

ORDINANCE NO. 2022-08

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO APPROVING A REZONING OF WINTERLEAF CONDOMINIUMS, LOT 164A
FROM THE MULTI-FAMILY ZONE DISTRICT TO THE SINGLE-FAMILY COMMON INTEREST
ZONE DISTRICT.**

RECITALS

- A. The applicant and owner's representative, The Law Offices of Thomas G. Kennedy, have submitted an application for rezoning Lot 164A, Winterleaf Condominiums. ("Application") pursuant to the requirements of the Community Development Code ("CDC")
- B. Iuvo Construction is the owners ("Owners") of record of real property described as Winterleaf Condominiums, Unit 1, Lot 164A.
- C. Cohen 1991 Family Trust, Martin & Sharleen Cohen, Trustees are the owner ("Owners") of record of real property described as Winterleaf Condominiums Unit 2, Lot 164A.
- D. The Cohen Family Trust of 1991, Marati L Cohen, Trustee and Sharleen Cooper Cohen, Trustee are the owners ("Owners") of record of real property described Winterleaf Condominiums, Unit 3, Lot 164A.
- E. Frank M. Orson and Lillian W. Orson are the owner ("Owners") of record of real property described as Winterleaf Condominiums, Unit 4, Lot 164A.
- F. Raymond Von Drehle and Ronnie Von Drehle are the owner ("Owners") of record of real property described as Winterleaf Condominiums, Unit 5, Lot 164A.
- G. David O'Brien and Amy O'Brien are the owner ("Owners") of record of real property described as Winterleaf Condominiums, Unit 6, Lot 164A.
- H. The Owners have authorized the Law Offices of Thomas G. Kennedy to pursue the approval of a rezoning application to replat Lot 164A land condominiums units 1-6 into separately platted Lots 164-1, 164-2, 164-3, 164-4, 164-5, 164-6 ("Application").
- I. The Property has a Multi-family Zoning Designation pursuant to the Official Land Use and Density Allocation List as recorded at Reception Number 301133 and zoning as set forth on the Town Official Zoning Map.
- J. The Design Review Board provided a unanimous recommendation to the Town Council on July 7, 2022.
- K. The Town Council considered this Application, along with evidence and testimony, at a public meeting held on July 21, 2022
- L. The Town Council considered on Second reading of an Ordinance with evidence and testimony, at a public hearing held on August 18, 2022.

- M. The Owners have addressed, or agreed to address, all conditions of approval of the Application imposed by Town Council.
- N. This Ordinance rezones the Property to a Single-family Common Interest Community Zone District.
- O. The Town Council hereby finds and determines that the Application meets the Rezoning Process Criteria for Decision as provided in CDC Section 17.4.9(D).

Rezoning Findings and Conditions:

Findings:

- 1. The application meets the SFCI criteria found at CDC Section 17.3.4.F.
- 2. The application meets the rezone criteria for decision found at Section 17.4.9.C.3.
- 3. The applicants have agreed to readdress the properties for 911 emergency response purposes.

Conditions:

- 1. That the associated minor subdivision plat is approved by Town Council.
- 2. The applicant is responsible for associated recording fees at the clerk and recorder’s office related to recordation of the ordinance.
- 3. That the associated rezoning application is also approved.
- 4. Direct staff to update the Official Zoning Map for Lot 164A from Multi-Family to Single Family Common Interest Zone District.

NOW, THEREFORE, BE IT RESOLVED that the Town Council approves the Application.

Section 1. Effect on Zoning Designation

Table 1 – ZONING FOR THE PROPERTY:

Lot	General Description	Zone District
164A	Land Condo Units	Multi-Family

TABLE 2 - PROPOSED ZONING FOR THE PROPERTY:

Lot	General Description	Zone District
164A	Land Condo Lots	Single-family Common Interest Community

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 September 17, 2022 following public hearing and approval by Council on second reading.

Section 5. Public Hearing

A public hearing on this Ordinance was held on the August 18, 2022 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

INTRODUCED, READ AND REFERRED to a public hearing before the Town Council of the Town of Mountain Village, Colorado on the July 21, 2022.

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 18 of August 2022.

TOWN OF MOUNTAIN VILLAGE

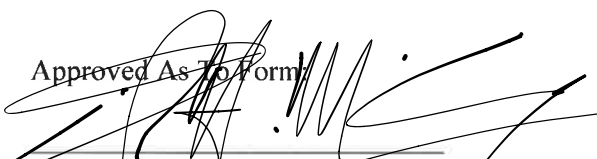
**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

By: 
Laila Benitez, Mayor

ATTEST:


Susan Johnston, Town Clerk

Approved As To Form


David McConaughy, 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. 2022-08 ("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 July 21, 2022 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			
Pete Duprey	X			
Patrick Berry	X			
Jack Gilbride	X			
Martinique Prohaska	X			
Harvey Mogenson	X			

3. 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, August 18, 2022. 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			
Pete Duprey	X			
Patrick Berry			X	
Jack Gilbride	X			
Martinique Prohaska	X			
Harvey Mogenson	X			

4. 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 18 day of August 2022.


 Susan Johnston, Town Clerk

(SEAL)

