no effect on pending litigation, if any, and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the resolutions repealed or amended as herein provided and the same shall be construed and concluded under such prior resolutions.

- B. All resolutions, of the Town, or parts thereof, inconsistent or in conflict with this Resolution, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

Section 3. Severability

The provisions of this Resolution are severable and the invalidity of any section, phrase, clause or portion of this Resolution as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Resolution.

Section 4. Effective Date

This Resolution shall become effective on August 19, 2021 (the "Effective Date") as herein referenced throughout this Resolution.

Section 5. Public Hearing

A public meeting on this Resolution was held on the 19th, Day of August 2021 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435 at which Council considered evidence and took testimony on the proposed Conditional Use Permit.

Approved by the Town Council at a public hearing held on August 19, 2021

Town of Mountain Village, Town Council

By: _____

Laila Benitez
Laila Benitez, Mayor

Attest:

By: _____

Susan Johnston
Susan Johnston, Town Clerk

Approved as to Form:

Paul Wisor

Paul Wisor, Town Attorney